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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11767

Regulasiekoerant

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2024**

The closing time is **15:00** sharp on the following days:

- **28 December 2023**, Thursday for the issue of Friday **05 January 2024**
- **05 January**, Friday for the issue of Friday **12 January 2024**
- **12 January**, Friday for the issue of Friday **19 January 2024**
- **19 January**, Friday for the issue of Friday **26 January 2024**
- **26 January**, Friday for the issue of Friday **02 February 2024**
- **02 February**, Friday for the issue of Friday **09 February 2024**
- **09 February**, Friday for the issue of Friday **16 February 2024**
- **16 February**, Friday for the issue of Friday **23 February 2024**
- **23 February**, Friday for the issue of Friday **01 March 2024**
- **01 March**, Friday for the issue of Friday **08 March 2024**
- **08 March**, Friday for the issue of Friday **15 March 2024**
- **14 March**, Thursday for the issue of Friday **22 March 2024**
- **20 March**, Wednesday for the issue of Thursday **28 March 2024**
- **27 March**, Wednesday for the issue of Friday **05 April 2024**
- **05 April**, Friday for the issue of Friday **12 April 2024**
- **12 April**, Friday for the issue of Friday **19 April 2024**
- **19 April**, Friday for the issue of Friday **26 April 2024**
- **25 April**, Thursday for the issue of Friday **03 May 2024**
- **03 May**, Friday for the issue of Friday **10 May 2024**
- **10 May**, Friday for the issue of Friday **17 May 2024**
- **17 May**, Friday for the issue of Friday **24 May 2024**
- **24 May**, Friday for the issue of Friday **31 May 2024**
- **31 May**, Friday for the issue of Friday **07 June 2024**
- **07 June**, Friday for the issue of Friday **14 June 2024**
- **13 June**, Thursday for the issue of Friday **21 June 2024**
- **21 June**, Friday for the issue of Friday **28 June 2024**
- **28 June**, Friday for the issue of Friday **05 July 2024**
- **05 July**, Friday for the issue of Friday **12 July 2024**
- **12 July**, Friday for the issue of Friday **19 July 2024**
- **19 July**, Friday for the issue of Friday **26 July 2024**
- **26 July**, Friday for the issue of Friday **02 August 2024**
- **01 August**, Thursday for the issue of Thursday **08 August 2024**
- **08 August**, Thursday for the issue of Friday **16 August 2024**
- **16 August**, Friday for the issue of Friday **23 August 2024**
- **23 August**, Friday for the issue of Friday **30 August 2024**
- **30 August**, Friday for the issue of Friday **06 September 2024**
- **06 September**, Friday for the issue of Friday **13 September 2024**
- **13 September**, Friday for the issue of Friday **20 September 2024**
- **19 September**, Thursday for the issue of Friday **27 September 2024**
- **27 September**, Friday for the issue of Friday **04 October 2024**
- **04 October**, Friday for the issue of Friday **11 October 2024**
- **11 October**, Friday for the issue of Friday **18 October 2024**
- **18 October**, Friday for the issue of Friday **25 October 2024**
- **25 October**, Friday for the issue of Friday **01 November 2024**
- **01 November**, Friday for the issue of Friday **08 November 2024**
- **08 November**, Friday for the issue of Friday **15 November 2024**
- **15 November**, Friday for the issue of Friday **22 November 2024**
- **22 November**, Friday for the issue of Friday **29 November 2024**
- **29 November**, Friday for the issue of Friday **06 December 2024**
- **06 December**, Friday for the issue of Friday **13 December 2024**
- **12 December**, Thursday for the issue of Friday **20 December 2024**
- **18 December**, Wednesday for the issue of Friday **27 December 2024**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5559

22 November 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE MAGISTRATES' COURTS OF SOUTH AFRICA**

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

- [] Words or expressions in bold type in square brackets indicate omissions from the existing rules.
- _____ Words or expressions underlined with a solid line indicate insertions into the existing rules.
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Definition

1. In this Schedule the "Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, R. 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, R. 1602 of 17 December 2021, R. 2134 of 3 June 2022, R.

2298 of 22 July 2022, R. 2414 of 26 August 2022, R. 2434 of 2 September 2022, R. 3371 of 5 May 2023, R. 3399 of 12 May 2023, R. 4476 of 8 March 2024 and R.5127 of 16 August 2024.

Amendment of rule 9 in the Rules

2. Rule 9 of the Rules is hereby amended by the substitution for paragraph (d) of subrule (3) of the following paragraph:

“(d) if the person [so] to be served has chosen a *domicilium citandi*, by delivering a copy thereof to a person apparently not less than sixteen years of age at the *domicilium* so chosen: Provided that [, where possible, service at the *domicilium* so chosen shall be effected by delivering a copy of the process to a responsible person apparently not less than 16 years of age: Provided further that] if no person is present at the *domicilium*, the sheriff may leave a copy at the aforesaid *domicilium* [the sheriff] and shall [set out] in the return of service set out the details of the manner and circumstances under which such service was effected.

Commencement

3. These Rules come into operation on 27 December 2024.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 5559

22 November 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
LANDDROSHOWE VAN SUID-AFRIKA GEREËL WORD

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in die bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken die "reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, gepubliseer kragtens Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermentskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343

van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R. 1156 van 30 Oktober 2020, R. 1604 van 17 Desember 2021, R. 2134 van 3 Junie 2022, R. 2298 van 22 Julie 2022, R. 2414 van 26 Augustus 2022, R. 2434 van 2 September 2022, R. 3371 van 5 Mei 2023, R. 3399 van 12 Mei 2023, R. 4476 van 8 Maart 2024 en R. 5127 van 16 Augustus 2024.

Wysiging van reël 9 van die Reëls

2. Reël 9 van die reëls word hierby gewysig deur in subreël (3) paragraaf (d) deur die volgende paragraaf te vervang:

"(d) deur in die geval waar die **[betrokke]** persoon aan wie betekening gedoen moet word 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die *domicilium* af te lewer aan 'n persoon wat nie jonger as sestien jaar voorkom nie: Met dien verstande dat **[, waar moontlik, betekening by die aldus gekose domicilium gedoen sal word deur 'n afskrif van die prosesstuk aan 'n verantwoordelike persoon wat klaarblyklik nie jonger as 16 jaar oud is nie, af te lewer: Met dien verstande verder dat] indien geen persoon teenwoordig is by die *domicilium* nie die balju 'n afskrif by die *domicilium* kan laat [die balju] en in die relaas van betekening die besonderhede **[uiteensit]** van die wyse waarop en omstandighede waaronder sodanige betekening gedoen is moet uiteensit."**

Inwerkingtreding

3. Hierdie reëls tree in werking op 27 Desember 2024.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5560

22 November 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS
OF THE PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH
AFRICA

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL: EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets represent omissions from the existing rules.

_____ Words or expressions underlined with a solid line represent insertions into the existing rules.

Definition

1. In this Schedule the "Rules" means the Rules Regulating the Conduct of the Proceedings of the Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July

1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 1157 of 30 October 2020, R. 1603 of 17 December 2021, R. 2133 of 3 June 2022, R. 2413 of 26 August 2022, R. 3397 of 12 May 2023, R. 4477 of 8 March 2024 and R. 5124 of 16 August 2024.

Amendment of rule 4 in the Rules

2. Rule 4 of the Rules is hereby amended by the substitution for subparagraph (iv) of paragraph (a) of subrule (1) of the following paragraph:

“(iv) if the person [so] to be served has chosen a *domicilium citandi*, by delivering a copy thereof to a person apparently not less than sixteen years of age at the *domicilium* so chosen; Provided that if no person is present at the *domicilium*, the sheriff may leave a copy at the aforesaid *domicilium*;

Amendment of rule 45 of the Rules

3. Rule 45 of the Rules is hereby amended—

(a) by the substitution for subrules (2), (3) and (4) of the following subrules:

(2) No process of execution shall issue for the levying and raising of any costs awarded by the court to any party, until they have been taxed by the taxing master or agreed to in writing by the party concerned in a fixed sum: Provided that it shall be competent to include in a writ of execution a claim for specified costs already awarded to the judgment creditor but not then taxed, subject to due taxation thereafter, provided further that if such costs shall not have been taxed and the original bill of costs, duly allocated, not lodged with the sheriff before the day of the sale, such costs shall be excluded from his or her account and plan of distribution.

(3) Whenever by any process of the court the sheriff is commanded to levy and raise any sum of money upon the goods of any person, [he] the sheriff shall forthwith [himself] or by [his] such sheriff's assistant proceed to the dwelling-house or place of employment or business of such person (unless the judgment creditor shall give different instructions regarding the situation of the assets to be attached), and there—

- (a) demand satisfaction of the writ and, failing satisfaction,
- (b) demand that so much movable and disposable property be pointed out as [he] the sheriff may deem sufficient to satisfy the said writ, and failing such pointing out,
- (c) search for such property.

Any such property shall be immediately inventoried and, unless the execution creditor shall otherwise have directed, and subject to the provisions of subrule (5), shall be taken into the custody of the sheriff: Provided—

(i) that if there is any claim made by any other person to any such property seized or about to be seized by the sheriff, then, if the plaintiff gives the sheriff an indemnity to his or her satisfaction to save him or her harmless from any loss or damage by reason of the seizure thereof, the sheriff shall retain or shall seize, as the case may be, make an inventory of and keep the said property; and

(ii) that if satisfaction of the writ was not demanded from the judgment debtor personally, the sheriff shall give to the judgment debtor written notice of the attachment and a copy of the inventory made by **[him]** such sheriff, unless **[his]** the judgment debtor's whereabouts are unknown.

(4) The sheriff shall file with the registrar any process with a return of what he or she has done thereon, and shall furnish a copy of such return and inventory to the party who caused such process to be issued.

(b) by the substitution in subrule (7) for paragraph (a) of the following paragraph:

(7) (a) Where any movable property is attached as aforesaid the sheriff shall where practicable and subject to rule 58 sell it by public auction to the highest bidder after due advertisement by the execution creditor in a newspaper circulating in the district in which the property has been attached and after the expiration of not less than 15 days from the time of seizure thereof; Provided that—

(i) the auction may be conducted via electronic platform simultaneously with the physical auction; and

(ii) the auction shall be conducted in accordance with the provisions of section 45 of the Consumer Protection Act, 2008 (Act No. 68 of 2008) and the Regulations promulgated thereunder.

(c) by the substitution in subrule (8) for paragraph (c)(i) of the following paragraph:

(c) In the case of the attachment of all other incorporeal property or incorporeal rights in property as aforesaid,

(i) the attachment shall only be complete when —

(a) notice of the attachment has been given in writing by the sheriff to all interested parties and where the asset consists of incorporeal immovable property or an incorporeal right in immovable property, notice shall also have been given to the registrar of deeds in whose deeds registry the property or right is registered, and

(b) the sheriff shall have taken possession of the writing or document evidencing the ownership of such property or right, or shall have certified that he or she has been unable, despite diligent search, to obtain possession of the writing or document;

(d) by the substitution for subrule (10) of the following subrule:

(10) Where property subject to a real right of any third person is sold in execution such sale shall be subject to the rights of such third person unless **[he]** such third person otherwise agrees.

(e) by the substitution in subrule (11) for paragraphs (a)(ii) and (b) of the following paragraphs:

(a) (ii) The sheriff conducting the sale in execution shall not less than 10 days prior to the date of sale forward a copy of the notice of sale to all other sheriffs appointed in the district in which he or she has been instructed to conduct a sale in respect of the attached goods; Provided that where the auction is conducted via electronic platform simultaneously with the physical auction the notice of sale shall comply with the provisions of section 45 of the Consumer Protection Act, 2008 (Act No. 68 of 2008) and the Regulations promulgated thereunder.

(b) If there should remain any surplus, the sheriff shall pay it over to the judgment debtor; and the sheriff shall make out and deliver to **[him]** the judgment debtor an exact account, in writing of **[his]** the sheriff's costs and charges of the execution and sale, which shall be liable to taxation upon application by the judgment debtor, and if upon taxation any sum shall be disallowed, the sheriff shall refund such sum to the judgment debtor.

(f) by the substitution in subrule (12) for paragraphs (a), (b), (c) and (f) of the following paragraphs:

(12)(a) Whenever it is brought to the knowledge of the sheriff that there are debts which are subject to attachment, and are owing or accruing from a third person to the judgment debtor, the sheriff may, if requested thereto by the judgment creditor, attach the same, and thereupon shall serve a notice on such third person, hereinafter called the garnishee, requiring payment by **[him]** such garnishee to the sheriff of so much of the debt as may be sufficient to satisfy the writ, and the sheriff may, upon any such payment, give a receipt to the garnishee which shall be a discharge, *pro tanto*, of the debt attached.

(b) In the event of the garnishee refusing or neglecting to comply with any such notice, the sheriff shall forthwith notify the judgment creditor and the judgment creditor may call upon the garnishee to appear before the court to show cause why **[he]** such garnishee should not pay to the sheriff the debt due, or so much thereof as may be sufficient to satisfy the writ, and if the garnishee does not dispute the debt due, or claimed to be due by him or her to the party against whom execution is issued, or he or she does not appear to answer to such notice, then the court may order execution to issue, and it may issue accordingly, without any previous writ or process, for the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the writ.

(c) If the garnishee disputes his or her liability in part, the court may order execution to issue in respect of so much as may be admitted, but if none be admitted then the court may order that any issue or question necessary for determining the garnishee's liability be tried

or determined in any manner *mutatis mutandis* in which any issue or question in any action may be tried or determined, or the court may make any such other order in the premises as may be just.

