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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

## NOTICE 259 OF 2021



Block A | 4th Floor | Meintjiesplein Building | 536 Francis Baard Street | Arcadia | 0002  
 Private Bag X935 | Pretoria | 0001  
 Tel: 012 341 1115 | Fax: 012 341 1811/1911  
<http://www.namc.co.za>

APPLICATION FOR STATUTORY MEASURE: BREEDING AND TECHNOLOGY LEVY ON LUPINES  
 IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, (ACT NO 47 OF  
 1996), (MAP ACT) AS AMENDED

....

**INVITATION TO DIRECTLY AFFECTED GROUPS IN THE LEGUME INDUSTRY  
 TO FORWARD COMMENTS REGARDING THE REQUEST FROM GRAIN SA FOR A  
 LEVY ON LUPINES FOR BREEDING AND TECHNOLOGY PURPOSES**

The National Agricultural Marketing Council (NAMC) received a request from Grain SA, that the Minister of Agriculture, Land Reform and Rural Development, in terms of section 15 of the Marketing of Agricultural Products Act, Act No 47 of 1996 (MAP Act), approve the proposed statutory levy on lupines for a period of two years, to stimulate and ensure new breeding technology in the industry. Furthermore, that the following levy rate (VAT excluded) be approved by the Minister:

Commodity	Period	Amount (VAT Excl)
Locally produced lupines	1/10/2021 to 30/09/2022	R35 per metric ton
	1/10/2022 to 30/09/2023	R35 per metric ton

The proposed levy amount is based on 1% of the average lupine price from 2013 to 2020.

Statutory levies for breeding and technology purposes have been imposed over the past few years on wheat, barley, oats and soybeans to create sustainable breeding research funding models. These levies have been administered by the "SA Cultivar and Technology Agency" (SACTA). SACTA, a Non-Profit Company, was established to act as Administrator of the Breeding and Technology System, to eventually administer breeding and technology levies on most self-pollinated crops. The Board of Directors of SACTA includes industry role-players that are directly affected by the payment and/or utilisation of the levies, as well as two representatives appointed by the Minister of Agriculture, Land Reform and Rural Development.

According to the applicant, a statutory levy on lupines is necessary to stimulate and ensure new cultivars and breeding technology in the industry in order to improve yields and to sustain food security in the country. The levy has proven to be very effective and successful for all the other crops already taking part in the Breeding and Technology levy system.

Although a very small crop in the Western Cape, lupine production has great potential. Lupines as a crop is an excellent rotational and alternative crop in especially the Western Cape, where producers have limited options of alternative crops to cultivate. Rotation of crops improves soil health and nutritional status and benefits all other crops produced in the rotation process, such as wheat, barley and canola. This would contribute to the sustainability of grain and oilseed production in the Western Cape. Increased lupine production would also help supply the Western Cape with a source of protein, which the region currently has to transport from the northern parts of South Africa or have to import it from abroad. Therefore, bringing into South Africa the latest cultivars and technologies that are already available in other countries are crucial for the growth, development, and competitiveness of the local lupine industry.

In approved, the levy will be payable to SACTA by buyers, processors and persons issuing a silo receipt, and will be recovered from producers. Persons paying the levy may claim 2,5% commission on the amount of the levies recovered, in accordance with the conditions set by SACTA from time to time.

#### **PARTICULARS REQUIRED IN TERMS OF SECTION 10 OF THE MAP ACT**

The relevant particulars, as required in terms of section 10(2) of the MAP Act, to be included in a request for the establishment of a statutory measure of this nature, are as follows:

1. The proposed statutory levy would relate to lupines that are produced in the Republic of South Africa;
2. The manner in which the objectives referred to in section 2(2) of the MAP Act will be advanced (namely increased market access for all market participants, promotion of the efficiency of the marketing of agricultural products, optimisation of export earnings from agricultural products and the enhancement of the viability of the agricultural sector) is summarised below:

The purpose and aim of this statutory measure are to compensate breeders of lupine varieties for their contribution towards obtaining and utilising improved international and local agriculture related intellectual property to the benefit of the lupine industry in the Republic of South Africa.

The agricultural sector is expected to ensure food security, strengthen the economy and create job opportunities. This can be reconciled with the provisions of Section 2(3) of the MAP Act. In order to achieve these aims and to further the competitive position of the lupine industry in the Republic of South Africa, cultivation of high yielding crops from seed varieties that are most suited for particular regions is essential.

A portion of the funds collected by means of the levy will be focused on small-scale farmers and transformation of the lupine industry in the Republic of South Africa. SACTA, that will administer the levy, will be responsible for allocating at least 20% of levy income to transformation initiatives and report to the National Agricultural Marketing Council annually.

3. The Administration of SACTA will take responsibility for the collection of the levy and for the administration functions associated with the proposed levy. The levies collected shall be administered in a separate account for lupine. SACTA shall be audited in accordance with generally accepted accounting practices.
4. Annual audits will be executed by the Auditor-General.

#### **BUSINESS PLAN:**

The income by means of the statutory levy is based on a success rate of 80% in the collection of levies. By experience in some of the other smaller crops, this might however be very optimistic, but 80% is still used for budget purposes.

The following income is budgeted for the two years:

**SACTA Estimated budget: Lupine levy**

<b>Financial year</b>	<b>Estimated crop size (Tons)</b>	<b>Levy amount (R/Ton)</b>	<b>Budgeted levy income (80%) R</b>	<b>Possible Seed breeders' distribution R</b>	<b>Transformation Expenditure R</b>	<b>Administration cost R</b>
2021/22	13 700	35	383 600	278 110	76 720	28 770
2022/23	13 700	35	383 600	278 110	76 720	28 770

These statutory funds will be used to support breeding research functions, based on the following:

- ☐ The levy funds are earmarked for commercial breeding activities by seed companies based on their performance and utilisation in the seed market;
- ☐ These funds will be distributed according to the calculated market share of each seed company;
- ☐ At least 20% of the levy income will be used for transformation and development projects, of which the business plan will be considered by the NAMC;
- ☐ The budget for administration costs represents approximately 5% of the expected income by means of statutory levy on lupines during the next two years; and
- ☐ The levy is applicable on local production only.

As the proposed breeding and technology levy is consistent with the objectives of the MAP Act, the NAMC is investigating the possible implementation of the relevant statutory levy.

**Directly affected groups in the legumes industry are kindly requested to submit comments or objections regarding the proposed breeding and technology levy on lupines to the NAMC in writing (e-mail [lizettem@namc.co.za](mailto:lizettem@namc.co.za)) on or before 21 May 2021, to enable the Council to formulate its recommendation to the Minister in this regard.**

**LEGAL PRACTICE COUNCIL****NOTICE 260 OF 2021**

NATIONAL OFFICE  
Thornhill Office Park  
Building 20  
94 Bekker Road  
Vorna Valley, Midrand  
Tel: 010 001 8500

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL****NOTICE IN TERMS OF SECTION 36(3) & 36(4) OF THE LEGAL PRACTICE ACT, 28 OF 2014**

The Legal Practice Council has become aware that the Code of Conduct should be amended, to require a Legal Practitioner to notify Council of their contact details or a change thereto. This amendment arose due the delays experienced at Disciplinary matters as a result of outdated and incorrect contact information. The amendment further seeks to correct Paragraph 16 of the Code of Conduct that only requires an Attorney to respond to the correspondence of Council. Advocates are not included in the rule.

Notice is hereby given that the Council intends to amend the Rules of the Council made under the authority of sections 36(4), 36(5) of the Legal Practice Act, 28 of 2014 (as amended) in the following manner:

1. by the insertion of a new clause 3.17 and 3.18 and deletion of clause 16 in the Code of Conduct reading as follows:

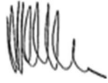
**Addition of the following clause 3.17 in the Code of Conduct**

- Unless exempted from compliance on good cause shown, and if they have not already done so, shall within 60 days of the taking effect of the amendment to the Code of Conduct by which this paragraph was introduced, notify the Council in writing (an email to the Council's published email address shall suffice as written notice) of their present existing practice physical address, email address, landline number and cell phone number ("their contact details") on the basis that their physical address and email address shall, jointly and severally, serve as their appointed domicilium citandi et executandi, and they shall, in writing, within 30 days of any change to any of their contact details, notify the Council of any such change. The Council shall be entitled to send any written communication to the said domicilium address/es, and such communication shall be deemed (on the basis of a rebuttable presumption the onus in respect of which rests on the addressee), if sent to the physical address, to have been received within 10 days of posting and, if sent to the e-mail address, to have been received within 48 hours of transmission.
- **the deletion of the existing clause 16, and the addition of the following clause 3.18 in the Code of Conduct:**  
**3.18**
  - 3.18.1 shall within a reasonable time reply to all communication from Council that requires an answer:
  - 3.18.2 shall respond timeously and fully to requests from the Council for information and/or documentation which he or she is able to provide;
  - 3.18.3 shall comply timeously with directions from the Council; and

**Executive Committee:** Ms. Kathleen Matolo - Dlepu – Chairperson, Adv Anthea Platt SC - Deputy Chairperson, Adv. Greg Harpur SC, Ms. Trudie Nichols, Mr Lutendo Sigogo, Mr Jan Stemmet, Adv. Ghandi Badela, Executive Officer: Ms. Charity Nzuza

- 3.18.4 shall refrain from doing anything that may hamper the ability of the Council to carry out its functions.
2. In terms of section 36(4) of the Act, interested persons are called upon to comment to the Council in writing on the draft amendment.
  3. All comments must be sent by email to [rules@lpc.org.za](mailto:rules@lpc.org.za) within 30 days of publication of this notice.