(f) Where the sheriff is of opinion that applications to the court or orders with respect to a garnishee will probably cost more than the amount to be recovered thereunder, **[he]** the sheriff may sell such debts, after attachment, by auction, in the same way as any other movable property, or may cede the same at the nominal amount thereof to the judgment creditor with **[his]** such judgment creditor's consent.

(g) by the substitution for subrule (13) of the following subrule:

(13) Neither a sheriff nor any person on behalf of the sheriff shall at any sale in execution purchase any of the property offered for sale either for **[himself]** such sheriff or for any other person.

Amendment of rule 46 of the Rules

4. Rule 46 of the Rules is hereby amended—

(a) by the substitution in the preamble of subrule (5) of the following preamble:

(5) Subject to rule 46A and any order made by the court, no immovable property which is subject to any claim preferent to that of the execution creditor shall be sold in execution unless—

(b) by the substitution in subrule (7) for paragraphs (a) and (b) of the following paragraphs:

(7)(a) The sheriff conducting the sale shall appoint a day and place for the sale of the attached immovable property, such day being, except by special leave of a magistrate, not less than 45 days after service of the notice of attachment and shall forthwith inform all other sheriffs appointed in the district of such day and place: Provided that—

(i) the auction may be conducted via electronic platform simultaneously with the physical auction; and

(ii) the auction shall be conducted in accordance with the provisions of section 45 of the Consumer Protection Act, 2008 (Act No. 68 of 2008) and the Regulations promulgated thereunder.

(b)(i) The execution creditor shall, after consultation with the sheriff conducting the sale, prepare a notice of sale containing a short description of the attached immovable

property, its improvements, magisterial district and physical address, the time and place for the holding of the sale and the fact that the conditions may be inspected at the office of the sheriff conducting the sale.

(ii) The execution creditor **[must]** shall furnish the sheriff with as many copies of the notice of sale as the sheriff may require.

(c) by the substitution in subrule (8) for subparagraph (v) of paragraph (a) of the following subparagraph:

(v) The sale in execution and the conditions of sale shall comply with the provisions of **[any law relating to auctions, in particular]** section 45 of the Consumer Protection Act, 2008 (Act No. 68 of 2008), and the Regulations promulgated thereunder.

Substitution of Form 21 of the First Schedule

5. Form 21 of the Uniform Rules is hereby substituted of the following Form:

Form 21
Conditions of sale in execution of immovable property

In re:

.....

Execution Creditor

and

.....

Judgment Debtor

The immovable property (hereinafter referred to as the 'property') which will be put up for auction on the day of 20....., consists of:

.....

The sale shall be conducted on the following conditions:

1 The sale shall be conducted in accordance with the provisions of rule 46 of the Uniform Rules of Court and all other applicable law.

2 The property shall be sold by the sheriff of at to the highest bidder without reserve/subject to a reserve price of

3 The sale shall be for rands, and no bid for less than one thousand rands shall be accepted.

4 If any dispute arises about any bid, the property may again be put up for auction.

5 (a) If the sheriff makes any mistake in selling, such mistake shall not be binding on any of the parties, but may be rectified.

(b) If the sheriff suspects that a bidder is unable to pay either the deposit referred to in condition 7 or the balance of the purchase price, the sheriff may refuse to accept the bid of such bidder, or accept it provisionally until the bidder satisfies the sheriff that such bidder is able to pay the deposit and the balance of the purchase price.

(c) On the refusal of a bid under circumstances referred to in paragraph (b), the property may immediately be put up for auction again.

6 (a) The purchaser shall, as soon as possible after the sale and immediately on being requested by the sheriff, sign these conditions.

(b) If the purchaser purchases in a representative capacity, the purchaser shall disclose the name of the principal or person on whose behalf the property is being purchased.

7 (a) The purchaser shall pay to the sheriff a deposit of 10 per cent of the purchase price in cash or by **[bank guaranteed cheque]** electronic funds transfer on the day of the sale.

(b) The balance shall be paid against transfer and shall be secured by a guarantee issued by a financial institution, approved by the execution creditor or his or her attorney, and shall be furnished to the sheriff within days after the date of sale.

8 (a) If the purchaser fails to carry out any obligation due by the purchaser under the conditions of sale, the sale may be cancelled by a judge summarily on the report of the sheriff after due notice to the purchaser, and the property may again be put up for sale.

(b) In the event of the circumstances in paragraph (a) occurring, the purchaser shall be responsible for any loss sustained by reason of such default, which loss may, on the application of any aggrieved creditor referred to in subparagraphs (i) and (ii) of Rule 46(14)(c), be recovered from the purchaser under judgment of a judge pronounced on a written report by the sheriff, after such purchaser has been given notice in writing that such report will be laid before the judge for such purpose.

(c) If the purchaser is already in possession of the property, the sheriff may, on notice to affected parties, apply to a judge for an order evicting the purchaser or any person claiming to occupy the property through the purchaser or otherwise occupying the property.

9 (a) The purchaser shall immediately on demand pay the sheriff's commission calculated as follows:

.....
 (b) The purchaser shall be liable for and pay, within 10 days of being requested to do so by the appointed conveyancer, the following:

(i) All amounts due to the municipality servicing the property, in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties that may be due to a municipality; and where applicable

(ii) All levies due to a body corporate in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) or amounts due to a home owners' or other association which renders services to the property.

(iii) The costs of transfer, including conveyance fees, transfer duty and any other amount necessary for the passing of transfer to the purchaser.

10 (a) The property may be taken possession of after signature of the conditions of sale, payment of the deposit and upon the balance of the purchase price being secured in terms of condition 7(b).

(b) Should the purchaser receive possession of the property, the purchaser shall be liable for occupational rental at the rate of R..... per month from to date of transfer.

(c) Upon the purchaser taking possession (occupation), the property shall be at the risk and profit of the purchaser.

(d) The execution creditor and the sheriff give no warranty that the purchaser shall be able to obtain personal and/or vacant occupation of the property or that the property is not occupied.

11 (a) The purchaser shall be entitled to obtain transfer forthwith upon payment of the whole purchase price and compliance with condition 9, alternatively transfer shall be passed only after the purchaser has complied with the provisions of conditions 7 and 9 hereof.

(b) If the transfer is delayed by the purchaser, the purchaser shall be liable for interest at the rate of per cent per annum on the purchase price.

12 (a) The sheriff may demand that any improvements to the property sold shall be immediately insured by the purchaser for their full value, proof of insurance given to the sheriff and such insurance policy kept in force until transfer is registered.

(b) Should the purchaser fail to comply with the obligations in paragraph (a), the sheriff may effect the necessary insurance, the cost of which insurance shall be for the purchaser's account.

13 (a) The property is sold as represented by the title deeds and diagram or sectional plan, subject to all servitudes and conditions of establishment, whichever applies to the property.

(b) The sheriff shall not be liable for any deficiency that may be found to exist in the property.

14 The execution creditor shall appoint the conveyancer to effect transfer of the property to the purchaser: Provided that the sheriff shall be entitled to appoint a new conveyancer should the conveyancer appointed by the execution creditor not proceed timeously or satisfactorily with the transfer.

Dated at this day of 20.....

.....

Sheriff

I certify hereby that today the in my presence the hereinbefore-mentioned property was sold for to

I, the undersigned, residing at in the district of do hereby bind myself as the purchaser of the hereinbefore-mentioned property to pay the purchase price and to perform all and singular the conditions mentioned above.

Commencement

- 6. These Rules come into operation on **27 December 2024**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 5560

22 November 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
VERSKEIE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF
VAN SUID-AFRIKA GEREËL WORD

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vetdruk in vierkantige hakies dui op weglatings uit die
bestaande reëls.
_____ Woorde of uitdrukings met 'n volstreep daaronder dui op invoegings
in die bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken die “reëls”, die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 en soos gewysig deur Goewermentskennisgewings No's. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R.

873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 1157 van 30 Oktober 2020, R. 1603 van 17 Desember 2021, R. 2133 van 3 Junie 2022 en R. 2413 van 26 Augustus 2022 en R. 3397 van 12 Mei 2023.

Wysiging van reël 4 van die Reëls

2. Reël 4 van die reëls word hierby gewysig deur in subreël (1) subparagraaf (iv) van paragraaf (a) deur die volgende paragraaf te vervang:

"(iv) deur in die geval waar die **[betrokke]** persoon aan wie betekening gedoen moet word 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die *domicilium* af te lewer aan 'n persoon

wat nie jonger as sestien jaar voorkom nie: Met dien verstande dat indien geen persoon teenwoordig is by die *domicilium* nie die balju 'n afskrif by die *domicilium* kan laat;"

Wysiging van reël 45 van die Reëls

3. Reël 45 van die Reëls word hierby gewysig—

(a) deur subreëls (2), (3) en (4) deur die volgende subreëls te vervang:

“(2) Niemand word uitgewin vir die invordering van koste nie tensy die koste eers deur die takseermeester getakseer is of die betrokke party skriftelik toegestem het tot betaling van 'n bepaalde bedrag: Met dien verstande dat 'n eis om gespesifiseerde koste reeds aan die vonnisskuldeiser toegeken maar nog nie getakseer nie, in 'n uitwinningslasbrief mag verskyn, onderworpe aan behoorlike taksasie daarna; maar as hulle nie aldus getakseer is nie en die oorspronklike kosterekening, behoorlik toegestaan, nie by die balju voor die datum van die verkoping ingedien is nie, hulle nie in sy of haar rekening en distribusieplan mag voorkom nie.

(3) Wanneer die balju in 'n prosesstuk van die hof gelas is om iemand se goedere uit te win, moet **[hy]** die balju of **[sy]** daardie balju se assistent onverwyld na **[sy]** daardie persoon se woon-, werk- of besigheidsplek gaan (tensy die vonnisskuldeiser 'n ander aanwysing gee betreffende die ligging van die bates waarop beslag gelê moet word) en—

- (a) aldaar voldoening van die lasbrief eis; en by gebreke daarvan,
- (b) eis dat roerende en vervreembare goed wat na **[sy]** die balju se mening genoeg is om aan die lasbrief te voldoen, aangedui word; en by gebreke daarvan,
- (c) self sulke goed soek.

Al sulke goed moet onmiddellik geïntariseer word en tensy die uitwinnende skuldeiser anders gelas het en behoudens subreël (5), moet die balju dit in bewaring neem: Met dien verstande dat-

- (i) as iemand anders aanspraak maak op goed waarop beslag gelê is of wat in beslag geneem staan te word deur die balju, die eiser eers die balju tot sy of haar bevrediging moet vrywaar teen verlies of skade vanweë die beslaglegging, waarna die balju dit behou of beslag daarop lê na gelang van die geval, dit inventariseer en in bewaring neem; en
- (ii) as die vonnisskuldenaar nie persoonlik gevra is om aan die lasbrief te voldoen nie, die balju **[hom]** die vonnisskuldenaar skriftelike kennis van die beslaglegging moet gee asook 'n afskrif van die inventaris, tensy dit onbekend is waar hy of sy verblyf hou.

(4) Die balju moet die prosesstuk tesame met 'n relaas van wat hy of sy daaromtrent

gedoen het, by die griffier indien en 'n afskrif van die relaas en die inventaris verskaf aan die party wat die prosesstuk laat uitreik het.”;

(b) deur paragraaf (a) in subreël (7) deur die volgende paragraaf te vervang:

“(7) (a) Inbeslaggenome roerende goed word waar doenlik en behoudens reël 58 deur die balju by openbare veiling aan die hoogste bieder verkoop. Die uitwinnende skuldeiser moet dit eers in 'n koerant wat sirkuleer in die distrik waar die eiendom geleë is adverteer en minstens 15 dae laat verloop na die beslaglegging: Met dien verstande dat—

(i) die veiling kan via 'n elektroniese platform gehou word tersleffertyd as die fisiese veiling; en

(ii) die veiling word gehou ooreenkomstig die bepalings van artikel 45 van die 'Consumer Protection Act, 2008' (Wet No. 68 van 2008), en die Regulasies wat daarkragtens uitgevaardig is.”;

(c) deur in subreël (8) paragraaf (c)(i) deur die volgende paragraaf te vervang:

“(c) In die geval van alle ander onliggaamlike goed of onliggaamlike regte in goed—

(i) is beslaglegging alleen voltooi as-

(a) die balju skriftelik aan alle belanghebbende partye kennis van die beslaglegging gegee het, en waar dit onliggaamlike onroerende goed of 'n onliggaamlike reg in roerende goed is, ook aan die registrateur van aktes in wie se kantoor die eiendom of reg geregistreer is; en

(b) die balju besit geneem het van die geskrif of dokument wat die aanspraak op die goed of reg bewys, of gesertifiseer het dat hy of sy ondanks sorgvuldige nasporing die geskrif of dokument nie kon vind nie;”;

(d) deur subreël (10) deur die volgende subreël te vervang:

“(10) Waar eiendom waarop 'n derde 'n saaklike reg het, uitgewin word, is die verkoping onderhewig aan die regte van die derde tensy **[hy]** sodanige derde persoon andersins toestem.”;

(e) deur in subreël (11) paragrawe (a)(ii) en (b) deur die volgende paragrawe te vervang:

“(a) (ii) Die balju, wat die uitwinningsverkoping doen, moet minstens 10 dae voor die datum van die verkoping 'n afskrif van die kennisgewing van verkoping verstrek aan al die ander balju's, wat in die distrik aangestel is waar hy of sy opdrag het om 'n verkoping te onderneem aangaande die goed waarop beslag gelê is: edrag afgetakseer word, moet die

balju dit aan die vonnisskuldenaar terugbetaal: Met dien verstande dat waar die veiling terselfdertyd as die fisiese veiling via elektroniese platform gehou word, die kennisgewing van verkoping moet voldoen aan die bepalings van artikel 45 van die 'Consumer Protection Act, 2008' (Wet No. 68 van 2008), en die Regulasies wat daarkragtens uitgevaardig is.

(b) As daar 'n oorskot is, moet die balju dit aan die vonnisskuldenaar oorbetaal en aan **[hom]** die vonnisskuldenaar 'n noukeurige staat van **[sy]** die balju se koste en van die uitwinning verskaf. Dit is onderhewig aan taksasie op aansoek van die vonnisskuldenaar en as 'n bedrag afgetakseer word, moet die balju dit aan die vonnisskuldenaar terugbetaal.”;

(f) deur in subreël (12) paragrawe (a), (b), (c) en (f) deur die volgende paragrawe te vervang:

(12)(a) Wanneer dit ook al onder die aandag van die balju gebring word dat daar skulde is wat aan beslaglegging onderworpe is en wat deur 'n derde persoon verskuldig is of van hom of haar toeval aan die vonnisskuldenaar, kan die balju, indien hy of sy deur die vonnisskuldeiser versoek word om dit te doen, daarop beslag lê, en moet hy of sy dan 'n kennisgewing aan die derde persoon (hieronder die beslagskuldenaar genoem) beteken, waarin daar van **[hom]** die beslagskuldenaar vereis word dat hy of sy aan die balju soveel van die skuld betaal as wat genoeg is om aan die lasbrief te voldoen, en die balju kan, by so 'n betaling, 'n kwitansie aan die beslagskuldenaar uitreik wat *pro tanto* 'n kwyting is van skuld waarop beslag gelê is.

(b) Indien die beslagskuldenaar weier of versuim om aan so 'n kennisgewing te voldoen, moet die balju die vonnisskuldeiser onverwyld in kennis stel en die vonnisskuldeiser kan die beslagskuldenaar daag om voor die hof te verskyn en redes aan te voer waarom **[hy]** daardie beslagskuldenaar nie die verskuldigde bedrag of soveel daarvan as wat genoeg sal wees om aan die lasbrief te voldoen, aan die balju moet betaal nie, en indien die beslagskuldenaar nie die bedrag wat verskuldig is of wat, na beweer word, deur hom of haar verskuldig is, aan die party teen wie die bevel tot tenuitvoerlegging uitgereik is, betwis nie, of indien hy of sy nie verskyn om op sodanige kennisgewing te antwoord nie, kan die hof gelas dat 'n bevel tot tenuitvoerlegging uitgereik word en kan dit dienooreenkomstig sonder enige vorige lasbrief of prosesstuk uitgereik word vir die bedrag verskuldig deur sodanige beslagskuldenaar of soveel daarvan as wat genoeg mag wees om aan die lasbrief te voldoen.

(c) Indien die beslagskuldenaar sy of haar aanspreeklikheid gedeeltelik betwis, kan die hof 'n bevel tot tenuitvoerlegging uitreik ten opsigte van soveel as wat erken word, maar as geen aanspreeklikheid erken word nie, kan die hof beveel dat enige geskilpunt of vraag wat vir die bepaling van die beslagskuldenaar se aanspreeklikheid nodig is, verhoor of

beslis word op 'n wyse mutatis mutandis waarop 'n geskilpunt of vraag in 'n geding verhoor of beslis mag word, of kan die hof so 'n ander bevel in dié verband uitreik as wat regverdig mag wees.

(f) Wanneer die balju van mening is dat die aansoeke aan die hof gerig of bevele met betrekking tot 'n beslagskuldenaar waarskynlik meer sal kos as die bedrag wat ingevolge daarvan verhaal moet word, kan **[hy]** die balju die skulde na beslaglegging per veiling op dieselfde wyse as enige ander roerende goed verkoop of kan hy dit teen die nominale bedrag daarvan aan die vonnisskuldeiser met **[sy]** daardie vonnisskuldeiser se toestemming sedeer.”;

(g) deur subreël (13) deur die volgende subreël te vervang:

“(13) Nóg 'n balju nóg iemand namens die balju koop by enige verkoping in eksekusie hetsy vir **[homself]** sodanige balju of vir enige ander persoon enige van die goed wat te koop aangebied word.”.

Wysiging van reël 46 van die Reëls

4. Reël 46 van die Reëls word hierby gewysig—

(a) deur die aanhef van subreël (5) deur die volgende subreël te vervang:

“(5) Behoudens reël 46A en enige bevel deur die hof gegee word onroerende goed wat onderworpe is aan 'n eis wat voorkeur geniet bo dié van die vonnisskuldeiser nie ter uitwinning verkoop nie tensy—”;

(b) deur in subreël (7) paragrawe (a) en (b) deur die volgende paragrawe te vervang:

“(7)(a) Die balju wat die verkoping hou bepaal 'n dag en plek vir die verkoping van die inbeslaggenome onroerende eiendom, maar behalwe met spesiale verlof van 'n landdros, nie minder as 45 dae na betekening van die kennisgewing van beslaglegging nie en stel onverwyld al die ander balju's wat in die distrik aangestel is van die dag en die plek in kennis.—

(i) die verkoping kan via elektroniese platform gehou word tegelykertyd as die fisiese verkoping; en

(ii) die veiling moet gehou word ooreenkomstig die bepalings van artikel 45 van die 'Consumer Protection Act, 2008 (Wet No. 68 van 2008), en die Regulasies wat daarkragtens uitgevaardig is.

(b)(i) Die vonnisskuldeiser moet in oorleg met die balju 'n kennisgewing van verkoping

opstel wat 'n kort beskrywing van die inbeslaggenome onroerende eiendom bevat, die verbeterings daaraan gedoen, die landdrostdistrik en fisieke adres daarvan, die tyd en plek van die verkoping en die feit dat die voorwaardes by die kantoor van die balju wat die verkoping hou ingesien kan word.

(ii) Die vonniskskuldeiser **[moet] voorsien** soveel eksemplare van die kennisgewing van verkoping soos die balju vereis, aan die balju **[voorsien]**.”;

(c) deur in subreël (8) subparagraaf (v) van paragraaf (a) deur die volgende subparagraaf te vervang:

“(v) Die uitwinningsverkoping en die verkoopsvoorwaardes moet voldoen aan die bepalings van **[enige wet wat verband hou met veilings, in die besonder] artikel 45** die 'Consumer Protection Act, 2008' (Wet 68 van 2008), en die Regulasies daarkragtens uitgevaardig.”.

Vervanging van Vorm 21 van die Eerste Bylae

5. Vorm 21 van die Eenvormige Reëls word hierby deur die volgende Vorm vervang:

Vorm 21
Verkoopsvoorwaardes by uitwinning van onroerende goed

Insake:

.....
Vonnisskuldeiser

en

.....
Vonnisskuldenaar

Die onroerende eiendom (hierna die "eiendom" genoem) wat te koop aangebied sal word op die dag van..... 20 , bestaan uit:

.....

Die verkoping sal volgens die volgende voorwaardes gehou word:

1. Die verkoping word behoudens die bepalings van reël 46 van die Eenvormige Hofreëls en alle ander toepaslike wetsbepalings gehou.

2. Die eiendom sal deur die balju van te aan die hoogste bieder sonder 'n reserweprys/onderhewig aan 'n reserweprys van verkoop word.

3. Die verkoping geskied in rande en geen bod van minder as eenduisend rand sal aanvaar word nie.

4. Indien 'n geskil betreffende 'n bod ontstaan, kan die eiendom weer vir verkoping aangebied word.

5. (a) Indien die balju 'n fout by die verkoping maak, is so 'n fout nie op enige van die partye bindend nie maar kan dit reggestel word.

(b) Indien die balju vermoed dat 'n bieder nie in staat is om of die deposito wat in voorwaarde 7 genoem word of die balans van die koopprys te betaal nie, kan die balju weier om die bod van so 'n bieder te aanvaar of kan hy dit voorwaardelik aanvaar totdat die bieder die balju oortuig dat die beider in staat is om die deposito en die balans van die koopprys te betaal.

(c) By die weiering van 'n bod in die omstandighede in paragraaf (b) bedoel, kan die eiendom onmiddellik weer vir verkoping aangebied word.

6 (a) Die koper moet so spoedig doenlik na die verkoping en onmiddellik wanneer deur die balju versoek, hierdie voorwaardes onderteken.

(b) Indien die koper as verteenwoordiger koop, moet die koper die naam van die prinsipaal of persoon namens wie die eiendom gekoop word, bekendmaak.

7 (a) Die koper moet 'n deposito van 10 per sent van die koopprys kontant of per **[bankgewaarborgde tjek]** elektroniese fondsoorplasing op die dag van die verkoping aan die balju betaal.

(b) Die balans word teen transport betaal en verseker deur 'n waarborg uitgereik deur 'n finansiële instelling deur die vonnisskuldeiser of sy of haar prokureur goedgekeur, en die waarborg moet binne dae na die datum van die verkoping aan die balju verstrek word.

8. (a) As die koper versuim om enige verpligting van die koper ingevolge die verkoopsvoorwaardes na te kom, kan die koop summier deur 'n regter op grond van 'n verslag van die balju en na behoorlike kennisgewing aan die koper, gekanselleer word en die eiendom kan weer te koop aangebied word.

(b) Indien die omstandighede in paragraaf (a) voorkom, is die koper aanspreeklik vir verliese gelyk vanweë sodanige versuim en dit kan op aansoek van 'n benadeelde skuldeiser in subparagrafe (i) en (ii) van Reël 46(14)(c) bedoel, van die koper verhaal word kragtens

vonnis van 'n regter wat op grond van 'n skriftelike verslag van die balju gegee word nadat die koper skriftelik in kennis gestel is dat so 'n verslag vir daardie doel voor die regter gelê sal word.

"(c) As die koper reeds in besit van die eiendom is, kan die balju met sewe dae kennisgewing by 'n regter 'n bevel kry wat die koper of iemand wat voorgee die eiendom deur die koper te okkupeer of die eiendom andersins okkupeer, uitsit..

9 . (a) Die koper moet onmiddellik op aandrang die balju se kommissie betaal, wat soos volg bereken word:.....;

.....
 (b) Die koper is aanspreeklik om, binne 10 dae nadat die koper deur die aangestelde aktebesorger versoek is om dit te doen, die volgende te betaal:

(i) Alle bedrae verskuldig aan die munisipaliteit wat die eiendom bedien, ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000), vir munisipale diensgelde, ekstra betalings op gelde, eiendombelasting en ander munisipale belastings, heffings en regte wat aan 'n munisipaliteit verskuldig kan wees, en waar van toepassing;

(ii) Alle heffings verskuldig aan 'n regspersoon ingevolge die Wet op Deeltitels, 1986 (Wet 95 van 1986) of bedrae verskuldig aan 'n huiseienaars- of ander vereniging wat dienste aan die eiendom lewer.

(iii) Die koste van transport, met inbegrip van aktebesorgingsgeld, hereregte en enige ander bedrag nodig vir die oordrag van transport na die koper.

10. (a) Die eiendom kan na ondertekening van verkoopsvoorwaardes, betaling van die deposito en wanneer die balans van die koopprys ingevolge voorwaarde 7(b) gewaarborg is in besit geneem word.

(b) Indien die koper besit van die eiendom neem, is die koper aanspreeklik vir okkupasiehuur teen die koers van R per maand van tot datum van transport.

(c) Wanneer die koper besit neem, is die eiendom op die risiko en tot voordeel van die koper.

(d) Die vonnisskuldeiser en die balju gee geen waarborg dat die koper persoonlike en/of vakante okkupasie van die eiendom sal kan kry nie of dat die eiendom nie geokkupeer is nie.

11. (a) Die koper is geregtig om onverwyld transport te kry by betaling van die hele koopprys en by voldoening aan voorwaarde 9. Anders sal transport gegee word eers nadat die koper voorwaardes 7 en 9 hiervan nagekom het.

(b) Indien die transport deur die koper vertraag word, is die koper aanspreeklik vir rente teen die koers van persent per jaar op die koopprys.

12. (a) Die balju kan eis dat enige verbetering op die verkoopte eiendom onmiddellik deur die koper vir die volle waarde daarvan verassureer word, bewys van assuransie aan die balju gegee word en sodanige assuransiepolis van krag gehou word totdat transport geregistreer is.

(b) Sou die koper versuim om aan die verpligtinge in paragraaf (a) te voldoen, kan die balju die nodige assuransie uitneem en die koste van daardie assuransie sal op die koper se koste wees.

13. (a) Die eiendom word verkoop soos deur die titelaktes en kaart of deelplan voorgestel, behoudens alle serwitute en voorwaardes van vestiging, watter ook al op die eiendom van toepassing is.

(b) Die balju is nie aanspreeklik vir enige tekort wat op die eiendom gevind mag word nie.

14. Die vonnisskuldeiser stel 'n aktebesorger aan om die transport van die eiendom na die koper te behartig: Met dien verstande dat die balju geregtig sal wees om 'n nuwe aktebesorger aan te stel sou die aktebesorger deur die vonnisskuldeiser aangestel nie

betyds of bevredigend met die transport voortgaan nie.

Gedateer te op hede die dag
van 20.....