**Signed at Midrand on the 7<sup>th</sup> day of April 2021.**



Ms K Matolo – Dlepu

**CHAIRPERSON**

**LEGAL PRACTICE COUNCIL**

## DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

## NOTICE 261 OF 2021

STANDARDS ACT, 2008  
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

## SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 11890-1 Ed 2	<i>Paints and varnishes – Determination of volatile organic compound (VOC) content – Part 1: Difference method.</i> Deals with the sampling and testing of paints, varnishes and related products, and specifies a method for the determination of the volatile organic compound (VOC) content of paints, varnishes and their raw materials.	2021-05-23
SANS 174 Ed 2	<i>Paints and varnishes – Examination and preparation of samples for testing.</i> Specifies both the procedure for preliminary examination of a single sample as received for testing, and the procedure for preparing a test sample by blending and reduction of a series of samples representative of a consignment or bulk of paint, varnish or related product.	2021-05-11
SATR 63179-1 Ed 1	<i>Guideline for planning of HVDC systems – Part 1: HVDC systems with line-commutated converters.</i> Provides guidelines for the selection of a high-voltage directive current (HVDC) system with line-commutated converters (LCC), hereafter referred to as HVDC system, for the purposes of HVDC system planning.	2021-06-06
SANS 27035-1 Ed 1	<i>Information technology – Security techniques – Information security incident management – Part 1: Principles of incident management.</i> Provides basic concepts and phases of information security incident management and combines these concepts with principles in a structured approach to detecting, reporting, assessing, and responding to incidents, and applying lessons learnt.	2021-06-01
SANS 27035-2 Ed 1	<i>Information technology – Security techniques – Information security incident management – Part 2: Guidelines to plan and prepare for incident response.</i> Provides the guidelines to plan and prepare for incident response; the guidelines are based on the "Plan and Prepare" phase and the "Lessons Learned" phase of the "Information security incident management phases" model presented in SANS 27035-1.	2021-06-01
SA S 27035-3 Ed 1	<i>Information technology – Information security incident management – Part 3: Guidelines for ICT incident response operations.</i> Provides guidelines for information security incident response in ICT security operations by covering the operational aspects in ICT security operations from a people, processes and technology perspective.	2021-06-01
SANS 60076-10 Ed 1	<i>Power transformers – Part 10: Determination of sound levels.</i> Defines sound pressure and sound intensity measurement methods from which sound power levels of transformers, reactors and their associated cooling devices are determined.	2021-06-01
SANS 41014 Ed 1	<i>Facility management – Development of facility management strategy.</i> Gives guidelines for the development of a strategy for facility management (FM).	2021-06-01
SANS 62386-105 Ed 1	<i>Digital addressable lighting interface – Part 105: Particular requirements for control gear and control devices – Firmware transfer.</i> Applies to control gear and control devices.	2021-06-06
SANS 62271-108 Ed 2	<i>High-voltage switchgear and controlgear – Part 108: High-voltage alternating current disconnecting circuit-breakers for rated voltages above 52 kV.</i> Applies to high-voltage alternating current disconnecting circuit breakers for operation at frequencies of 50 Hz and 60 Hz on systems having voltages above 52 kV.	2021-06-06
SANS 61482-1-1 Ed 2	<i>Live working – Protective clothing against the thermal hazards of an electric arc – Part 1-1: Test methods – Method 1: Determination of the arc rating (ATPV or</i>	2021-06-06

	<i>EBT50) of flame resistant materials for clothing. Specifies test method procedures to determine the arc rating of flame resistant clothing materials and garments or assemblies of garments intended for use in clothing for workers if there is an electric arc hazard.</i>	
SATS 62898-2 Ed 1	<i>Microgrids – Part 2: Guidelines for operation. Provides guidelines for operation of microgrids; microgrids considered in this document are alternating current (AC) electrical systems with loads and distributed energy resources (DER) at low or medium voltage level.</i>	2021-06-06
SANS 28927-2 Ed 1	<i>Hand-held portable power tools – Test methods for evaluation of vibration emission – Part 2: Wrenches, nutrunners and screwdrivers. Specifies a laboratory method for measuring hand-transmitted vibration emission at the handles of hand-held power-driven wrenches, nutrunners and screwdrivers used for tightening and loosening threaded fasteners.</i>	2021-06-06
SANS 21511 Ed 1	<i>Work breakdown structures for project and programme management. Provides guidance for work breakdown structure for organizations undertaking projects or programme management.</i>	2021-06-06
SANS 60076-22-5 Ed 1	<i>Power transformers – Part 22-5: Power transformer and reactor fittings – Electric pumps for transformers. Covers electric pumps used in the cooling circuits of power transformers and reactors.</i>	2021-06-09
SANS 10142-1-2 Ed 1	<i>The wiring of premises – Part 1-2: Additional special requirements for low voltage small scale embedded generator installations connected in parallel to the normal electrical supply. Covers additional special requirements for the electrical installation of Small Scale Embedded Generators (SSEGs) intended to supply all or part of an installation with nominal voltages not exceeding 1kV AC or 1.5kV DC.</i>	2021-06-09
SANS 15237 Ed 2	<i>Solid mineral fuels – Determination of total mercury content of coal. Specifies a procedure for the determination of the total mercury content of coal.</i>	2021-06-08
SANS 1913 Ed 3	<i>Kerosene for domestic cooking, heating and illuminating. Specifies the requirements for a hydrocarbon fuel suitable for use in wick-fed, pressurised and non-pressurised paraffin cooking, heating and illuminating appliances, for domestic use.</i>	2021-06-13

## A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (i) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 60851-3 Ed 2.2	<i>Winding wires – Test methods – Part 3: Mechanical properties</i>	Amended to update the requirements for test 8: flexibility and adherence, and the clause on test 18: heat bonding.	2021-06-06
SANS 939 Ed 1.5	<i>Polished twines</i>	Amended to update normative references and delete annex on notes to purchasers and update referenced standards.	2021-05-23
SANS 695 Ed 2.1	<i>Plastic carrier bags and flat bags</i>	Amended to update the requirements for carrier bags and flat bags.	2021-05-23
SANS 60034-18-42 Ed 1.1	<i>Rotating electrical machines Part 18-42: – Partial discharge resistant electrical insulation systems (Type II) used in rotating electrical machines fed from voltage converters – Qualification tests</i>	Amended to update terms and definitions, to update the clauses on machine terminal voltages arising from converter operation, qualification of turn insulation, preparation of test objects, qualification test procedures, qualification test pass criteria, and to update the annexes on derivation of the impulse voltage insulation class for the machine insulation, derivation of an IVIC in the absence of a manufacturer's reference life line and operational screening tests.	2021-05-23

SANS 60335-2-64 Ed 3.2	<i>Household and similar electrical appliances – Safety – Part 2-64: Particular requirements for commercial electric kitchen machines</i>	Amended to update the scope, referenced standards, terms and definitions, general conditions for the tests, update a requirement on marking and instructions, update clauses on leakage current and electric strength at operating temperature, moisture resistance, leakage current and electric strength, abnormal operation, stability and mechanical hazards, construction, supply connection and flexible cords, screws and connections, resistance to heat and fire, and to add a clause on leakage current and electric strength at operating temperature.	2021-06-06
SANS 1808-45 Ed 1.4	<i>Water supply and distribution system components – Part 45: Pipe repair clamps</i>	Amended to remove Annex A and all references to it.	2021-06-09
SANS 60335-2-52 Ed 3.2	<i>Household and similar electrical appliances – Safety – Part 2-52: Particular requirements for oral hygiene appliances</i>	Amended to update referenced standards, the clause on heating, and the clause on radiation, toxicity and similar hazards.	2021-06-06

## SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date
SANS 61851-22:2014 Ed 1	<i>Electric vehicle conductive charging system – Part 22: AC electric vehicle charging station</i>	The standard has been withdrawn by IEC without replacement.	2021-06-30
SANS 964:2008 Ed 3.1	<i>Solas life-jacket</i>	The document is no longer used.	2021-06-30

## SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS

### SCHEDULE B.1: NEW STANDARDS

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 60276:2021 Ed 1	<i>Carbon brushes, brush holders, commutators and slip-rings – Definitions and nomenclature.</i> Applies to carbon brushes for electrical machinery.
SANS 1381-7:2021 Ed 1	<i>Materials for thermal insulation of buildings – Part 7: Cellulose fibre mats, batts and blanket insulation.</i> Covers cellulose fibrous insulation (flexible or rigid), that may be supplied as mats or batts.
SANS 61643-12:2021 Ed 3	<i>Low-voltage surge protective devices – Part 12: Surge protective devices connected to low-voltage power systems – Selection and application principles.</i> Describes the principles for the selection, operation, location and coordination of SPDs to be connected to 50/60 Hz AC power circuits, and equipment rated up to 1 000 V RMS.
SANS 5073:2021 Ed 1	<i>Hard surface cleaners.</i> Specifies the general requirements for hard surface cleaners for the routine cleaning of hard surfaces such as walls, floors and other fixed surfaces including those in kitchens, windows, glass and other highly polished surfaces or sanitary facilities, such as laundry rooms, toilets, bathrooms, showers.

**SCHEDULE B.2: AMENDED STANDARDS**

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 60034-18-41:2021 Ed 2.1	<i>Rotating electrical machines – Part 18-41: Partial discharge free electrical insulation systems (type I) used in rotating electrical machines fed from voltage converters – Qualification and quality control tests. Consolidated edition incorporating amendment No.1.</i> Amended to update the terms and definitions, the recommendations on routine tests, the annex on derivation of test voltages for Type I insulation systems, the annex on derivation of allowable voltages in service, to add an annex on derivation of routine withstand test voltages and an example for a 500 V rated machine, and to update referenced standards.
SANS 1640:2021 Ed 1.3	<i>Reconditioned manually operated chain hoists. Consolidated edition incorporating amendment No.3.</i> Amended to update referenced standards, the definitions, and to delete the annex on notes to customers.
SANS 5136:2021 Ed 3.1	<i>Paints and varnishes – Resistance to sheen development of paint films. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards.
SANS 1586:2021 Ed 1.5	<i>Emulsion paints. Consolidated edition incorporating amendment No.5.</i> Amended to delete the annex on notes to purchasers.

**SCHEDULE B.3: WITHDRAWN STANDARDS**

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 10184:2008 Ed 1.1	<i>Definitions for and measurement of body dimensions.</i>

**SCHEDULE B4 DIBAND OF TECHNICAL COMMITTEES**

Committee No	Title	Scope
SABS/TC 074/SC 04	Communication technology - Subscriber and access equipment	Standards in the field of communication technology of consumer and professional Electronics. Good control and management of the Radio Frequency Spectrum over usage and implementation of National Standards and Regulation has positive bearings to the industry in that it ensures the development of telecommunication and broadcasting technologies which in turn boost the economic standing and globalization of the country
SABS/TC 0268	Sustainable development in communities	The development, maintenance and promotion of those South African National Standards relating to consumers which do not fall under the responsibility of other SABS Technical Committees, and Subcommittees, the promotion of consumer concerns in the work of other relevant SABS Technical Committees and Subcommittees. Standardization in the field of Sustainable Development in Communities will include requirements, guidance and supporting techniques and tools to help all kind of communities, their related subdivisions and interested and concerned parties become more resilient and sustainable and demonstrate achievements in that regard. The proposed series of International Standards will thus encourage the development and implementation of holistic, cross-sector and area-based approaches to sustainable development in communities. As appears in the program of work, it will include Management System Requirement, Guidance and Related

		standards
SABS/TC 0268/SC 01	Sustainable development in communities - Smart community infrastructures	The development, maintenance and promotion of those South African National Standards relating to consumers which do not fall under the responsibility of other SABS Technical Committees, and Subcommittees, the promotion of consumer concerns in the work of other relevant SABS Technical Committees and Subcommittees. Standardization in the field of Sustainable Development in Communities will include requirements, guidance and supporting techniques and tools to help all kind of communities, their related subdivisions and interested and concerned parties become more resilient and sustainable and demonstrate achievements in that regard. The proposed series of International Standards will thus encourage the development and implementation of holistic, cross-sector and area-based approaches to sustainable development in communities. As appears in the program of work, it will include Management System Requirement, Guidance and Related standards

If your organization is interested in participating in these committees, please send an e-mail to [Dsscomments@sabs.co.za](mailto:Dsscomments@sabs.co.za) for more information.

#### **SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE**

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 402

7 May 2021

**PROVINCE OF THE EASTERN CAPE**

**DEPARTMENT OF RURAL DEVELOPMENT AND  
AGRARIAN REFORM**

**EASTERN CAPE REPEAL OF AGRICULTURAL LAWS, 2020**

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**As introduced**

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**(BY THE MEMBER OF THE EXECUTIVE COUNCIL  
RESPONSIBLE FOR THE DEPARTMENT OF RURAL  
DEVELOPMENT AND AGRARIAN REFORM: PROVINCE OF THE  
EASTERN CAPE)**

**BILL**

**To repeal redundant legislation enacted by the Eastern Cape Province; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Legislature of the Province of the Eastern Cape, as follows:-

**REPEAL OF LAWS**

1. The laws mentioned in the second column of Schedule A are hereby repealed to the extent set out in the third column thereof.

**SHORT TITLE AND DATE OF COMMENCEMENT**

2. This Act is called the Eastern Cape Repeal of Agricultural Laws, 2020 and shall come into operation on a date determined by the Premier by proclamation in the Provincial Gazette.

**SCHEDULE**

<b>Number and year of Act</b>	<b>Short title</b>	<b>Extent of repeal</b>
(a) Act No. 007 of 2001	Eastern Cape Meat Safety Act, 2001	Repealed as a whole
(b) Act No. 008 of 2001	Eastern Cape: Animal Identification Act, 2001	Repealed as a whole
(c) Act No. 003 of 2002	Eastern Cape: Animal Health Act, 2002	Repealed as a whole

## **EXPLANATORY MEMORANDUM ON THE EASTERN CAPE REPEAL OF AGRICULTURAL LAWS, 2020**

### **PART 1 (GENERAL PRINCIPLES)**

#### **1. BACKGROUND**

The Department of Rural Development and Agrarian Reform undertook a process of reviewing the provincial legislation which is concurrent with national legislation, for possible retention, amendment or repeal.

The review process was intended to ensure that Provincial legislation is -

- (a) aligned to concurrent National Legislation
- (b) addresses the current needs of the Province;
- (c) accessible; and
- (d) promotes legal certainty, good administration and enhances service delivery.

The review process revealed that the Acts listed in the Schedule are a duplication of concurrent national laws, are disused, are redundant and, therefore, fall to be repealed. The statutes to be repealed were enacted by the Department, hence the Bill is introduced by the Member of the Executive Council responsible for Rural Development and Agrarian Reform. It is not expected that there will be any vacuum left as a result of the repeal of the said laws because the National legislation sufficiently regulate the matters addressed by the Provincial legislation.

## 2. EFFECT OF THE BILL AND REASONS

The Bill is to ensure that redundant legislation is repealed, thereby creating legal certainty.

### ***2.1 Eastern Cape Meat Safety Act 7 of 2001***

The purpose of the Eastern Cape Meat Safety Act 7 of 2001 is:

- to provide for measures to promote meat safety and the safety of animal products; including measures to maintain essential Provincial safety standards;
- to establish minimum standards in respect of abattoirs; and
- to provide for the matters connected therewith”.

This Act is a duplication of a National Act, namely, the Meat Safety Act 40 of 2000, regulating the same subject matter. The purpose of the Meat Safety Act 40 of 2000 is:

- [t]o provide for measures to promote meat safety and the safety of animal products;
- to establish and maintain essential national standards in respect of abattoirs;
- to regulate the importation and exportation of meat;
- to establish meat safety schemes, and
- to provide for the matters connected therewith.

The province is currently implementing this National Act as the commencement of the Provincial Act has not been determined by the Premier by proclamation in the Gazette. This, in a sense, rendered the provincial Act stillborn. The application of the national Meat Safety Act 40 of 2000 guarantees uniform standards on critical matters of meat safety and trade (national and international), thus bring an opportunity of economic participation of Eastern Cape farmers at national and international level.

The national Meat Safety Act 40 of 2000 clearly serves the purpose of harmonizing the standard of meat hygiene across the country, thus supporting interprovincial meat trade and equivalent standard of veterinary public health provision.

## **2.2 Eastern Cape Animal Identification Act 8 of 2001**

The purpose of the Eastern Cape Animal Identification Act 8 of 2001 is, “[t]o consolidate the laws relating to the identification of animals and to provide for the matters connected thereto”. This purpose of Act 8 of 2001 is exactly the same as that of the Animal Identification Act 6 of 2002, save for the last part where Act 6 of 2002 refers to incidental matters. Act 6 of 2002 was assented to on 29 May 2002, whilst the Eastern Cape Animal Identification Act 8 of 2001 was assented to on 4 April 2002. There was a proviso that the date of commencement would be promulgated at a later stage. There is no documentary evidence that the commencement date was ever published.

As Act 8 of 2001 was never promulgated, therefore, its operation never materialized. The Animal Identification Act 6 of 2002 which covered all the aspects of the Act (Eastern Cape: Animal Identification Act 8 of 2001) was implemented with national advantages such as handling all the applications, issuing the individual unique identification kept on a National Database thus avoiding the risk of duplication of identification mark or additional provincial identifier that would have carried additional costs for livestock owners. Based on the facts narrated, Act 6 of 2002 superseded the provincial act and therefore the Eastern Cape Animal Identification Act 8 of 2001 has become redundant.

### **2.3 Eastern Cape: Animal Health Act, 2002**

The purpose of the Animal Health Act, Act No 7 of 2002 is:

- to provide for measures to promote animal health and to control animal disease;
- to assign executive authority with regards to certain provisions of this Act to provinces;
- to regulate importation and exportation of animal and things;
- to establish animal health schemes; and
- to provide for matters connected therewith.

While the Constitution of Republic of South Africa 108 of 1996, vests concurrent competencies to both national and provincial spheres of government to legislate on functional area listed in Schedule 4 A, some provinces, for practical consideration, opt to allow national government to set norms and standards on a particular functional area. Those provinces are then guided by the norms and standards set at national level.

In the case of the functional area of “animal control and diseases” the erstwhile national department of Agriculture, Forestry and Fisheries, currently the Department of Agriculture, Land Reform and Rural Development, has set norms and standards for the delivery of veterinary services, national disease control programs and the control of the import of animals and animal products. Some provinces, for practical reasons, have opted to be responsible for the implementation and enforcement of the national veterinary service standards, through their provincial veterinary authorities, thereby enabling the sanitary guarantees for both the import and export of animals and animal products, in accordance with national and international norms and standards that are provided by the national veterinary authority to international trade partners.

The Eastern Cape province, having promulgated Eastern Cape Animal Health Act in 2002, now wishes to align itself with this practice of utilizing national legislation and implementing national norms and standards. Doing so, therefore, would render the Eastern Cape Animal Health Act of 2002 redundant. Thus the need to repeal it.