.....
BALJU

Ek sertifiseer dat die voormelde eiendom vandag vir aan
..... in my teenwoordigheid verkoop is:

.....
Ek, die ondergetekende,....., woonagtig te in die distrik
..... verbind my hierby as koper van die voormelde eiendom om die koopprys te
betaal en om al die bogenoemde voorwaardes na te kom.”

Inwerkingtreding

6. Hierdie Reëls en Vorm tree in werking op **27 Desember 2024**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5561

22 November 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS
OF THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister for Justice and Constitutional Development, made the rules in the Schedule.

GENERAL EXPLANATORY NOTE:**[]**

Words or expressions in bold type in square brackets indicate omissions from the existing rules.

Words or expressions underlined with a solid line indicate insertions into the existing rules.

SCHEDULE

Definition

1. In this Schedule the “Rules” means the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 858 of 7 August 2020, R. 1158 of 30 October 2020, R. 1602 of 17 December 2021, R. 2133 of 3 June 2022, R. 3059 of 17 February 2023, R. 3398 of 12 May 2023 and R. 5126 of 16 August 2024.

Amendment of rule 8 of the Rules

2. Rule 8 of the Rules is hereby amended by the substitution in subrule (6) for paragraph (j) of the following paragraph:

“(j) Unless it is essential for the determination of the appeal and the parties agree thereto in writing, the record shall not contain—

- (i) argument and opening address;
- (ii) formal documents;
- (iii) discovery affidavits and the like;
- (iv) identical duplicates of any document; or
- (v) documents not proved or admitted [;] , **[or] and**
[(vi) colour photographs, and]

the registrar shall of own accord disallow the costs, also between attorney and own client, of such documents **[and photographs].**”

Amendment of rule 10 of the Rules

3. Rule 10 of the Rules is hereby amended—
(a) by the substitution in subrule (3) for paragraph (f) of the following paragraph:

“(f) A photocopy, or a printout from an electronic database, of those provisions of any statute, regulation, rule, ordinance or by-law directly at issue, shall accompany the heads of argument in a separate volume **[, where a separate volume is appropriate].**”; and

- (b) by the substitution in subrule (4) for paragraph (b) of the following paragraph:
(b) All annexures to the heads of argument shall be bound separately [**where a separate volume is appropriate**].”

Commencement

4. These Rules come into operation on 27 December 2024.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 5561

22 November 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
HOOGSTE HOF VAN APPÈL VAN SUID-AFRIKA GEREËL WORD

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde of uitdrukings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukings met 'n volstreep daaronder dui op invoegings in die bestaande reëls.

BYLAE

Woordoms krywing

1. In hierdie Bylae beteken die "Reëls" die Reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur

Goewermentskennisgewing No's R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013, R. 1055 van 29 September 2017, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 858 van 7 Augustus 2020, R. 1158 van 30 Oktober 2020, R. 1602 van 17 Desember 2021, R. 2133 van 3 Junie 2022, R. 3059 van 17 Februarie 2023, R. 3398 van 12 Mei 2023 en R. 5126 van 16 Augustus 2024.

Wysiging van reël 8 van die Reëls

2. Reël 8 van die Reëls word hierby gewysig deur in subreël (6) paragraaf (j) deur die volgende paragraaf te vervang:

“(j) Tensy dit noodsaaklik vir die beslissing van die appèl is en die partye skriftelik daartoe ooreenkom, bevat die oorkonde nie—

- (i) die betoog en openingsbetoog;
- (ii) formele dokumente;
- (iii) blootleggingsverklarings en dies meer;
- (iv) identiese duplikate van enige dokument; of
- (v) dokumente wat nie bewys of toegelaat is; **of], en**
- [(vi) kleurfoto's; en]**

nie en die griffier moet uit eie beweging nie koste, ook tussen prokureur en eie kliënt, van sodanige dokumente **[en foto's]** toelaat nie.”.

Wysiging van reël 10 van die Reëls

3. Reël 10 van die Reëls word hierby gewysig—

(a) deur in subreël (3) paragraaf (f) deur die volgende paragraaf te vervang:

“(f) 'n Fotokopie of uitdrukstuk vanaf 'n elektroniese databasis van die bepalings van 'n statuut, regulasie, reël, **[ordinansie]** ordonnansie of verordening wat direk ter sprake is, moet die betoogpunte in 'n afsonderlike volume vergesel, **waar 'n afsonderlike volume gepas is]**.”; en

(b) deur in subreël (4) paragraaf (b) deur die volgende paragraaf te vervang:

(b) Alle aanhangsels tot die betoogpunte moet afsonderlik gebind wees, **waar 'n afsonderlike volume gepas is]**.”.

Inwerkingtreding

4. Hierdie Reëls tree in werking op 27 Desember 2024

SOUTH AFRICAN REVENUE SERVICE

NO. R. 5562

22 November 2024

Amendments to the rules under sections 21 (1) and 60**GENERAL EXPLANATORY NOTE:**

[] Words that are between square brackets and in bold typeface, indicate deletions from the existing rules

_____ Words that are underlined with a solid line, indicate insertions in the existing rules

SOUTH AFRICAN REVENUE SERVICE

No. R.

2024-11-22

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES**

Under sections 21, 60 and 120 of the Customs and Excise Act, 1964 (Act 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto **with effect from 30 November 2024**

**EDWARD CHRISTIAN KIESWETTER
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE**Insertion of rules**

1. The following rules are hereby inserted after rule 21.05.13:

“21.05A For the purposes of section 21(1) the rules numbered 21.05A followed by further digits relate, unless the context

otherwise indicates, to the storage of imported bonded fuel goods in special customs and excise storage warehouses

Part 1: General

Definitions

21.05A.01 For the purposes of these rules and any form or other document to which these rules relate, any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and unless otherwise specified or the context otherwise indicates –

“BELN” means the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho or the Republic of Namibia;

“blending” in relation to bonded fuel goods in a bonded fuel goods special storage warehouse, means to combine such bonded fuel goods with any other fuel goods, mineral oil products, additives or other goods in a process which alters the tariff classification of the relevant fuel;

“bonded fuel goods” in relation to –

- (a)** a land-based bonded fuel goods special storage warehouse, means imported distillate fuel, residual fuel and petrol; and
- (b)** a sea-based bonded fuel goods special storage warehouse, means imported distillate fuel and residual fuel;

“bunkering” means, in the case of –

- (a)** a land-based bonded fuel goods special storage warehouse, supplying imported distillate or residual fuel to –
 - (i)** a foreign-going vessel for use as ship stores by such vessel for export; or
 - (ii)** a coasting vessel for use by such vessel in the territorial waters of the Republic; and
- (b)** a sea-based bonded fuel goods special storage warehouse, supplying imported distillate or residual fuel to a foreign-going vessel for use by such vessel as ship stores for export;

“coasting vessel” means a vessel in the territorial waters of the Republic engaged in the transportation of cargo between seaports within the Republic, but excludes a foreign-going vessel which—

- (a) whilst on a voyage to its end destination in the Republic engages in such transportation during that part of the voyage in the Republic; or
- (b) whilst on a voyage to a destination outside the Republic engages in such transportation during that part of the voyage in the Republic;

“distillate fuel”, in relation to –

- (a) a land-based bonded fuel goods special storage warehouse, means distillate fuel as defined in Additional Note 1(g) of Chapter 27 of Part 1 of Schedule No. 1; and
- (b) a sea-based bonded fuel goods special storage warehouse, means distillate fuel as defined in Additional Note 1(g)(ii) and (iii) of Chapter 27 of Part 1 of Schedule No. 1;

“flow meter” means a device used to measure the quantity of liquid or gas moving through a pipe or fuel hose;

“foreign-going vessel” means—

- (a) a vessel at a port, harbour or other place in the Republic if that vessel—
 - (i) has arrived at that port, harbour or other place in the course of a voyage from outside the Republic to a destination or destinations inside the Republic, whether that port, harbour or other place is that destination or one of those destinations or a stopover on its way to that or any of those destinations; or
 - (ii) is scheduled to depart from that port, harbour or other place in the course of a voyage to a destination outside the Republic, whether that port, harbour or other place is its place of departure to that destination or a stopover or one of several stopovers in the Republic from where it departs in the course of that voyage;
- (b) a vessel in the territorial waters of the Republic on a voyage referred to in paragraph (a)(i) or (ii); or

(c) a vessel on a voyage from a place outside the Republic to a destination outside the Republic—

- (i) passing through the territorial waters of the Republic; or
- (ii) making a stopover at any place in the Republic;

“bonded fuel goods special storage warehouse” means a special customs and excise storage warehouse contemplated in section 21(1) for the storage of bonded fuel goods and includes –

- (a) a land-based bonded fuel goods special storage warehouse; and
- (b) a sea-based bonded fuel goods special storage warehouse;

“harbour” means a port in terms of section 1 of the National Ports Act 2005 (Act No. 5 of 2005);

“land-based bonded fuel goods special storage warehouse” means a bonded fuel goods special customs and excise storage warehouse situated on land, as contemplated in Part 2 of these rules;

“licensed marine remover” means a licensed marine remover as defined in rule 64DA.01;

“own transport” in relation to the licensee of a land-based bonded fuel goods special storage warehouse, means to transport bonded fuel goods from such warehouse on land by means of a vehicle –

- (a) owned by the licensee, including a vehicle –
 - (i) in possession of that licensee in terms of a hire purchase or lease agreement; or
 - (ii) rented by that licensee for the purpose of such transport; and
- (b) operated by a person under the direct instructions of the licensee;

“petrol” means fuel as defined in Additional Note 1(b) to Chapter 27 in Part 1 of Schedule No. 1 to the Act;

“residual fuel” means fuel oils as defined in Additional Note 1(h) to Chapter 27 in Part 1 of Schedule No. 1 to the Act;

“sea-based bonded fuel goods special storage warehouse” means a bonded fuel goods special customs and excise storage warehouse, consisting of a storage vessel on sea, as contemplated in Part 3 of these rules;

“storage vessel” means a vessel which is used as a warehouse for the receipt, storage and transfer of bulk imported distillate fuel or residual fuel for purposes of bunkering; and

“territorial waters” in relation to the Republic means the territorial waters as referred to in section 4(1) of the Maritime Zones Act, 1994 (Act No. 15 of 1994);

“these rules” means the rules numbered 21.05A; and

“ullage”, in relation to a tank in which bonded fuel goods are kept, refers to the empty space within such tank above the fuel level.

Licensing of bonded fuel goods special storage warehouses

21.05A.02 (a) No person may operate a bonded fuel goods special storage warehouse unless such warehouse is licensed in accordance with paragraph (b).

(b) Any person who intends operating a bonded fuel goods special storage warehouse must –

- (i) apply for a licence in accordance with rule 60.01A(c)(i) and comply with all the requirements specified on the electronic application or form DA 185 and the relevant annexure; and
- (ii) before a licence is issued, furnish such security the Commissioner may require in the form of a bond subject to the provisions of rules 120.08 and 120.09.

(c) The provisions of section 60(2) and the rules under that section apply with the necessary changes to any refusal of an application for a licence or the renewal, cancellation or suspension of the licence issued in respect of a bonded fuel goods special storage warehouse.

Customs treatment of on-sea transfers and receipts of imported fuels

21.05A.03 (a) For purposes of this rule –

“on-sea transfer”, in relation to imported fuel, means the action of transferring within the territorial waters of the Republic, imported distillate fuel, residual fuel or petrol from the foreign-going vessel on which it was brought into the Republic, to another vessel; and

“on-sea receipt”, in relation to imported fuel, means the action of receiving within the territorial waters of the Republic, distillate or residual fuel onto a foreign-going vessel on which it will leave the Republic, from another vessel.

(b) Any on-sea transfer must take place either –

(i) directly to a sea-based bonded fuel goods special storage warehouse, in the case of distillate or residual fuel; or

(ii) to a vessel operated by a licensed marine remover for purposes of removal to –

(aa) a sea-based bonded fuel goods special storage warehouse, in the case of distillate or residual fuel; or

(bb) a land-based bonded fuel goods special storage warehouse, in the case of distillate fuel, residual fuel or petrol.

(c) Any on sea-receipt must take place either –

- (i) directly from a vessel that is a sea-based bonded fuel goods special storage warehouse; or
 - (ii) from a vessel operated by a licensed marine remover.
- (d) An on-sea transfer or an on-sea receipt contemplated in paragraph (b) or (c) respectively, may only take place upon due entry of the imported fuel for warehousing or for export, depending on the circumstances.
- (e) No distillate fuel, residual fuel or petrol brought into the Republic on board a foreign-going vessel may be transferred within the territorial waters of the Republic from such foreign-going vessel directly to another foreign-going vessel leaving the Republic, or to a coasting vessel, subject to paragraph (f).
- (f) Where another regulatory authority issues a lawful instruction to transfer distillate fuel, residual fuel or petrol to a vessel other than a vessel contemplated in paragraph (b) or (c) due to an emergency situation arising in the territorial waters of the Republic, the transfer may despite paragraph (e) take place in accordance with such instruction, provided that the Commissioner is notified of the transfer.

Procedure to be followed to obtain permissions from Commissioner contemplated in rule 21.05A.10 or 21.05A.12

- 21.05A.04 (a)** For purposes of obtaining a permission contemplated in rule 21.05A.10(a) or 21.05A.12(a), the relevant licensee must submit a request for permission on its official letterhead or that of its duly authorised representative to the e-mail address indicated on the SARS website for receipt of such requests.