### **3. OBJECTS OF THE BILL**

The objects of the Bill are to repeal redundant legislation enacted by the Eastern Cape Department of Rural Development and Agrarian Reform.

### **4. FINANCIAL IMPLICATIONS**

There are no financial implications.

### **5. DEPARTMENTS/ BODIES/ PERSONS CONSULTED**

All relevant stakeholders will be consulted on legislation repealed by this Bill.

### **6. COMPETENCY**

The subject matter of the legislation to be repealed fall within Schedule 4 of the Constitution which provides for areas of concurrent National and Provincial Legislative competence.

## **PART 2 (CLAUSE BY CLAUSE ANALYSIS)**

**CLAUSE 1** - provides for the repeal of all legislation listed in the Schedule to the Bill

**CLAUSE 2** - provides the short title of the Bill

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 403

7 May 2021

**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**  
**PLANT BREEDERS' RIGHTS ACT, 1976**  
**(ACT No. 15 of 1976)**

*In terms of the provisions of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), it is hereby made known that all aspects of plant breeders' rights, of which the particulars appear in the Sections herewith have been processed for the period October 2020 to December 2020.*

*Any objections must be submitted in writing to the Registrar of Plant Breeders' Rights within THREE months with reference to denominations, and within SIX months with reference to applications and grants from the date of publication of this issue, accompanied by the appropriate fees.*

*The bracketed numbers are reference to the addresses of the applicants and agents which can be found on the plant breeders' rights page, on the [www.dalrd.gov.za](http://www.dalrd.gov.za) website or upon request from the Plant Breeders' Rights Office.*

*Ms Elna De Bruyn  
 Acting Registrar of Plant Breeders' Rights*

## SECTION 1

## RECEIPTS OF APPLICATIONS FOR PLANT BREEDERS' RIGHTS

**AGRICULTURAL CROPS**Kind of plant: *Arachis* L. [Groundnut]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9259	Kairi	Peanut Co. of Australia [1915]	AU	GWK [767]	2020-10-12

Kind of plant: *Hordeum* L. [Barley]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9286	Kadie	SABBI [1187]	ZA	SABBI [1187]	2020-10-10

Kind of plant: *Raphanus x Brassica* L. [Raphanobrassica]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9258	Pallaton	Forage Innovations [1913]	NZ	DLF Seeds SA [1914]	2019-11-25

Kind of plant: *Solanum tuberosum* L. [Potato]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
Pt 9287	Crop60	NZ Institute for Plant and Food Research Limited [1107]	NZ	McCain Foods SA [996]	2020-11-09

Kind of plant: *Zea mays* L. [White conventional]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9306	SWI1379	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-30
PT 9312	SWK1119	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-12-01
PT 9308	SWK2125	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-30
PT 9310	SWR8305	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-30

Kind of plant: *Zea mays* L. [White GMO]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9307	SWK1119+N34	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-30
PT 9309	SWK6701+603	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-30
PT 9311	SWR8305+034	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-30

Kind of plant: *Zea mays* L. [Yellow Conventional]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9303	SYN7328B	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-15
PT 9304	SY17284	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-15
PT 9305	WCB150	Limagrain Europe [1862]	FR	Limagrain SA [1924]	2020-10-15

Kind of plant: *Zea mays* L. var. *saccharata* Bailey [Sweetcorn]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9288	Invictus	Plennegy [1540]	ZA	Plennegy [1540]	2020-10-30

#### VEGETABLE CROPS

Kind of plant: *Brassica oleracea* L. [Broccoli]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9289	Royal Jewel	Sakata Seed Corporation [44]	JP	Sakata SA [1356]	2020-11-10
PT 9290	Triton	Sakata Seed Corporation [44]	JP	Sakata SA [1356]	2020-11-10

Kind of plant: *Solanum lycopersicum* [Tomato]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9322	Parisa	Sakata Vegetetics [1356]	ZA	Sakata Seed SA [1356]	2020-12-09
PT 9323	Rana	Sakata Vegetetics [1356]	ZA	Sakata Seed SA [1356]	2020-12-09
PT 9324	Starling	Sakata Seed, Yokohama [44]	JP	Sakata Seed SA [1356]	2020-12-09

#### ORNAMENTAL PLANTS

Kind of plant: *Chrysanthemum* L. [Chrysanthemum]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9299	Dochrycasi	Dümmen Group [1796]	NL	PC Knol-Korevaar [770]	2020-10-01
PT 9300	Dochrytroz	Dümmen Group [1796]	NL	PC Knol-Korevaar [770]	2020-10-01
PT 9301	Dochrykapi	Dümmen Group [1796]	NL	PC Knol-Korevaar [770]	2020-10-01
PT 9302	Dochrysum	Dümmen Group [1796]	NL	PC Knol-Korevaar [770]	2020-10-01

Kind of plant: *Paulownia* Siebold & Zucc. [Princess tree]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9321	Phoenix One	WEGrow GmbH [1927]	DE	Spoor & Fisher [157]	2020-11-30

Kind of plant: *Rosa* L. [Rose]

Application number	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9314	Meibembino	Meiland Int. [16]	FR	Adams & Adams [65]	2020-12-11

#### FRUIT CROPS

Kind of plant: *Citrus* L. [Mandarin Hybrid] – This application was not published before

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9221	Bingo	Florida Foundation Seed [1117]	US	XLnT Citrus [1825]	2019-03-31

Kind of plant: *Citrus* L. [Mandarin]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9254	LST Late	Gert Ferreira [1144]	ZA	Gert Ferreira [1144]	2020-10-01
PT 9255	LST Early	Gert Ferreira [1144]	ZA	Gert Ferreira [1144]	2020-10-01
PT 9257	UFSunrise	Florida Foundation Seed [1117]	US	Stargrow [731]	2020-10-01

Kind of plant: *Citrus* L. [Navel]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9291	Citricom001	HJ Breedt [1921]	ZA	Citricom [1315]	2020-11-18

Kind of plant: *Citrus* L. [Orange]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9319	Onix Blood	Agricola Ruiz Valero SL [1928]	SP	Smit & van Wyk [1304]	2020-12-01

Kind of plant: *Citrus* L. [Valencia]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9295	Kas	New Heights 1474 CC [342]	ZA	CGACC [1487]	2020-10-20

Kind of plant: *Fragaria x ananassa* Duchesne [Strawberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9330	A10-48-3	Fresas Nuevos Materiales [1926]	SP	Stargrow [731]	2020-12-14

Kind of plant: *Malus* Mill. [Apple]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9285	HFF63	Wismettac Foods, Inc. [1918]	JP	Topfruit [229]	2020-10-19
PT 9283	Inolov	I.N.R.A.E [1502]	FR	Topfruit [229]	2020-10-19
PT 9296	Mutasie P	Stargrow [731]	ZA	Stargrow [731]	2020-10-15
PT 9292	Wmj63	Willashben Pty Ltd [1922]	AU	Topfruit [229]	2020-11-07

Kind of plant: *Mangifera indica* L. [Mango]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9293	TS-MAN-087	ARC [254]	ZA	ARC [254]	2020-03-06

Kind of plant: *Passiflora* L. [Passion fruit]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9294	Isabella	Gradely Farm [1923]	ZA	Gradely Farm [1923]	2020-11-02
PT 9278	TS-PAS-053	ARC [254]	ZA	ARC [254]	2019-12-09
PT 9279	TS-PAS-054	ARC [254]	ZA	ARC [254]	2019-12-09
PT 9280	TS-PAS-055	ARC [254]	ZA	ARC [254]	2019-12-09
PT 9281	TS-PAS-056	ARC [254]	ZA	ARC [254]	2019-12-09

PT 9282	TS-PAS-057	ARC [254]	ZA	ARC [254]	2019-12-09
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Kind of plant: *Persea americana* Mill. [Avocado]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9256	L5	Cultivar Selections (Pty) Ltd [1912]	ZA	Citrogold [964]	2020-10-07

Kind of plant: *Prunus dulcis* (Mill.) DA Webb [Almond]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9329	Admont	Amanteco [1925]	ZA	Amanteco [1925]	2020-12-07

Kind of plant: *Pyrus* L. [Pear]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9284	PremP009	Prevar Limited [1284]	NZ	Topfruit [229]	2020-10-19

Kind of plant: *Rubus* L. [Raspberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9320	Kokanee	The USA as represented by Secretary of State [1103]	US	Spoor & Fisher [157]	2020-12-22
PT 9318	Majestic	Plant Sciences, Inc [814]	US	Stargrow [731]	2020-12-02

Kind of plant: *Vaccinium* L. [Blueberry]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9297	DrisBlueNineteen	Driscoll's, Inc. [981]	US	Adams & Adams [65]	2020-10-15
PT 9316	FC13-083	Fall Creek [1219]	US	Adams & Adams [65]	2020-12-15
PT 9317	FC13-122	Fall Creek [1219]	US	Adams & Adams [65]	2020-12-15
PT 9298	TD-1008	University of Georgia [1867]	US	Adams & Adams [65]	2020-10-15
PT 9325	TH-1493	University of Georgia [1866]	US	Topfruit [229]	2020-12-10
PT 9326	TH-1797	University of Georgia [1866]	US	Topfruit [229]	2020-12-10
PT 9327	TH-1872	University of Georgia [1866]	US	Topfruit [229]	2020-12-10
PT 9313	Winter Bell	Weber Genetics, LLC [1929]	US	Adams & Adams [65]	2020-12-04
PT 9315	ZF08-029	Fall Creek [1219]	US	Adams & Adams [65]	2020-12-15

Kind of plant: *Vitis* L. [Grape]

Application No.	Proposed denomination	Applicant	Country	Agent	Date accepted
PT 9328	Sugrafiftysix	Sun World International, LLC [652]	US	Von Seidels [1308]	2020-12-21

## SECTION 2

### APPLICATIONS WITHDRAWN

Kind of plant: *Aster* L. [Aster]

Application No.	Applicant	Agent	Proposed denomination	Date of Withdrawal
PT 6955	Jensen BJ (1600)	Knol-Korevaar [770]	Dasbri	2020-10-05
PT 6957	Jensen BJ (1600)	Knol-Korevaar [770]	Dasgra	2020-10-05
PT 6956	Jensen BJ (1600)	Knol-Korevaar [770]	Dasmag	2020-10-05

Kind of plant: *Vitis* L. [Grape]

Application No.	Applicant	Agent	Proposed denomination	Date of Withdrawal
PT 7577	Sun World Int. [652]	Von Seidels [1308]	Sugrafortythree	2020-10-02
PT 7578	Sun World Int. [652]	Von Seidels [1308]	Sugrafortyfive	2020-10-02

### SECTION 3

#### APPLICATIONS REJECTED

Kind of plant: *Heuchera* Hybrid [Heuchera]

Application No.	Applicant	Agent	Proposed denomination	Date of Refusal
PT 7983	Terra Nova Nursery [1460]	PSD [82]	Ginger Snap	2020-11-02
PT 7825	Terra Nova Nursery [1460]	PSD [82]	Sweet Tart	2020-11-02
PT 7824	Terra Nova Nursery [1460]	PSD [82]	THHEUPEP	2020-11-02

Kind of plant: *Kniphofia* Moench. [Kniphofia]

Application No.	Applicant	Agent	Proposed denomination	Date of Refusal
PT 7821	Terra Nova Nursery [1460]	PSD [82]	Orange Vanilla Popsicle	2020-11-15

Kind of plant: *Lycopersicum esculentum* Mill. [Tomato]

Application No.	Applicant	Agent	Proposed denomination	Date of Refusal
PT 7988	Oregon [272]	Adams & Adams [65]	Indigo Cherry Drops	2020-11-18
PT 7989	Oregon [272]	Adams & Adams [65]	Indigo Pear Drops	2020-11-18
PT 7990	Oregon [272]	Adams & Adams [65]	Indigo Rose	2020-11-18

Kind of plant: *Phormium* J.R. Forster et Forster [Flax]

Application No.	Applicant	Agent	Proposed denomination	Date of Refusal
PT 7981	Paul Robert Handyside (1709)	PSD [82]	Blondie	2020-11-02

Kind of plant: *Vaccinium* L. [Blueberry]

Application No.	Applicant	Agent	Proposed denomination	Date of Refusal
PT 7273	Driscoll's, Inc. [981]	Adams & Adams [65]	DriscBlueTwelve	2020-11-26

### IV. DENOMINATIONS

#### IV.A Application for variety denominations

Vide I

### SECTION 4

#### APPLICATIONS FOR APPROVAL OF ALTERATIONS OF DENOMINATIONS

Kind of plant: *Helianthus annuus* L. [Sunflower]

Application/Registration No.	Applicant	Agent	Previous denomination	Date alteration granted	New denomination
ZA 20176448	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	HXO 3006	2020-10-01	PAN 7170
ZA 20176450	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	HXO 5027 CLP	2020-10-01	PAN 7180 CLP
ZA 20176451	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	HXO 5028 CLP	2020-10-01	P65LP65

Kind of plant: *Zea mays* L. [Maize]

Application/Registration No.	Applicant	Agent	Previous denomination	Date alteration granted	New denomination
ZA 20196956	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X08D413	2020-10-09	P1257
ZA 20196942	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X08D413 R	2020-10-09	P1257 R
ZA 20196952	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X8F871 BR	2020-10-09	PHB 31D23 BR
ZA 20196917	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X18K293W R	2020-10-01	PAN 5R-575 R
ZA 20196959	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X18N939	2020-10-09	P1975
ZA 20196962	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X25N213	2020-10-09	P2636
ZA 20196925	Pioneer Overseas [133]	Pioneer Hi-Bred [411]	X30M372W R	2020-10-01	PAN 5R-561 R

## SECTION 5

## NOTIFICATIONS OF CHANGE OF AGENTS

Kind of plant: *Brassica oleracea* L. [Broccoli]

Application/Registration No.	Applicant	Variety Denomination	Previous Agent	New Agent
ZA 20083997	Sakata Seed Corporation [44]	BRT001	Sakata Seed SA [1356]	Adams & Adams [65]

Kind of plant: *Cnidioscolus* Pohl. [Cnidioscolus]

Application/Registration No.	Applicant	Variety Denomination	Previous Agent	New Agent
ZA 20176464	Nutriday Pty Ltd [1919]	Riana	Rademeyer Attorneys [1767]	Bredenkamp Attorneys [1920]

## SECTION 6

## CHANGES IN THE PERSON OF THE HOLDER OF A PLANT BREEDERS' RIGHT

Kind of plant: *Cnidioscolus* Pohl. [Cnidioscolus]

Registration No.	Date granted	Variety Denomination	Date of transfer	Portion transferred	Previous Holder	New Holder
ZA 20176464	2017-07-13	Riana	2020-11-20	Full	RT Gouws [1766]	Nutriday Pty Ltd [1919]

## SECTION 7

## CHANGES IN THE PERSON OF THE APPLICANT OF A PLANT BREEDERS' RIGHT

Kind of plant:

Application No.	Application date	Variety Denomination	Date of change	Previous Applicant	New Applicant

## SECTION 8

## GRANT OF PLANT BREEDERS' RIGHTS

## AGRICULTURAL CROPS/AKKERBOU GEWASSE

Kind of plant:

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date

**VEGETABLE CROPS**Kind of plant: *Allium* L. [Onion]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6520	Capricorn	Sakata America [1111]	Sakata SA [1356]	ZA 20207196	2020-10-08	2040-10-08

Kind of plant: *Brassica oleracea* L. [Broccoli]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8434	Ares	Sakata Seed Corporation [44]	Sakata SA [1356]	ZA 20207205	2020-11-03	2040-11-03

**FRUIT CROPS/VRUGTEGEWASSE**Kind of plant: *Fragaria x ananassa* Duchesne [Strawberry]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8242	Malling Centenary	NIAB EMR [1800]	Adams & Adams [65]	ZA 20207206	2020-10-15	2040-10-15

Kind of plant: *Fragaria x ananassa* Duchesne [Strawberry]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7482	Gradirose	ABCZ Group BV [1917]	Smit & Van Wyk [1304]	ZA 20207209	2020-11-25	2045-11-25
PT 7950	Gradisca	ABCZ Group BV [1917]	Smit & Van Wyk [1304]	ZA 20207210	2020-11-25	2045-11-25
PT 7483	Gradiyel	ABCZ Group BV [1917]	Smit & Van Wyk [1304]	ZA 20207208	2020-11-25	2045-11-25

Kind of plant: *Prunus salicinal* Lindl. [Japanese plum]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7843	Queen Garnet	State of Queensland [1642]	Von Seidels [1308]	ZA 20207212	2020-11-05	2045-11-05

Kind of plant: *Vaccinium* L. [Blueberry]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7890	EB 9-2	Biza Trading [1803] & <i>Prunus persica</i> [1759]	SAPO [59]	ZA 20207207	2020-11-26	2045-11-26

**ORNAMENTAL PLANTS/SIERGEWASSE**Kind of plant: *Calibrachoa* Llave & Lex [Miniature Petunia]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7173	USCAC06503	Ushio Sakazaki [577]	KKHI [422]	ZA 20207200	2020-10-30	2040-10-30
PT 7172	USCAL5302M	Ushio Sakazaki [577]	KKHI [422]	ZA 20207199	2020-10-30	2040-10-30
PT 7171	USCAL83901	Ushio Sakazaki [577]	KKHI [422]	ZA 20207198	2020-10-30	2040-10-30

Kind of plant: *Gaillardia x grandiflora* hort. ex Van Houtte [Blanket flower]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7512	Red Sun	Terra Nova Nursery [1460]	PSD [82]	ZA 20207218	2020-11-21	2040-11-21

Kind of plant: *Heuchera* Hybrid [Heuchera]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7232	Georgia Plum	Terra Nova Nursery [1460]	PSD [82]	ZA 20207213	2020-11-02	2040-11-02
PT 7233	Paprika	Terra Nova Nursery [1460]	PSD [82]	ZA 20207214	2020-11-02	2040-11-02
PT 8098	TNHEUFP	Terra Nova Nursery [1460]	PSD [82]	ZA 20207215	2020-11-02	2040-11-02

Kind of plant: *Kniphofia* Moench [Poker plant]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7587	Redhot Popsicle	Terra Nova Nursery [1460]	PSD [82]	ZA 20207211	2020-11-15	2040-11-15

Kind of plant: *Pandorea* Spach [Pandorea]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 6923	Sftpanjazz	Stewart Daisy, Anne [1597]	PSD [82]	ZA 20207201	2020-10-14	2040-10-14

Kind of plant: *Scaevola* L. [Scaevola]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7940	SSCSB01-0	Greenfuse [1756]	Ball Straathof [108]	ZA 20207202	2020-10-06	2040-10-06
PT 7941	SSCWH03-0	Greenfuse [1756]	Ball Straathof [108]	ZA 20207202	2020-10-06	2040-10-06