(b) A request referred to in paragraph (a) must reflect the following information in relation to the person requesting permission or the duly authorised representative of such person:

(i) The name and customs and excise client number of the person requesting permission;

(ii) if the request is submitted by a clearing agent on behalf of the licensee, the name and customs and excise client number of the clearing agent; or

(iii) if the request is submitted by another authorised representative, the name of the representative, and—

(aa) if the other representative is a natural person, such person's—

(A) SARS tax reference number or, if such person does not have a SARS tax reference number, the number and type of such person's identification document; and

(B) contact details and any physical and postal addresses in the Republic; or

(bb) if the other representative is a juristic entity—

(A) its SARS tax reference number or, if it does not have a SARS tax reference number, its registration number or the number of its founding document, indicating whether the entity is incorporated, registered or recognised in terms of the laws of the Republic or another country and, if another country, the name of that country;

(B) its contact details and any physical and postal addresses in the Republic;

and

(C) the name and contact details of a contact person.

(c) The following information in relation to the request must be reflected:

(i) The customs and excise client number of the warehouse if not provided under paragraph (b)(i);

(ii) the relevant provision in terms of which permission is requested;

(iii) full details relating to the grounds to be considered for purposes of the request;

(iv) full details relating to the level of urgency of the request; and

(v) any other information relevant to the request requested by the Commissioner.

(d) A request must be supported by all relevant documents to substantiate information provided in the request, which must be submitted upon request.

(e) A person who submitted a request in accordance with this rule is entitled to receive a receipt notification.

(f) A request must be submitted no less than 5 working days prior to the date when the permission is required to be in place: Provided that in the case of circumstances contemplated in rule 21.05A.12(b) which constitute an emergency, a request may be submitted when the emergency situation arises.

Part 2: Land-based bonded fuel goods special storage warehouses

Licensing requirements for land-based bonded fuel goods special storage warehouses

21.05A.05 (a) The licensed premises of a land-based bonded fuel goods

- special storage warehouse includes the storage infrastructure at the demarcated geographical site as well as any pipeline infrastructure on that demarcated site extending up to the location of the inlet and outlet flanges leading into and out of the demarcated site respectively.
- (b) Flow meters and gauges must –
- (i) be installed to accurately monitor the volume of bonded fuel goods received in, stored in and removed from the licensed premises at any given time; and
- (ii) tested at regular intervals not exceeding a period of six months, and recalibrated if necessary.
- (c) Bonded fuel goods may only be received into a land-based bonded fuel goods special storage warehouse –
- (i) if the licensee, in the case of a transfer contemplated in rule 21.05A.03(b)(ii)(bb), is in possession of a copy of form DA 1 submitted by the carrier operating the foreign-going vessel on board which the bonded fuel goods were brought into the Republic; and
- (ii) upon due entry for storage in such warehouse;
- (d) Distillate fuel, residual fuel and petrol must be stored separately in the warehouse in tanks marked to indicate the type of goods.
- (e) The same demarcated premises may not be used for the licensing of a land-based bonded fuel goods special storage warehouse and a customs and excise manufacturing warehouse.

Removal of bonded fuel goods from land-based bonded fuel goods special storage warehouses

- 21.05A.06(a)** No bonded fuel goods may be removed from a land-based bonded fuel goods special storage warehouse, unless duly

- entered by the importer or, in circumstances where transfer of ownership has taken place in accordance with section 26, the new owner of the goods, for purposes of –
- (i) home consumption and upon payment of duty due thereon;
 - (ii) export (including supply as ship stores for foreign-going vessels); or
 - (iii) removal to a BELN country under the export procedure, after entry for home use and upon payment of duty.
- (b) Only a licenced remover in bond as contemplated in section 64D, or the licensee of the land-based bonded fuel goods special storage warehouse using own transport, may remove bonded fuel goods by road–
- (i) for export;
 - (ii) for removal to a BELN country;
 - (iii) to a rail tanker, a vessel or an aircraft for removal for export;
 - (iv) to a coasting vessel for own use; or
 - (v) to a vessel operated by a licensed marine remover for onward removal –
 - (aa) to a coasting vessel; or
 - (bb) to a foreign-going vessel for export.
- (c) Only a licensed marine remover may remove imported bonded fuel goods from a land-based bonded fuel goods special storage warehouse by sea for onward removal for export on a foreign-going vessel.
- (d) Bonded fuel goods may only be removed from a land-based bonded fuel goods special storage warehouse to any BELN country under the export procedure, after entry for home use and payment of duty.
- (e) Removal from a land-based bonded fuel goods special storage warehouse for re-warehousing is not permissible.

Goods and activities in land-based bonded fuel goods special storage warehouses

- 21.05A.07 (a)** Only bonded fuel goods may be stored in a land-based bonded fuel goods special storage warehouse for a period of six-months, which period may, on application by the importer before the expiry of that period, be extended for no more than three months.
- (b)** No blending or manufacturing of bonded fuel goods may take place in a land-based bonded fuel goods special storage warehouse.
- (c)** Bonded fuel goods in a land-based bonded fuel goods special storage warehouse may be combined with equivalent bonded fuel goods of the same class or kind to obtain a mixture of consistently acceptable quality and the following agents, which may not increase the volume or change the tariff classification of the goods, may be added:
- (i)** A lubricity agent;
 - (ii)** a distinguishing agent for identification of ownership;
 - (iii)** a cold flow agent; or
 - (iv)** a stabilising agent.
- (d)** If the addition of an agent as contemplated in paragraph (c) caused the volume of the relevant bonded fuel goods to increase, the bill of entry in respect of such goods must be adjusted in terms of section 40(3).
- (e)** Any agent referred to in paragraph (c) may despite paragraph (a) be kept in the warehouse.

Keeping of books, accounts and documents

- 21.05A.08 (a)** The licensee of a land-based bonded fuel goods special

storage warehouse must, at the warehouse in a safe place accessible to the Controller, keep or provide access to a record in a form approved by the Controller of all receipts into and deliveries or removals from the warehouse of bonded fuel goods, with such particulars as will make it possible for all such receipts and deliveries or removals to be readily identified with the bonded fuel goods warehoused, and with clear references to the bills of entry passed in connection therewith.

(b) For the purposes of section 101 and notwithstanding anything to the contrary in any rule, every licensee of a bonded fuel goods special storage warehouse must, as required in terms of rule 60.08(2) –

(i) keep proper books, accounts and documents and any data created by means of a computer, of all transactions relating to the storage of bonded fuel goods and any agent received and used as contemplated in rule 21.05A.07(c), for a period of five years calculated from the end of the calendar year in which any such document was created, lodged or required for the purposes of any customs and excise procedure;

(ii) include in such books, accounts, documents and data any requirements prescribed in any provision of the Act in respect of the activity for which the licence is issued; and

(iii) produce such books, accounts, documents and data as the Commissioner may require and submit such particulars in connection with the transactions and activities relating to the licensed premises –

(aa) on demand at any reasonable time; or

(bb) at intervals as may be determined by the Commissioner.

(c) Books, accounts, documents and data contemplated in

paragraph (b) include –

- (i) ITAC permits in relation to bonded fuel goods imported or exported, in the case where the licensee is also the importer or exporter;
- (ii) South African Maritime Safety Authority or Transnet authorisations or permissions, as may be applicable, and any supporting documents relating thereto;
- (iii) copies of form DA 1 (Report inward for ships) in relation to the foreign-going vessel importing the bonded fuel goods destined for warehousing;
- (iv) copies of form DA 1 (Report outward for ships) in relation to the foreign-going vessel to whom the bonded fuel goods is supplied for export;
- (v) bills of entry for imported bonded fuel goods received into the warehouse, removed from the warehouse for delivery to foreign-going vessels for export or entered for home consumption;
- (vi) in the case where the licensee is also the importer or exporter, all relevant –
 - (aa) customs worksheets;
 - (bb) clearing and forwarding instructions issued;
 - (cc) bills of lading in relation to the foreign-going vessel importing the bonded fuel goods destined for warehousing;
 - (dd) purchase orders in relation to the bonded fuel goods;
 - (ee) supplier's invoices in relation to bonded fuel goods supplied to the warehouse; and
 - (ff) agreements of sale in relation to buying or selling of bonded fuel goods;
- (vii) delivery instructions including instructions to licensed marine removers;

- (viii) agreements of sale in relation to buying or selling of bonded fuel goods in the case of a transfer of ownership where the licensee is a party to the agreement;
- (ix) records of any samples taken before the transfer of bonded fuel goods –
 - (aa) from the foreign-going vessel importing the bonded fuel goods to the vessel operated by the licensed marine remover transporting the goods to the warehouse; and
 - (bb) from the vessel operated by the licensed marine remover transporting the bonded fuel goods from the warehouse to the foreign-going vessel on which the goods are to be exported;
- (x) laboratory reports in relation to bonded fuel goods received into the warehouse;
- (xi) flow meter reports and flow meter calibration reports, and if available, surveyor's reports, forms P2.01 (dipping sheet) and ullage measurement reports;
- (xii) discharge reports;
- (xiii) delivery notes indicating at least the volume, type of product, product grade, product specification, date and place of delivery and supplier name and details in respect of bonded fuel goods received;
- (xiv) an updated list of the name and customs and excise client number of all licensed marine removers as well as all vessels operated by such licensed marine removers contracted for purposes of the delivery of bonded fuel goods–
 - (aa) to the land-based bonded fuel goods special storage warehouse;
 - (bb) to foreign-going vessels for export; or

- (cc) to coasting vessels for use by such vessels;
 - (xv) charter agreements in respect of vessels referred to in subparagraph (xiv), if applicable;
 - (xvi) the name and customs and excise client number of all licensed removers in bond contracted for purposes of the delivery of bonded fuel goods by road as contemplated in rule 21.05A.06(b);
 - (xvii) the results of any tests done in respect of the bonded fuel goods received in and removed from the warehouse; and
 - (xviii) any other relevant records or documents as may be specified by the Commissioner.
- (f) Separate records must be kept in relation to distillate fuel, residual fuel and petrol as well as any agents used in respect thereof as contemplated in rule 21.05A.07(c).
- (g) For purposes of any records kept in terms of this rule any quantity of fuel levy goods must be expressed in litres at 20°C, utilising the IP 60 (B) measurement tables, jointly published by the Institute of Petroleum and the American Society for Testing of Materials.

Part 3: Sea-based bonded fuel goods special storage warehouses

Licensing requirements for sea-based bonded fuel goods special storage warehouses

- 21.05A.09** (a) Only storage vessels that are self-propelled and have been duly entered for customs purposes are eligible for licensing as sea-based bonded fuel goods special storage warehouses.
- (b) The licensed premises of a sea-based bonded fuel goods special storage warehouse includes the storage vessel and any storage facility that forms an integral part of the structure of that vessel.

- (c) Distillate fuel and residual fuel must be stored in separate marked tanks or storage facilities in the warehouse.
- (d) Flow meters and gauges must –
- (i) be installed to accurately monitor the volume of bonded fuel goods received in, stored in and removed from the warehouse at any given time; and
 - (ii) tested at regular intervals not exceeding a period of six months, and recalibrated if necessary.
- (e) A storage vessel operating as a sea-based bonded fuel goods special storage warehouse may only operate within the port limits of the port that it services, as described in Government Gazette No. 32873 of 22 January 2010, subject to rule 21.05A.10(a).
- (f) A licence for a sea-based bonded fuel goods special storage warehouse is issued in respect of a specific port subject to compliance with all relevant requirements relating to approvals, licences or certificates of whatever nature by the relevant regulatory and other bodies in relation to the importation and receiving, storage or supply of fuel for bunkering.
- (g) Bonded fuel goods may only be received into a sea-based bonded fuel goods special storage warehouse –
- (i) if the licensee is in possession of a copy of form DA 1 submitted by the carrier operating the foreign-going vessel on board which the bonded fuel goods are brought into the Republic;
 - (ii) upon due entry for storage in such warehouse; and
 - (iii) upon due entry for re-warehousing in such warehouse of bonded fuel goods removed from another sea-based bonded fuel goods special storage warehouse.
- (h) Only a licensed marine remover may remove bonded fuel goods from a sea-based bonded fuel goods special storage warehouse: Provided that transfers may be

effected by using a fuel hose directly from the warehouse to a foreign-going vessel.

(i) The same vessel may not be used for purposes of a sea-based bonded fuel goods special storage warehouse storing bonded fuel goods and as a vessel operated by a licensed marine remover.

(j) A licensee must keep or provide access to records contemplated in rule 21.05A.15 at the land-based premises of that licensee used for purposes of the business for which the licence was issued and which is indicated on the electronic application or form DA 185.

Circumstances in which storage vessels operating as sea-based bonded fuel goods special storage warehouses may leave port limits

21.05A.10 (a) Despite rule 21.05A.09(e), the licensee of a sea-based bonded fuel goods special storage warehouse may, after obtaining prior permission from the Commissioner in a manner set out in rule 21.05A.04, leave the port limits of the port serviced by that warehouse in circumstances where that storage vessel requires maintenance or repairs that can only be done at a port other than that port.

(b) A licensee who requested permission as contemplated in paragraph (a) must comply with any further direction or condition the Commissioner may issue in relation to the temporary absence and the return of the vessel, or in relation to the warehoused bonded fuel goods on the vessel.

(c) Where in unforeseen circumstances it is essential for a licensee to take immediate action in accordance with any lawful evacuation instructions issued by another regulatory authority relating to an emergency situation

arising in relation to the relevant port or port environment, such licensee may, despite the prior permission requirement in paragraph (a), act in accordance with such instructions and subsequently notify the Commissioner of the position of the vessel and the reason for leaving the port limits.