Kind of plant: *Solidago* L. [Goldenrods]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 7414	KLESH13014	Selecta Cut Flowers [1890]	Ball Straathof [108]	ZA 20207204	2020-10-06	2040-10-06

Kind of plant: *Tulbachia* L. [Wild Garlic]

Application No.	Variety Denomination	Grantee	Agent	Grant No.	Date of Grant	Expiry Date
PT 8229	Ashanti	Ivan vd Walt [1164]	Ivan vd Walt [1164]	ZA 20207216	2020-11-21	2040-11-21
PT 8388	Himba	Ivan vd Walt [1164]	Ivan vd Walt [1164]	ZA 20207217	2020-11-21	2040-11-21

## SECTION 9

### REFUSAL OF GRANTS FOR PLANT BREEDERS' RIGHTS

Kind of plant:

Application No.	Applicant	Agent	Variety Denomination	Date of Rejection

## SECTION 10

### PLANT BREEDERS' RIGHTS EXPIRED

Registration No.	Genus & species	Common Name	Variety Denomination	Holder	Agent	Date Expired
ZA 20002361	<i>Glycine max</i> (L) Merrill	Soya bean	Dundee	ARC [254]	ARC [254]	2020-09-15
ZA 20002363	<i>Glycine max</i> (L) Merrill	Soya bean	Jimmy	ARC [254]	ARC [254]	2020-09-15
ZA 20002359	<i>Glycine max</i> (L) Merrill	Soya bean	LS 677	Link Seed [484]	Link Seed [484]	2020-09-15
ZA 20002364	<i>Glycine max</i> (L) Merrill	Soya bean	Nqutu	ARC [254]	ARC [254]	2020-09-15
ZA 20002369	<i>Helianthus annuus</i> L.	Sunflower	Agsun 5551	ARC [254]	ARC [254]	2020-09-15
ZA 951326	<i>Prunus persica</i> L.	Nectarine	Crimson Giant	ARC [254]	ARC [254]	2020-10-12

	Batsch. var <i>nucipersica</i> Schneid.					
ZA 951329	<i>Prunus persica</i> L. Batsch.	Peach	Western Cling	ARC [254]	ARC [254]	2020-10-24
ZA 951320	<i>Pyrus</i> L.	Pear	Emperor	ARC [254]	ARC [254]	2020-11-01
ZA 951321	<i>Pyrus</i> L.	Pear	Lily	ARC [254]	ARC [254]	2020-11-01
ZA 20002382	<i>Zea mays</i> L	Maize	PHB 32A03	Pioneer Overseas [133]	Pioneer Hi-Bred RSA [411]	2020-09-15
ZA 20002379	<i>Zea mays</i> L	Maize	PHB 32A05 B	Pioneer Overseas [133]	Pioneer Hi-Bred RSA [411]	2020-09-15

## SECTION 11

## PLANT BREEDERS' RIGHTS SURRENDERED

Registration No.	Genus & species	Common Name	Variety Denomination	Holder	Agent	Date Surrendered
ZA 20176420	<i>Vitis</i> L.	Grape	Lombardi 93	Lombardi Genetics [1663]	Lombardi Genetics [1663]	2020-10-01
ZA 20196834	<i>Vitis</i> L.	Grape	Lombardi 129	Lombardi Genetics [1663]	Lombardi Genetics [1663]	2020-10-01

## SECTION 12

## PLANT BREEDERS' RIGHTS TERMINATED

Registration No.	Genus & species	Common Name	Variety Denomination	Holder	Agent	Date Terminated

## DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 404

7 May 2021



## DRAFT GUIDELINES ON SMALL MERGER NOTIFICATION

### INVITATION FOR THE PUBLIC TO COMMENT ON THE AMENDMENT OF THE SMALL MERGER GUIDELINES

1. The Competition Commission of South Africa has amended its Guideline on Small Merger Notification.
2. Stakeholders and interested parties are invited to submit comments regarding the proposed changes to the guidelines on small merger notification, within a period of 30 days from publication of this notice, to the Mergers & Acquisitions Division of the Competition Commission of South Africa for the attention of Ms. Phillipine Mpane, email: [phillipinem@compcom.co.za](mailto:phillipinem@compcom.co.za). For enquiries, please contact Ms Tamara Paremoer at [tamarap@compcom.co.za](mailto:tamarap@compcom.co.za).

## SCHEDULE

1. The following guidelines are hereby amended as follows:

### Introduction

The Competition Act 89 of 1998, as amended (“the Act”) requires that the Minister responsible for the administration of the Act determine a lower and a higher threshold of combined annual turnover or assets, or a lower and a higher threshold of combinations of turnover and assets in general or in relation to specific industries, which classify transactions as:

- Large (above the higher threshold)
- Intermediate (between the lower and higher thresholds) and
- Small (below the lower threshold)

Large and intermediate merger transactions require mandatory notification and approval by the competition authorities. Small mergers do not require mandatory notification, but the Competition Commission (“Commission”) may require, up to six months after the small merger has been implemented, that such mergers be notified and approved by the Commission if, in the opinion of the Commission, the merger may substantially prevent or lessen competition or cannot be justified on public interest grounds.

On 15 September 2017, the Minister of Economic Development published a notice in the Government Gazette raising the merger thresholds and the filing fee for their notification. These thresholds came into effect on 01 October 2017.

According to Section 13(3) of the Act, the Commission has discretion to require the parties to a small merger to notify the Commission of that merger, if the merger may substantially prevent or lessen competition or cannot be justified on public interest grounds. Merging parties may not take further steps to implement that merger until it has been approved or conditionally approved.

There is an increasing risk that the growth of digital players through the rising number of acquisitions of new, innovative companies may have a detrimental impact on innovation particularly where these digital companies act as gatekeepers in multiple markets. There are concerns that these potentially anti-competitive acquisitions are escaping regulatory scrutiny due the acquisitions taking place at an early stage in the life of the target before they have generated sufficient turnover that would trigger merger notification as set by the turnover thresholds discussed above.

The Commission will remain vigilant in identifying small mergers that may require notification. In addition to its own monitoring, the Commission relies on the public to alert it to possible anticompetitive transactions. This notice communicates the approach of the Commission to the notification of small mergers.

### **Guidelines**

The Commission will evaluate whether a small merger requires notification on its own merits, within the guidance provided by section 13(3) of the Act. Notice is hereby given, however, that the Commission will require the notification of all small mergers which meet any of the following criteria:

- at the time of entering into the transaction any of the firms, or firms within their group, are subject to an investigation by the Commission in terms of Chapter 2 of the Act;
- at the time of entering into the transaction any of the firms, or firms within their group, are respondents to pending proceedings referred by the Commission to the Competition Tribunal in terms of Chapter 2 of the Act;

Furthermore, the Commission will require that it be informed of all small mergers and acquisitions where either the acquiring firm, the target firm, or both, operate in one or more digital market(s) provided at least one of the following criteria are met:

- the consideration for the acquisition or investment exceeds R190 million provided the target firm has activities in South Africa,
- the consideration for the acquisition of a part of the target firm is less than R190 million but effectively values the target firm at R190 million (for example, the acquisition of a 25% stake at R47.5mn) provided the target firm has activities in South Africa and, as a result of the acquisition, the acquiring firm gains access to commercially sensitive information of the target firm or exerts material influence over the target firm within the meaning of section 12(2)(g) of the Act,
- at least one of the parties to the transaction has a market share of 35% or more in at least one digital market, or
- the proposed merger results in combined post-merger market share at which the merged entity gains or reinforces dominance over the market, as defined by the Competition Act.

### **Procedure**

Parties to small mergers which meet the above criteria are advised to voluntarily inform the Commission in writing, by way of a letter, of their intention to enter into the transaction. The

letter should contain sufficient detail on the parties, the proposed transaction, and the markets in which the parties compete. The letter should be addressed to:

The Manager: Mergers & Acquisitions Division  
The Competition Commission  
Mulayo Building  
77 Meintjies Street  
Sunnyside,  
Pretoria  
Private Bag X23, Lynnwood Ridge 0040  
**E-mail:** [ccsa@compcom.co.za](mailto:ccsa@compcom.co.za)

The Commission will reply to the parties in writing and inform them whether or not they would be required to notify the small merger to the Commission in the prescribed manner and form, in terms of Section 13 of the Act.

## DEPARTMENT OF HEALTH

NO. 405

7 May 2021



## CALL FOR NOMINATIONS FOR BOARD MEMBERS OF THE SOUTH AFRICAN HEALTH PRODUCTS REGULATORY AUTHORITY (SAHPRA)

The SAHPRA Board was established in terms of the Medicines and Related Substances Amendment Act, 1965 (Act No. 101 of 1965) as amended, for the purpose of monitoring, evaluation, regulation, investigation, inspection, registration and control of medicines, scheduled substances, clinical trials and medical devices, IVDs and related matters in the public interest.

The Honourable Minister of Health, Dr Zwelini Lawrence Mkhize, invites the public to submit nominations of candidates to be considered for appointment to the Board of the SAHPRA effective from **01 October 2021 to 30 September 2024** in the following categories:

- (a) Not more than 10 persons who have expertise in the fields of medicine, medical devices, IVD, vigilance, clinical trials, good manufacturing practice, public health or epidemiology;
- (b) One person on account of his or her knowledge of the law;
- (c) One person on account of his or her knowledge of good governance;
- (d) One person on account of his or her knowledge of financial matters and accounting;
- (e) One person on account of his or her knowledge of information technology; and
- (f) One person on account of his or her knowledge of human resource management.

**Disqualification from membership of the Board: A person shall not be appointed as Director/Board member if that person:**

- (a) is not a South African citizen and ordinarily resident in the Republic;
- (b) is an unrehabilitated insolvent;
- (c) has at any time been convicted of an offence involving dishonesty, whether in the Republic or elsewhere, and sentenced to imprisonment without the option of a fine; or
- (d) has been removed from an office of trust.

**Remuneration:** Remuneration for Board meetings is set at the level prescribed by the National Treasury. It should be noted that employees of National, Provincial and Local Government, Government agencies or entities, appointed as members on the SAHPRA Board, are not entitled to additional remuneration and will not be remunerated for their service as members of the Board. Members of the Board will not serve in full-time capacity and it is envisaged that the Board meetings will be held on a quarterly basis.

**Requirements of a valid nomination:** Nominations must be made on a nomination form obtainable from the Department of Health's website at [www.health.gov.za](http://www.health.gov.za) under **VACANCIES**. A comprehensive Curriculum Vitae (CV) of the nominee should be attached, including certified copies of academic qualifications and supporting information.

**Submission of nominations:** Nominations should be addressed to the Director-General, Department of Health, and marked for the attention of the Director: Public Entities Governance and submitted via email to: [Paul.Tsebe@health.gov.za](mailto:Paul.Tsebe@health.gov.za) by no later than **16h00 on Friday, 21 May 2021**.

## DEPARTMENT OF WATER AND SANITATION

NO. 406

7 May 2021

**REGULATIONS FOR THE USE OF WATER FOR EXPLORATION AND PRODUCTION OF ONSHORE NATURALLY OCCURRING HYDROCARBONS THAT REQUIRE STIMULATION, INCLUDING HYDRAULIC FRACTURING AND UNDERGROUND GASIFICATION, TO EXTRACT, AND ANY ACTIVITY INCIDENTAL THERETO THAT MAY IMPACT DETRIMENTALLY ON THE WATER RESOURCE**

I, Noncabe Lindiwe Sisulu, Minister of Human Settlements, Water and Sanitation, hereby give notice of my intention to make Regulations on the exploration and production of onshore unconventional gas developments, in terms of section 26(1)(g) of the National Water Act, 1998 (Act No. 36 of 1998) read together with Government Notice 999 (Government Gazette No: 39299), of 18 October 2015, set out in the Schedule hereto.

Any person wishing to comment on or make representations with regard to the proposed Regulations is hereby invited to do so within one month of the date of publication of this notice. All such comments and representations must be submitted in writing in any of the following ways:

By post to: The Director-General  
Department of Water and Sanitation  
Private Bag X313  
Pretoria  
0001

By hand to: The Director-General  
Department of Water and Sanitation  
Sedibeng Building, 185 Francis Beard Street,  
Pretoria

By e-mail to: [unconventionalgas@dws.gov.za](mailto:unconventionalgas@dws.gov.za)

Comments or representations must be marked for the attention of: Deputy Director-General: Water Sector Regulation, Mr Anil Singh.

Any enquiries in connection with the proposed Regulations can be directed to Mr Siboniso Mkhalephi at 012 336 8048 or to [mkhalephi@dws.gov.za](mailto:mkhalephi@dws.gov.za).

Comments received after the closing date will not be considered.



**N L SISULU, MP**  
**MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION**

## **ARRANGEMENT OF SECTIONS**

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2. Purpose
3. Application of Regulations

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6. Suspension and withdrawal of water use licence

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## CHAPTER 1

### GENERAL PROVISIONS

#### Definitions

1. In these regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

**"abandonment of wells"** means any wells that are not satisfactorily decommissioned, according to the responsible authority, beyond the authorised care and maintenance time period;

**"appraisal"** means the assessment of the potential, economic viability, properties and extent of a discovered reservoir through the acquisition of more data from the drilling and testing of wells. This phase follows immediately after successful exploration;

**"baseline studies"** means the monitoring of key indicators to establish reference conditions of potentially affected water resources prior to stimulation (pre-exploration and production exposure) to form the basis for a change over time assessment;

**"coalbed methane"** means petroleum (in any state) occurring naturally in strata associated with coal;

**"spring"** means a point where subsurface water emerges at surface, usually as a result of topographical, lithological or structural controls.

**"controlled" activity"** means the controlled activity declared by the Minister by notice in the *Government Gazette* No. 39299, Notice 999 of 2015 in terms of section 38 of the Act in respect of the exploration and production of onshore naturally occurring hydrocarbons that requires stimulation, including hydraulic fracturing and underground gasification, to extract, and any activity incidental thereto that may impact detrimentally on the water resource;

**"decommissioning"** means the plugging of wells, removal of well equipment, production tanks and associated installations, site rehabilitation and monitoring;

**"exploration"** means the acquisition and processing of data or any other activity with the intention of locating an economically viable regulated substance. This definition includes the appraisal phase of any controlled activity, developing conceptual geological and geo-hydrological models and drilling of exploration wells;

**"flow-back"** means all hydraulic fracturing fluid and other fluids that return to the surface after hydraulic fracturing, or other, stimulations have been completed and prior to the well being placed into production;

**"hazardous substance"** means a substance, mixture of substances, product or material declared in terms of the Hazardous Substances Act No.15 of 1973.

**"hydraulic fracturing"** means injecting fluids into the target formation at a pressure exceeding the parting pressure of the rock to induce fractures through which naturally occurring hydrocarbons can flow, and is applicable to exploration and production;

**"hydraulic fracturing fluid"** means the mixture of the base fluid and all the hydraulic fracturing additives used to perform hydraulic fracturing;

**"hydraulic fracturing programme"** means a programme developed and based on risk assessment and describes control and mitigation measures for fracture containment and for any potential induced seismicity;

**"hydrocensus"** means the systematic collection of information related to all water resource features potentially affected within a target area;

**"incidental activity"** includes all operations and activities reasonably necessary for undertaking the controlled activity, including—

- (a) the drilling of wells that will be stimulated;
- (b) the injection of water or some other substance into a natural reservoir in order to enhance production of petroleum or another regulated substance;
- (c) the processing of substances recovered from a well;

- (d) the onsite treatment of wastewater including but not limited to flow-back and produced water;

**"independent auditor"** means a person who provides specialist services and who is able to provide independent and autonomous opinions and has no business, financial, personal or other interest in the activity, application or appeal in respect of which that person is appointed other than fair remuneration for work performed in connection with that activity or that there are no circumstances that may compromise the objectivity of that specialists;

**"monitoring"** in relation to water resource quality means repeated sampling of water resource quality and quantity for the purposes of building time series data on water resources that would indicate seasonal quality and quantity fluctuations;

**"municipal wellfield"** means a water resource used by water services institutions to provide water supply services as defined in the Water Services Act, 1997 (Act No. 108 of 1997) and includes future potential identified water resources;

**"naturally occurring hydrocarbons"** means an organic compound containing only carbon and hydrogen naturally occurring in petroleum, natural gas, coal and bitumen;

**"onshore"** means situated or occurring onland;

**"petroleum"** means a complex mixture of naturally occurring hydrocarbon compounds found in rock strata ranging from solid to gas;

**"process water"** includes all water related to exploration and production (including flowback, produced water and contaminated stormwater);

**"produced water"** means all fluids displaced from the geological formations, which can contain substances that are found naturally in the formations that is produced when performing a controlled activity, but excludes hydraulic fracturing flowback;

**"production"** means the production of the regulated substance and is the phase that occurs after successful exploration (including appraisal);

**"regulated substance"** means—

- (a) petroleum;
- (b) hydrogen sulphide;
- (c) nitrogen;
- (d) helium;
- (e) carbon dioxide; or
- (f) any other substance that occurs naturally in association with petroleum;

**"shale gas"** means natural gas occurring within shale geological formations.

**"stimulation"** means the act of increasing a well's productivity by artificial means such as hydraulic fracturing, refracturing, gasification, depressurisation, acidising, oxidising or other techniques;

**"strategic water source area"** means a natural source area for water resources that provides disproportionately large volumes of water per unit area and that is considered of strategic significance for water security from a national planning perspective;

**"the Act"** means the National Water, 1998 (Act No. 36 of 1998);

**"unconventional"** in relation to oil or natural gas means oil and natural gas that is produced by means that do not meet the criteria for conventional production and requires stimulation including shale gas extraction, coalbed methane and underground coal gasification;

**"underground coal gasification"** means the conversion of coal to methane and other gas mixtures underground by ignition of a coal seam, involving the drilling of a two well system into the coal seam, one for injection of the oxidants and another to bring the product gas to the surface, with a connecting path;

**"water use licence"** means a water use licence issued in terms of section 40 of the Act for the following purposes or phases for the controlled activity—

- (a) Exploration; or

(b) Production;

"well" means any drilled hole used for the purposes of undertaking the controlled activity and includes holes drilled in any state of use or disuse;

### **Purpose of Regulations**

2. The purpose of these regulations is to protect the water resource so as to avoid and minimise detrimental and cumulative impacts on the water resource by the controlled activity.

### **Application of Regulations**

3. (1) These regulations apply throughout the Republic of South Africa to all onshore exploration and production operations for unconventional oil or gas that may impact detrimentally on the water resource.

(2) These regulations do not exempt a person from complying with any other provision of the Act, or any other applicable law, regulation, ordinance or by-law of another organ of state.

## **CHAPTER 2**

### **APPLICATIONS AND LICENSING**

#### **Conducting of controlled activity during exploration**

4. (1) No person may conduct, carry out, undertake or commence with the controlled activity without a water use licence.

(2) An application for water use licence during exploration must meet the minimum information requirements specified by the responsible authority.