(d) The provisions of rule 21A.05A.04 apply with the necessary changes in respect of a notification referred to in paragraph (c).

Removal of bonded fuel goods from sea-based bonded fuel goods special storage warehouses

21.05A.11 (a) Subject to rule 21.05A.12(a), bonded fuel goods in a sea-based bonded fuel goods special storage warehouse may only be removed from such a warehouse upon due entry by the importer, or in circumstances where transfer of ownership has taken place in accordance with section 26, the new owner of the goods, for purposes of –

- (i) export (including supply as ship stores for use by foreign-going vessels); or
- (ii) re-warehousing in another sea-based bonded fuel goods special storage warehouse.

(b) No bonded fuel goods may be removed from a sea-based bonded fuel goods special storage warehouse for re-warehousing in a warehouse other than a sea-based bonded fuel goods special storage warehouse, subject to rule 21.05A.12(c).

Permission to remove bonded fuel goods from sea-based bonded fuel goods special storage warehouses in other circumstances

21.05A.12 (a) Bonded fuel goods may not be removed from a sea-based special storage warehouse in circumstances other than those contemplated in rule 21.05A.11, unless

prior permission of the Commissioner has been obtained in accordance with rule 21.05A.04.

(b) Permission referred to in paragraph (a) may be requested in the following exceptional circumstances:

(i) Where an accident or incident resulted in the contamination, destruction or diminution of warehoused goods;

(ii) where a breakdown, shipwreck or other unforeseen incident affects the safety or preservation of the warehoused goods;

(iii) where the warehoused goods must be removed from the warehouse due to repairs to or maintenance of the vessel operating as the warehouse; or

(iv) where an accident, incident or faulty or incorrect operation of the warehouse resulted in the loss of containment of the warehoused goods.

(c) A licensee must comply with any conditions subject to which a permission is issued by the Commissioner taking into account section 4 of the Marine Pollution (Control and Civil liability) Act, 1981 (Act No. 6 of 1981) and section 18 of the Wreck and Salvage Act, 1996 (Act No. 94 of 1996).

Goods and activities in sea-based bonded fuel goods special storage warehouses

21.05A.13 (a) Only bonded fuel goods may be stored in a sea-based bonded fuel goods special storage warehouse for a period of six-months, which period may on application by the importer before the expiry of that period, be extended for no more than three months.

(b) No blending or manufacturing of bonded fuel goods may take place in a sea-based bonded fuel goods special storage warehouse, but such goods may be combined

with equivalent bonded fuel goods of the same class or kind to obtain a mixture of consistently acceptable quality and the following agents, which may not increase the volume or change the tariff classification of the goods, may be added:

(i) A lubricity agent;

(ii) a distinguishing agent for identification of ownership;

(iii) a cold flow agent; or

(iv) a stabilising agent.

(c) Bonded fuel goods to be used for purposes of the operation and maintenance of the warehouse may upon entry for home consumption and payment of duty be drawn from imported stock warehoused under suspension of duty.

(d) If the addition of an agent as contemplated in paragraph (c) caused the volume of the relevant bonded fuel goods to increase, the bill of entry in respect of such goods must be adjusted in terms of section 40(3).

(e) Any agent referred to in paragraph (b) may despite paragraph (a) be kept in the warehouse.

Application of section 75(18)(d) in relation to imported distillate fuel entered for storage in sea-based bonded fuel goods special storage warehouses

21.05A.14 For purposes of the application of section 75(18)(d) to distillate fuel entered for storage in a sea-based bonded fuel goods special storage warehouse, "landed" means off-loading onto the relevant storage vessel situated within the port limits of the port it services as contemplated in rule 21.05A.09(e).

Keeping of books, accounts and documents

21.05A.15 (a) The licensee of a sea-based bonded fuel goods special storage warehouse must keep or provide access to a record in a form approved by the Controller of all receipts into and deliveries or removals from the warehouse of bonded fuel goods, with such particulars as will make it possible for all such receipts and deliveries or removals to be readily identified with the bonded fuel goods warehoused, and with clear references to the relative bills of entry passed in connection therewith.

(b) For the purposes of section 101 and notwithstanding anything to the contrary in any other rule, every licensee of a bonded fuel goods special storage warehouse must, as required in terms of rule 60.08(2) –

(i) keep proper books, accounts and documents and any data created by means of a computer, of all transactions relating to the storage of imported bonded fuel goods and any agent received and used as contemplated in rule 21.05A.13(b), for a period of five years calculated from the end of the calendar year in which any such document was created, lodged or required for the purposes of any customs and excise procedure;

(ii) include in such books, accounts, documents and data any requirements prescribed in any provision of the Act in respect of the activity for which the licence is issued; and

(iii) produce such books, accounts, documents and data as the Commissioner may require and render such returns or submit such particulars in connection with the transactions and activities relating to the licensed premises –

(aa) on demand at any reasonable time; or

(bb) at intervals as may be determined by the Commissioner.

- (c) Books, accounts, documents and data contemplated in paragraph (b) must include –
- (i) ITAC permits in relation to bonded fuel goods imported or exported, in the case where the licensee is also the importer or exporter;
 - (ii) South African Maritime Safety Authority or Transnet authorisations or permissions, as may be applicable, and any supporting documents relating thereto;
 - (iii) any documents relating to the customs entry of the storage vessel;
 - (iv) any documents relating to the ownership, lease or charter of the storage vessel;
 - (v) copies of form DA 1 (Report inward for ships) in relation to the foreign-going vessel importing the bonded fuel goods destined for warehousing in the warehouse;
 - (vi) copies of form DA 1 (Report outwards for ships) in relation to the foreign-going vessel to whom the bonded fuel goods are supplied for export;
 - (vii) bills of entry for bonded fuel goods received into the warehouse and removed from the warehouse for delivery to foreign-going vessels for export or for re-warehousing in another sea-based bonded fuel goods special storage warehouse;
 - (viii) in the case where the licensee is also the importer or exporter, all relevant –
 - (aa) customs worksheets;
 - (bb) clearing and forwarding instructions issued;
 - (cc) bills of lading in relation to the foreign-going vessel importing the bonded fuel goods destined for warehousing;
 - (dd) purchase orders in relation to the bonded

fuel goods;

- (ee) supplier's invoices in relation to bonded fuel goods supplied to the warehouse; and
- (ff) agreements of sale in relation to buying or selling of bonded fuel goods;
- (ix) delivery instructions to licensed marine removers;
- (x) agreements of sale in relation to buying or selling of bonded fuel goods, in the case of a transfer of ownership where the licensee is a party to the agreement;
- (xi) records of any samples taken before the transfer of bonded fuel goods –
 - (aa) from the foreign-going vessel importing the bonded fuel goods to the vessel operated by the licensed marine remover transporting the goods to the sea-based bonded fuel goods special storage warehouse;
 - (bb) from the foreign-going vessel importing the bonded fuel goods directly to the sea-based bonded fuel goods special storage warehouse; or
 - (cc) from the vessel operated by the licensed marine remover transporting the bonded fuel goods to the foreign-going vessel on which the goods are to be exported, or to another sea-based bonded fuel goods special storage warehouse for re-warehousing;
- (xii) laboratory reports in relation to bonded fuel goods received into the warehouse;
- (xiii) flow meter reports and flow meter calibration reports, and if available, surveyor's reports, forms P2.01 (dipping sheet) and ullage measurement reports;
- (xiv) discharge reports;

- (xv) delivery receipts in relation to completion of deliveries, signed and stamped by the master or the chief engineer of the warehouse indicating at least volume, type of product, product grade, product specifications, date and place of delivery and supplier name and details, of the bonded fuel goods in the case where –
- (aa) a licensed marine remover transported the bonded fuel goods from the importing foreign-going vessel to the warehouse; or
- (bb) the importing foreign-going vessel transferred the bonded fuel goods directly to the warehouse;
- (xvi) delivery receipts in relation to completion of deliveries, signed and stamped by the master or the chief engineer of the receiving foreign-going vessel on which the bonded fuel goods are to be exported, or of another sea-based bonded goods special storage warehouse in which the goods are to be re-warehoused, indicating at least volume, type of product, product grade, product specifications and date and place of delivery and supplier name and details;
- (xvii) an updated list containing the details of all vessels operated by licensed marine removers contracted by the licensee for purposes of the delivery of imported bunker fuel –
- (aa) to the sea-based bonded fuel goods special storage warehouse;
- (bb) to foreign-going vessels for export; or
- (cc) to another sea-based bonded fuel goods special storage warehouse for re-warehousing;

- (xviii) charter agreements in respect of vessels referred to in subparagraph (xvii), if applicable;
 - (xix) details of any requests for permission in terms of rule 21.05A.04, together with any supporting documents;
 - (xx) records of fuel entered and used for self-propulsion;
 - (xxi) the results of any tests done in respect of the bonded fuel goods received in and removed from the warehouse; and
 - (xxii) any other relevant records or documents as may be specified by the Commissioner.
- (d) Separate records must be kept in relation to distillate fuel and residual fuel as well as any agents used in respect thereof as contemplated in rule 21.05A.13(b).
- (e) For purposes of any records kept in terms of this rule any quantity of fuel levy goods must be expressed in litres at 20°C, utilising the IP 60 (B) measurement tables, jointly published by the Institute of Petroleum and the American Society for Testing of Materials.”.

Amendment of rule 60.01A

2. Rule 60.01A is hereby amended –

- (a) by the insertion in paragraph (a)(ii) of the following item after item (cc):
“(ccA) operating as a marine remover of bonded fuel goods as contemplated in rule 64DA.02(c)(ii)(aa) or (bb), respectively.”;
- (b) by the insertion in paragraph (c)(i)(cc) of the following subitem after subitem (C):
“(D) bonded fuel goods as contemplated in rule 21.05A.02.” and
- (c) by the substitution in paragraph (c)(iii) for item (bb) of the following item:
“(bb) paragraphs (a)(ii)(ccA)[(dd)] to (gg) must be submitted in paper format as contemplated in paragraph (b)(ii).”.

Insertion of rules

3. The following heading and rules are hereby inserted before rule 64E.01:

“Rules numbered 64DA followed by further digits relate, unless the context otherwise indicates, to the licensing of marine removers of bonded fuel goods

Definitions

64DA.01 For purposes of these rules and any form to which these rules relate, unless otherwise specified or the context otherwise indicates –

“blending”, “bonded fuel goods”, “bonded fuel goods special storage warehouse”, “bunkering”, “coasting vessel”, “distillate fuel”, “foreign-going vessel”, “land-based bonded fuel goods special storage warehouse”, “petrol”, “residual fuel” and “sea-based bonded fuel goods special storage warehouse” respectively, has the meaning assigned to it in rule 21.05A.01;

“licensed marine remover” in relation to a movement of bonded fuel goods to or from a bonded fuel goods special storage warehouse, means a marine remover licensed in terms of rule 64DA.02(c);

“these rules” means the rules numbered 64DA.

Licensing of marine removers

64DA.02 (a) The following movements of bonded fuel goods on sea must be performed by a licensed marine remover:

- (i) A movement from a foreign-going vessel to a sea-based bonded fuel goods special storage warehouse for warehousing in such warehouse, or from such warehouse to a foreign-going vessel for export on such vessel; and

- (ii) a movement from a foreign-going vessel to a land-based bonded fuel goods special storage warehouse for warehousing in such warehouse, or from such warehouse to a foreign-going vessel for export on such vessel, to another sea-based bonded fuel goods special storage warehouse for re-warehousing, or to a coasting vessel for use by such vessel.
- (b) Paragraph (a) does not apply where the transfer occurs –
- (i) by fuel hose directly between a foreign-going vessel and a sea-based bonded fuel goods special storage warehouse, or from such warehouse to a foreign-going vessel or to another sea-based fuel goods special storage warehouse for re-warehousing; or
- (ii) by pipeline from a foreign-going vessel to a land-based bonded fuel goods special storage warehouse, or from such warehouse to a foreign-going vessel.
- (c) Any person who intends to operate a vessel for purposes of a movement of bonded fuel goods as contemplated in paragraph (a), must –
- (i) apply for a licence in accordance with rule 60.01A(c)(iii)(bb); and
- (ii) comply with all the requirements specified on form DA 185 and the relevant annexure, indicating whether the application is in relation to –
- (aa) a licensed marine remover of bonded fuel goods removing duty suspended bonded fuel goods to or from a bonded fuel goods special storage warehouse; or
- (bb) a licensed marine remover of bonded fuel goods removing duty paid bonded fuel goods from a land-based bonded fuel goods special storage warehouse to a coasting vessel for use

- by such vessel, or to a foreign-going vessel for removal to a BELN country.
- (d) An applicant must, before a licence is issued, furnish any security the Commissioner may require, and if security is furnished in the form of a bond, such bond –
- (i) is subject to the provisions of rules 120.08 and 120.09; and
- (ii) must be in the form determined by the Commissioner.
- (e) The provisions of section 60(2) and the rules under that section apply with the necessary changes to any refusal of an application for a licence or the renewal, cancellation or suspension of the licence issued in respect of a marine remover of bonded fuel goods.