(3) A water use licence during exploration may not exceed a period of nine years, cumulatively.

(4) The holder of a water use licence during exploration may produce a regulated substance from a well in the licenced area for the purpose of establishing

the nature and extent of a discovery: Provided that the production may not continue for more than ten days in aggregate without the approval of the responsible authority.

### **Applications for water use licence during production**

5. (1) No application for water use licence during production may extend beyond the licensed area, except where—

- (a) the applicant holds, or held at the time of the application for water use licence during production, a water use licence during exploration for the area in respect of which the water use licence during production has been applied; and
- (b) production of the regulated substance is commercially feasible at the time the application is made as read with 5 (1) (a).

(2) Notwithstanding subregulation (1)(a), if the applicant for a water use licence during production has not complied with the conditions of his or her water use licence during exploration, the responsible authority may decline to grant a water use licence during production until such time as the non-compliance is remedied to the satisfaction of the responsible authority.

(3) Notwithstanding sub-regulation (2), the water use licence for production may be declined by the responsible authority based on unsatisfactory performance on other licenced areas.

(4) The water use licence during production shall lapse if the holder thereof fails to commence production of a regulated substance in terms of the licence within six months after the issuance of the licence.

**Suspension and withdrawal of water use licence**

6. (1) If the responsible authority has reason to believe that the water use licence was obtained through fraud, non-disclosure of material information or misrepresentation of a material fact, the responsible authority may, in writing—

- (a) suspend or partially suspend, with immediate effect, the water use licence; and
- (b) direct the holder of such a water use licence forthwith to cease any activities that have been commenced or to refrain from commencing any activities, pending a decision to withdraw the water use licence.

(2) The person concerned must be given an opportunity to make representations within reasonable period, on proposed suspension or withdrawal of the water use licence.

(3) The responsible authority, may for good reason, withdraw the suspension.

(4) The responsible authority in withdrawing the water use licence, may direct the necessary rehabilitation measures required.

**CHAPTER 3****PROHIBITIONS****Prohibited areas**

7. (1) No controlled activity may occur:

- (a) within five kilometres from the edge of an existing or proposed municipal wellfield, including its aquifer; water supply borehole and/or groundwater supply infrastructure;
- (b) within five kilometers from any town without a wellfield as future water source areas;

- (c) within five kilometres of any government waterworks including dams with a safety risk;
- (d) within five kilometres from the edge of any identified strategic water source area; and
- (e) within five kilometres from the edge of a thermal or cold spring including seismically active springs.

(2) Notwithstanding sub-regulation (1), the Responsible Authority may further amend the various distances in sub-regulation (1) after taking into account the findings of the baseline studies and scientific evidence for zone of influence.

### **Prohibited activities**

**8.** The following activities are prohibited—

- (a) the disposal of drill cuttings containing radioactive substances;
- (b) deep well injection of process water for disposal without authorisation;
- (c) the drilling of a well so as to enter an area outside the authorised area stipulated in the water use licence;
- (d) the storage of process water containing radioactive substances, for reuse or disposal in pits or pollution control dams;
- (e) the treatment of process water for disposal, including drilling fluids, at a treatment works that is not suitably engineered or authorised to handle such fluid;
- (f) the disposal of sludge at a landfill that is not suitably engineered or authorised to accept such waste;
- (g) the care and maintenance of exploration wells beyond eighteen months after testing, contemplated in regulation 4(4); and
- (h) abandonment of wells without decommissioning.

## CHAPTER 4

### DRILLING AND FLUID MANAGEMENT

#### Drilling and fracturing fluid

**9.** (1) No person may use hazardous substances in drilling fluids or as additives to fracturing fluid.

(2) A person who applies for a water use licence must submit a list of all chemicals planned for use in the fracturing fluids to the Department for approval.

(3) The holder of a water use licence must provide such approved list of fracturing fluids on its website in accordance with regulation 10(2)(d).

## CHAPTER 5

### DISCLOSURE

#### Disclosure

**10.** (1) The holder of a water use licence must ensure that the water use licence is made available for access and copying, at the site of the controlled activity to anyone on request.

(2) The holder of a water use licence must publish on its website:

- (a) a complete copy of the water use licence;
- (b) its relevant hydrocensus, baseline and monitoring information, risk analysis information and environmental impact assessment;
- (c) the hydraulic fracturing programme;
- (d) the fracturing fluids and its chemical composition;
- (e) the location of all wells and monitoring boreholes and well integrity information, verified by an independent auditor or specialist; and
- (f) audit reports as specified in the licence.

## **CHAPTER 6**

### **OFFENCES**

#### **Offences**

**11.** (1)A person is guilty of an offence if that person—

- (a) provides incorrect or misleading information in any form, including any document submitted in terms of these regulations to a responsible authority or intentionally omits information that may have an influence on the outcome of a decision of a responsible authority;
- (b) obtains water use licence through fraud, non-disclosure or material information or misrepresentation of a material fact, or
- (c) fails to comply with any provision of these regulations.

(2)Any person who contravenes any provision of sub-regulation (1) is guilty of an offence and liable, on the first conviction, to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment and, in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment.

## **CHAPTER 7**

### **SHORT TITLE**

#### **Short title and commencement**

**12.** These regulations are called Regulations for the Use of Water for Exploration and Production of Onshore Naturally Occurring Hydrocarbons that Require Stimulation Including Hydraulic Fracturing and Underground Coal Gasification to Extract and any Activity Incidental Thereto that may Impact Detrimently on the Water Resource, 2021, and take effect on the date to be determined by the Minister by notice in the Government Gazette.

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**BOARD NOTICES • RAADSKENNISGEWINGS**

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**BOARD NOTICE 28 OF 2021****CALL FOR NOMINATIONS OF PERSONS TO SERVE ON THE BOARD OF  
THE HOUSING DEVELOPMENT AGENCY**

Notice is hereby given by the Honourable Minister for Human Settlements, Water and Sanitation, Lindiwe N Sisulu, Member of Parliament, to invite nominations of members to serve on the Board of the Housing Development Agency (HDA).

The Housing Development Agency is a public entity established in terms of the Housing Development Agency Act, 2008 (Act No. 23 of 2008), “the Act”. It is an entity classified under Schedule 3 of the Public Finance Management Act, 1999 (Act No. 1 of 1999). The HDA is mandated to do the following:

- (a) Identify, acquire, hold, develop and release state, communal and privately owned land for residential and community purposes and for the creation of sustainable human settlements;
- (b) Project manage housing development services for the purpose of the creation of sustainable human settlements;
- (c) Monitor that there is centrally coordinated planning and budgeting of all infrastructure required for housing development; and monitor the provision of all infrastructure required for housing development.

The Board is the accounting authority of the Agency and is responsible to-

- (a) Give effect to the mandate contemplated in Section 8 of the Act and to the strategy of the Agency in order to achieve the objectives of the Agency;
- (b) Take decisions on behalf of the Agency and give effect to those decisions;
- (c) Provide guidance to the Chief Executive Officer concerning the exercise of the functions of the Agency;

- (d) Notify the Minister immediately of any matter that may prevent or materially affect the achievement of the objects or financial targets of the Agency; and
- (e) Refer to the Minister any matter concerning the adverse functioning of the Agency.

In terms of section 12(4) of the Act, the candidates must have proven skills, knowledge and experience in areas of risk management, financial management, township planning, project management, governance compliance, transformation and diversity equity, land development, management, necessary for the efficient and effective performance of the Board's functions and the need for representation of historically disadvantaged persons.

The following attributes, when viewed collectively, will serve as an advantage for the nominated candidates:

- Commitment to development and the principles of good corporate governance;
- Visionaries, who are able to formulate and implement strategy, define policies and priorities consistent with the housing delivery responsibility of the government; and
- Theoretical and/or practical knowledge in housing policy development.

## **DISQUALIFICATION**

A person may not be appointed as or remain a member of the Board if that person-

- a) Is an unrehabilitated insolvent or becomes insolvent and the insolvency results in the sequestration of that person's estate;
- b) Has been declared by a court of law to be mentally unfit;
- c) Has been convicted, in the Republic or elsewhere, of theft, fraud, forgery, perjury or any other offence involving honesty;
- d) Has been convicted of any other offence, whether in the Republic or elsewhere, committed after the Constitution of the Republic of South Africa, 1993 (Act No.

200 of 1993), took effect, and sentenced to imprisonment without the option of a fine;

- e) Has been, or is, removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money;
- f) Is otherwise disqualified from serving as a member of a Board in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
- g) Has or acquires an interest in a business or enterprise, which may conflict or interfere with the proper performance of the duties of a member of the Board.

## **NOMINATION PARTICULARS**

Nominations should be submitted in writing and must have the following details:

1. Full name and address of the persons or organisation nominating the candidate;
2. A curriculum vitae of the candidate which must include:-
  - Candidate's full names, ID number and gender;
  - Contact address, telephone, fax and email address;
  - Certified copies of all qualifications; and
  - At least two names and contact details of references.
3. A signed letter of acceptance of the nomination from the candidate;

Strict compliance with the nomination requirements is essential.

Nominations must be posted to Ms Sindisiwe Ngxongo, Chief Operations Officer, Department of Human Settlements, Water and Sanitation, Private Bag X644, Pretoria, 0001 or hand delivered to Govan Mbeki House, 240 Justice Mahomed Street, Sunnyside, Pretoria. Enquiries may be directed to Mr Jan Maritz at (012) 421 1717. **Closing date: 04 September 2020.**

**N.B Women, youth and persons living with disability, are encouraged to apply. Correspondence will be limited to the successful nominees.**