Licensing requirements

- 64DA.03** (a) A licence contemplated in rule 64DA.02 is issued subject to compliance with all relevant requirements relating to approvals, licences or certificates of whatever nature by the relevant regulatory and other bodies in relation to bunkering operations.
- (b) A vessel operated by a licensed marine remover for purposes described in rule 64DA.02(a) –
- (i) may not be a foreign-going vessel and must have been duly entered for customs purposes;
- (ii) may not be used as a storage facility for bonded fuel goods;
- (iii) must be fitted with flow meters and gauges to accurately monitor the volume of bonded fuel goods received and delivered, which must be tested at regular intervals not exceeding a period of six months and recalibrated if necessary; and

- (iv) must be made available for inspection by an officer at any reasonable time required.
- (c) A licensee must keep or provide access to records contemplated in rule 64DA.08 at the land-based premises of that licensee used for purposes of the business for which the licence was issued and which is indicated on form DA 185.

Permissible activities in relation to licensed marine removers

- 64DA.04** (a) A licensed marine remover may operate a vessel only for purposes referred to in rule 64DA.02(a).
- (b) For purposes of paragraph (a), a licenced marine remover must be contracted exclusively for movements in respect of a specific –
- (i) sea-based bonded fuel goods special storage warehouse; or
 - (ii) land-based bonded fuel goods special storage warehouse.
- (c) No blending or manufacturing of bonded fuel goods may take place on board a vessel operated by a licensed marine remover.
- (d) Distillate fuel, residual fuel and petrol must when transported on board a vessel operated by a licensed marine remover, be kept in separate marked tanks.
- (e) Duty suspended bonded fuel goods contemplated in rule 64DA.02(c)(ii)(aa) may not be transported together with duty paid bonded fuel goods contemplated in rule 64DA.02(c)(ii)(bb).
- (f) Bonded fuel goods in the process of being transported may not remain on board a vessel operated by a licensed marine remover for a period longer than seven calendar days, which period may be extended on application to the

Commissioner in accordance with rule 64DA.05 on good grounds shown.

Application for extension of transportation period

64DA.05 (a) A licenced marine remover requiring an extension of the transport period referred to in rule 64DA.04(f) must, before expiry of the seven day period, submit an application reflecting the information listed in paragraphs (b), (c) and (d), on its official letterhead or that of its duly authorised representative to the e-mail address indicated on the SARS website for receipt of such applications.

(b) The following information must be provided in relation to the licensed marine remover or duly authorised representative:

(i) The name and customs and excise client number of the licensed marine remover;

(ii) if the notification is submitted by an authorised representative, the name of the representative, and—

(aa) if the representative is a natural person, such person's —

(A) SARS tax reference number or, if such person does not have a SARS tax reference number, the number and type of such person's identification document; and

(B) contact details and any physical and postal addresses in the Republic; or

(bb) if the representative is a juristic entity—

(A) its SARS tax reference number or, if it does not have a SARS tax reference number, its registration number or the number of its founding document, indicating whether the entity is

incorporated, registered or recognised in terms of the laws of the Republic or another country and, if another country, the name of that country;

(B) its contact details and any physical and postal addresses in the Republic; and

(C) the name and contact details of a contact person;

(c) Full details relating to the relevant vessel operated by the licensed marine remover and the goods on board must be set out, namely –

(i) the name of the vessel;

(ii) the name of the master of the vessel;

(iii) a precise description of the goods on board, including details of the tanks, the relevant volumes of the different types of bonded fuel goods in such tanks and whether the goods are duty suspended or duty paid;

(iv) the destination of the vessel; and

(v) the customs and excise client number of the relevant bonded fuel goods special storage warehouse to which the licensed marine remover is contracted and on behalf of which the movement was undertaken.

(d) The reasons why an extension of the transportation period is required and the period of extension required must be set out.

(e) The application must be supported by all relevant documents to substantiate information provided in the application, which must be submitted on request.

(f) The licensed marine remover or authorised representative must give any additional information that the Commissioner may reasonably subsequently require.

- (g) A person who submitted a notification in accordance with this rule is entitled to receive a receipt notification.

Commissioner to be notified of any accident, breakdown or other act or omission affecting the security of the bonded fuel goods on board

64DA.06 (a) A licensed marine remover must without delay notify the Commissioner in accordance with rule 64DA.07 of any of the following events occurring during the transportation of the relevant bonded fuel goods:

- (i) An accident or incident involving or resulting in the contamination, destruction or diminution of such goods;
 - (ii) a breakdown of the vessel operated by the licensed marine remover or other unforeseen circumstances necessitating the transfer of such goods on to another vessel; or
 - (iii) any other act or omission of whatever nature affecting in any manner the security of such goods.
- (b) A licensed marine remover who notified the Commissioner as contemplated in paragraph (a) must comply with any directions issued by the Commissioner pursuant to such notification.

Procedure to be followed to notify Commissioner as contemplated in rules 64DA.06

- 64DA.07** (a) A licensed marine remover must submit a notification referred to in rule 64DA.06(a) on its official letterhead or that of its duly authorised representative, to the e-mail address indicated on the SARS website for receipt of such notifications.
- (b) A notification referred to in paragraph (a) must reflect the information listed in rule 64DA.05(b) in relation to the licensed marine remover or duly authorised representative.

- (c) The notification must set out full details of the event that occurred during the transportation, including –
- (i) the details listed in rule 64DA.05(c);
 - (ii) a detailed description of the event that occurred;
 - (iii) whether any bonded fuel goods are contaminated, destroyed or diminished, need to be transferred to another vessel or are not secure; and
 - (vi) the Global Positioning System (GPS) location of the vessel.
- (d) The notification must be supported by all relevant documents to substantiate information provided in the notification, which must be submitted on request.
- (e) The licensed marine remover or authorised representative must give any additional information relevant to the event reported that the Commissioner may subsequently require.
- (f) A person who submitted a notification in accordance with this rule is entitled to receive a receipt notification.

Keeping of books, accounts and documents

- 64DA. 08** (a) A licensed marine remover must, at the land-based premises contemplated in rule 64DA.03(c) keep or provide access to records in a form approved by the Controller, and –
- (i) maintain an up to date list of the vessels used for any movement of bonded fuel goods contemplated in rule 64DA.02(a), indicating the date of any deletion or addition, as well as the relevant sea-based or land-based bonded fuel goods special customs storage warehouse to which a particular vessel is contracted;

- (ii) for purposes of section 101 and as required in terms of rule 60.08(2) keep proper books, accounts, documents and any data created by means of a computer, of all transactions relating to any movement of bonded fuel goods contemplated in rule 64DA.02(a) for a period of five years calculated from the end of the calendar year in which any such document was created or lodged;
 - (iii) include in such books, accounts and documents any requirements prescribed in any provision of the Act in respect of the activity for which the licence is issued;
and
 - (iv) produce such books, accounts, documents and data on demand at any reasonable time and submit such particulars in connection with the transactions relating to the removal of bonded fuel goods as the Commissioner may require.
- (b) The books, accounts and documents referred to in subparagraph (a) must include all relevant –
- (i) South African Maritime Safety Authority or Transnet authorisations or permissions, as may be applicable, and any supporting documents relating thereto;
 - (ii) documents relating to the customs entry of the vessel or vessels operated by the licensed marine remover;
 - (iii) documents relating to the ownership, lease or charter of the vessels or vessels operated by the licensed marine remover;
 - (iv) copies of form DA 1 (Report inward for ships) in relation to the foreign-going vessel importing the bonded fuel goods destined for warehousing which are transported by the licensed marine remover to the bonded fuel goods special storage warehouse;

- (v) copies of form DA 1 (Report outwards for ships) in relation to the foreign-going vessel to which the bonded fuel goods are transported for export;
- (vi) delivery instructions from the licensee of the relevant bonded fuel goods special storage warehouse;
- (vii) delivery receipts indicating at least volume, type of product, product grade and product specifications, date and place of delivery and supplier name and details, signed and stamped by the master or the chief engineer of the vessel operated by the licensed marine remover, in the case where bonded fuel goods are received for delivery on board such vessel;
- (viii) delivery receipts in relation to completion of deliveries, indicating at least volume, type of product, product grade and product specifications, date and place of delivery and supplier name and details, signed and stamped by the master or the chief engineer –

 - (aa) of the receiving sea-based bonded fuel goods special storage warehouse, in the case where bonded fuel goods are removed from the importing foreign-going vessel to the relevant warehouse;
 - (bb) of the receiving foreign-going vessel on which the bonded fuel goods are to be exported, in the case where warehoused bonded fuel goods are removed to the foreign-going vessel;
 - (cc) of the receiving sea-based bonded fuel goods special storage warehouse, in the case where bonded fuel goods are re-warehoused in that sea-based bonded fuel goods special storage warehouse;

- (dd) of the receiving coasting vessel, in the case where warehoused bonded fuel goods are removed to such vessel for use by such vessel;
- (ix) discharge reports;
- (x) flow meter reports, surveyor's reports and forms P2.01 (dipping sheet) and ullage measurement reports if applicable, as well as flow meter calibration reports;
- (xi) records of any samples taken before the transfer of bonded fuel goods –
- (aa) from a foreign-going vessel importing the bonded fuel goods to the vessel operated by the licensed marine remover transporting the goods to a sea-based bonded fuel goods special storage warehouse; or
- (bb) from the vessel operated by the licensed marine remover transporting the bonded fuel goods to a foreign-going vessel on which the goods are to be exported, to another sea-based bonded fuel goods special storage warehouse for re-warehousing or to a coasting vessel for use by that vessel;
- (xii) voyage logbooks, including details relating to all movements of any vessel operated by the licensed marine remover;
- (xiii) details of any applications in terms of rule 64DA.05 or notifications in terms of rule 64DA.07;
- (xiv) the results of any tests done in respect of the bonded fuel goods transported, if applicable; and
- (xv) any other relevant records or documents as may be specified by the Commissioner.
- (c) Separate records must be kept in relation to the movement of duty suspended and duty paid bonded fuel goods.

differentiating between distillate fuel, residual fuel and petrol.”.

Amendment of forms

4. Item 202.00 of the Schedule to the rules is hereby amended by the substitution of the following forms:

“DA 185 Application form – Registration/Licensing of Customs and Excise Clients

DA 185.4B4 Licensing client type 4B4: Special storage warehouse”

Insertion of form

5. Item 202.00 of the Schedule to the rules is hereby amended by the insertion of the following form:

“DA 185.B17 Licensing client type 4B17: Marine remover of bonded fuel goods”.

6. SOUTH AFRICAN BANK ACCOUNT DETAILS												
Bank account number:												
Mark if you do not have a South African bank account and are using a South African bank account of a third party		<input type="checkbox"/>										
Branch Name:							Branch No:					
Bank Name:					Cheque:	<input type="checkbox"/>	Savings:	<input type="checkbox"/>	Transmission:	<input type="checkbox"/>		
Account holder name:												

7. SARS TAXPAYER REFERENCE NUMBERS (if applicable)															
i. VAT Registration Number:	4											ii. Income Tax Reference Number:			
iii. PAYE Reference Number:	7											iv. SDL Reference Number:	L		
v. UIF Reference Number:	U														

8. NATURE OF ENTITY												
Company	Close corporation		Trust			Sole proprietor / natural person				Partnership		
Co-operative	Organ of state									Any other juristic person		
Registration number of juristic person, where registration is a requirement for such entity												

9. SOLE PROPRIETOR / NATURAL PERSON OR DIRECTORS / PARTNERS / MEMBERS / TRUSTEES/ ADMINISTRATOR ETC PARTICULARS													
i. Initials:			First name/s:										
Surname:													
Designation or capacity:													
Citizenship:													
ID Type:													
ID / Passport no:											Passport country (e.g. South Africa = ZAF)		
ii. Initials:			First name/s:										
Surname:													
Designation or capacity:													
Citizenship:													
ID Type:													
ID / Passport No:											Passport country (e.g. South Africa = ZAF)		
iii. Initials:			First name/s:										
Surname:													
Designation or capacity:													
Citizenship:													
ID Type:													
ID / Passport No:											Passport country (e.g. South Africa = ZAF)		

10. AUTHORISED OFFICER (as defined in the rules for sections 59A and 60)													
Initials:			First name/s:										

Surname:								
Telephone (including code):		Code: (____)	Tel. (_____)		Fax number (Including code):		Code: (____)	Fax. (_____)
E-mail address:						Cellular phone number:		(_____)
Public Officer:	<input type="checkbox"/>	Curator/Trustee:	<input type="checkbox"/>	Partner:	<input type="checkbox"/>	Accounting officer / Treasurer / Financial Officer:	<input type="checkbox"/>	Other, please specify:
<p>Duly authorised to act on behalf of juristic entity by –</p> <p>*a resolution passed at a meeting of the Board of Directors, held at on the day of (CCYY); or</p> <p>*express consent in writing of all the members of the close corporation /* partners of the partnership /* trustees of the trust; or</p> <p>* being a person having the management of any other juristic person (please state name); or</p> <p>* being a delegated officer of an organ of State,</p> <p>hereby apply on behalf of the applicant for registration* / licensing*.</p>								

11. REGISTRATION OR LICENSE TYPES AND RELEVANT ANNEXURES

Annexure	Registration	Tick box	Annexure	Licensing	Tick box
DA 185 4A1	Importer (Located/ not located in the Republic)	<input type="checkbox"/>	DA 185 4B1	Special Manufacturing Warehouse – (Section 21 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2	Exporter (Located/ not located in the Republic)	<input type="checkbox"/>	DA 185 4B2	Manufacturing Warehouse – (Sections 19A, 27, 54E, 54J, 54AA and the rules thereto)	<input type="checkbox"/>
DA 185 4A2	Exporter for SADC, SADC-EPA, SACU/EFTA, SACU/MERCOSUR, AfCFTA and SACUM-UK EPA (Located/ not located in the Republic) – (rule 59A.01, rules 49A, 49B, 49D, 49E, 49F and 49G)	<input type="checkbox"/>	DA 185 4B3	Storage Warehouse (Section 19 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section A) & Form DA 46A1.02	Exporter for GSP - AGOA (Located/ not located in the Republic) – (rules 46A1.02)	<input type="checkbox"/>	DA 185 4B4	Special Storage Warehouse (Sections 19A and 21 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section B) & Form DA 49A.02	Approved Exporter – SADC-EPA, SACU/EFTA, AfCFTA or SACUM-UK EPA (Located/ not located in the Republic) – (rules 49A.20 (24), (25), 49D.18(19)(22), 49F.19(19),(20) and 49G.20(24),(25))	<input type="checkbox"/>	DA 185 4B5	Clearing Agent – (Section 64B and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section C) & Form DA 46A.01	Exporter for GSP (various countries) (Located/ not located in the Republic) – (relevant rules for section 46A)	<input type="checkbox"/>	DA 185 4B6	Remover of goods in Bond (Located/ not located in the Republic) – (Section 64D and the rules thereto)	<input type="checkbox"/>
DA 185 4A3	Rebate / Refund User (Schedule Nos. 3, 4 and 6) – (Section 75 and the rules thereto)	<input type="checkbox"/>	DA 185 4B7	Distributor of Fuel – (Section 64F and the rules thereto)	<input type="checkbox"/>
DA 185 4A4 & DA46A1.03	Manufacturer – (Section 46)	<input type="checkbox"/>	DA 185 4B8	Special Ad Valorem Manufacturing Warehouse – (Section 36A and the rules thereto)	<input type="checkbox"/>
DA 185 4A5	Special Manufacturing Warehouse: APDP (Item 317.03 of Part 1 of Schedule No.3)	<input type="checkbox"/>	DA 185 4B9	Storage Warehouse (Customs Controlled Area Enterprise) – (Sections 19A, 21, 21A and Rule 21A.10)	<input type="checkbox"/>
DA 185 4A6	Electronic User – (Section 101A and the rules thereto)	<input type="checkbox"/>	DA 185 4B10	Manufacturing Warehouse (Customs Controlled Area Enterprise) – (Sections 19A, 21A, 27 and Rule 21A.10)	<input type="checkbox"/>

DA 185 4A7 & Form DA 46A.02	Producer for SADC, SADC-EPA, SACU/EFTA, SACU/MERCOSUR, AfCFTA, SACUM-UK EPA and GSP – (rule 59A.01, rules 49A, 49B, 49D, 49E, 49F, 49G and 46A2.18)	<input type="checkbox"/>	DA 185 4B11	Distillation of spirits by an agricultural distiller (Section 62 and rule 63.07)	<input type="checkbox"/>
DA 185 4A9	Non-commercial manufacturer of biodiesel – (Section 37B and rule 37B.02(a))	<input type="checkbox"/>	DA 185 4B12	To own, possess or keep stills (Section 63 and rule 116.01)	<input type="checkbox"/>
DA 185 4A10	Manufacturer in terms of drawback items 501.00 to 521.00 (Note 2(a) to Part 1 of Schedule No. 5)	<input type="checkbox"/>	DA 185 4B13	To manufacture or import stills for sale or to repair stills for reward (rule 63.01)	<input type="checkbox"/>
DA185 4A11	Special Economic Zone Operator and/or designation of a Customs Controlled Area (CCA) – (Sections 21A and rule 21A.04)	<input type="checkbox"/>	DA 185 4B14	Degrouping depot (Section 64G and rules thereto)	<input type="checkbox"/>
DA 185 4A12	Electricity Producer – (rule 54FA.04)	<input type="checkbox"/>	DA 185 4B15	Searching wreck or searching for wreck (Section 64C and rule 64C.01)	<input type="checkbox"/>
DA 185 4A13	Registered Agent (rule 59A.01A)	<input type="checkbox"/>	DA 185 4B16	Container depot (Section 64A and rule 64A.01)	<input type="checkbox"/>
DA 185 4A14	Registered Still (rule 63.04)	<input type="checkbox"/>	DA 185 4B17	Marine remover of imported bonded fuel goods	<input type="checkbox"/>
DA 185 4A15	Manufacture of excisable goods solely for own use by the manufacturer (Section 116 and rule 116.01)	<input type="checkbox"/>			
DA 185 4A16	Non-commercial manufacturer of sugary beverages (Section 59A and Rule 54I.03)	<input type="checkbox"/>			
DA 185.4A17	Tobacco leaf dealer (Section and rule 107A)	<input type="checkbox"/>			
DA 185 4A18	To be in possession or control of and to use goods consisting of a mixture which includes marked goods (Section 37A(9) and rule 37A.12)	<input type="checkbox"/>			
DA 185 4A19	Supply of aviation kerosene and / or aviation spirit (Items 460.05 / 496.00 or 623.11 / 671.01)	<input type="checkbox"/>			
DA 185 4A20	Producer of goods not capable of use in any engine (Section 37A(4) and rule 37A.11)	<input type="checkbox"/>			
DA 185.4A21	Seller of eligible purchases of distillate fuel to diesel refund users (Section 59A, rule 59A.01A and rule 75.25.02)	<input type="checkbox"/>			
DA 185.4A22	Diesel refund user under the diesel refund scheme (Section 75(1A) and rule 75.25.03)	<input type="checkbox"/>			

DA 185 C	Security Particulars	<input type="checkbox"/>
DA 185 D	Disclosure of registered agent by importer, exporter, or remover of goods in bond or searcher for wreck not located in the Republic (rule 59A.01A(b)(iii) and Section 64D.01)	<input type="checkbox"/>

12. INFORMATION REGARDING CONTRAVENTIONS AND OTHER MATTERS

Please indicate whether during the preceding five years, the applicant or an employee of the applicant in a managerial position, or if the applicant is a juristic entity, a director, administrator or trustee or other person managing the entity-

(a) Has contravened or failed to comply with the provisions of the Act	Yes:		No:	
(b) Has failed to comply with any condition, obligation or other requirement imposed by the Commissioner in respect of a registration or licence*	Yes:		No:	
(c) Has been convicted of any offence under the Act	Yes:		No:	
(d) Has been convicted of any offence involving fraud or dishonesty	Yes:		No:	
(e) Has made any false or misleading statement in any material respect or omitted to state any material fact which was required to be stated in any application for registration or licensing or for any other purpose under the Act	Yes:		No:	
(f) Has been declared insolvent or in liquidation	Yes:		No:	

Note:

- If the answer is "yes" to any of the above questions, full details must be furnished on a separate page and attached to the application.
- Any applicant may, where it is contended in respect of paragraphs (a) and (b) that the contravention or failure was inadvertent, without fraudulent intent or gross negligence, include a submission to this effect which should be furnished on a separate page and attached to the application.

13. INFORMATION REGARDING TAX COMPLIANCE

Indicate whether the applicant -

(a) owes SARS any of the following for which the applicant is liable in terms of this Act or any other tax law: Outstanding-				
(i) taxes	Yes:		No:	
(ii) interest	Yes:		No:	
(iii) penalties	Yes:		No:	
(iv) other amounts	Yes:		No:	
(b) has any outstanding tax returns or other documents that must be submitted for tax purposes to SARS in terms of this Act or any other tax law	Yes:		No:	

14. DOCUMENTS IN SUPPORT OF APPLICATION

An application must, unless otherwise stated in the specific Annexure, be supported by the following documents to be submitted to the customs authority on request:

- A document confirming the banking details of the bank account referred to in box 6, which can be –
 - A bank certified original bank statement or a legible bank certified copy of an original bank statement;
 - a bank certified auto bank statement; or
 - an original letter from the bank on an official bank letterhead;
- the original or a certified copy of—
 - a municipal account, fixed line telephone or cellular phone account or any other monthly account or statement (for example, if appropriate in the circumstances, a co-operative statement for farmers, medical aid statement, mortgage statement, SABC television licence documents, eToll account, major retail accounts) issued to the applicant that can confirm physical address of the applicant, if the applicant is located in the Republic; and
 - a telephone or cellular phone account issued to the applicant to confirm the applicant's telephone or cellular phone contact details;
- if the applicant is a juristic entity, a certified copy of the founding document or any certificate issued in terms of the laws of the Republic or of another country certifying that the applicant is incorporated, registered or recognised in terms of the laws of the Republic or that other country;
- a certified copy of the identification document or passport proving identity and citizenship—
 - if the applicant is a natural person, of the applicant;
 - if the applicant is a juristic entity, of the directors, members, partners, trustees, administrator, chairperson, manager, as the case may be, of the applicant; and
 - the authorised officer of the applicant, if not already provided under (ii);
- a certified copy of the court order in the case of the applicant being an emancipated minor;
- if the applicant applies for registration as an agent for a non-local licensee or registered person, a certified copy of the agency contract between the applicant and the non-local licensee or registered person;
- a certified copy of the document authorising a person to act as authorised officer on behalf of the applicant;
- if applicable, documents evidencing that the applicant has in place—
 - an information security policy and security procedures or mechanisms to protect the applicant's electronic systems from unauthorised access; and
 - procedures and back-up capabilities to protect it against the loss of information; and

(i) any other document as the Commissioner may require for purposes of the application or for purposes of an update of information already submitted.

15. CONSENT BY THE APPLICANT FOR INFORMATION SHARING WITH OTHER GOVERNMENT AGENCIES (Applicable only to Importers and Exporters)

Does the applicant consent as contemplated in section 4(3D) of the Customs and Excise Act, 1964, that bill of entry information and supporting documents may be shared with other government agencies

Yes No

*Please note that withholding consent will have the effect that the applicant will not be able to take advantage of the benefits associated with the electronic exchange of information with a government agency with whom this capability has been developed. Applicants who do not consent will have to follow the manual process of submitting bill of entry information and supporting documents to the government agency with whom this capability has been developed. An applicant may revoke consent to share information at any time after it has been given, but such revocation of consent will not affect any bill of entry of which the processing has commenced under the consent nor any VOC associated with that bill of entry. Provided that where a new applicant submits a VOC associated with that bill of entry the new applicant's consent at the time of the submission of the VOC will determine if information may be shared.

16. DECLARATION BY APPLICANT OR AUTHORISED OFFICER ON BEHALF OF APPLICANT THAT IS A JURISTIC PERSON

I hereby-

(a) declare that the particulars in the application and all annexures are true and correct; and

(b) undertake to-

(i) inform the SARS promptly in accordance with the rules of any changes in the particulars furnished in the application; and

(ii) comply with customs and excise laws and procedures.

_____ (Initials and surname) _____ (Status / Capacity, e.g. Director)

_____ (Signature) _____ (Date & Place)

17. FOR OFFICIAL USE ONLY

I, _____ Team Member, Office hereby certify /
 at _____ confirm
Full name and surname Branch Office name

that the applicant (or authorised officer) / representative*:

- Visited this office in person;
- Is in fact the person reflected on his/her identification document/passport*; and
- Is the person as is reflected on the letter of authority (where applicable).

_____ Team Member: SID _____ Team Member: Signature _____ Date

I, _____ Team Leader, at Office hereby certify /
 _____ confirm
Full name and surname Office name

that the applicant / representative*:

- Visited this office in person;
- Is in fact the person reflected on his/her identification document/passport*; and
- Is the person as is reflected on the letter of authority (where applicable).

_____ Team Leader: SID _____ Team Leader: Signature _____ Date



ANNEXURE DA 185.4B4

LICENSING CLIENT TYPE 4B4 – SPECIAL STORAGE WAREHOUSE

1. Trading Particulars:
 Please supply all trade names and physical addresses if the business is conducted from a different address or under a different name as that stated in container 5 of the application form (DA 185)

Trade name of business:	
Physical address: Complex	
Street name and number	
Building name and floor number:	
Suburb/District:	
City/Town:	
Street code:	
Web address:	

2. Warehouse Particulars:

(a) Please indicate with an **X** the type of SOS warehouse to be licensed

(i) Storage of dutiable imported goods (warehouse business type 5)	<input type="checkbox"/>
(ii) Storage of duty-free imported goods for export in terms of section 21(3)(a)(i) (warehouse business type 6)	<input type="checkbox"/>
(iii) Storage of dutiable locally manufactured goods export (warehouse business type 7)	<input type="checkbox"/>
(iv) Storage of locally manufactured and/or imported goods for an operation of: (warehouse business type 8)	
(aa) inbound duty and tax free shop (warehouse business type 52)	<input type="checkbox"/>
(bb) outbound duty and tax free shop (warehouse business type 53)	<input type="checkbox"/>
(cc) inbound and outbound duty and tax free shop (warehouse business type 54)	<input type="checkbox"/>
(dd) special shops for diplomats (warehouse business type 59)	<input type="checkbox"/>
(v) Storage of locally manufactured and/or imported goods for supply as ship/aircraft stores (warehouse business type 9)	<input type="checkbox"/>
(vi) Storage of locally manufactured and/or imported goods for supply to duty and tax free shops and for the supply as ship / aircraft stores (warehouse business type 10)	<input type="checkbox"/>
(vii) Storage of tobacco products (warehouse business type 46)	<input type="checkbox"/>
(viii) Storage of malt beer (warehouse business type 47)	<input type="checkbox"/>
(ix) Storage of spirits (warehouse business type 48)	<input type="checkbox"/>
(x) Storage of wine (warehouse business type 49)	<input type="checkbox"/>
(xi) Storage of vermouth (warehouse business type 49)	<input type="checkbox"/>
(xii) Storage of other fermented beverages (warehouse business type 49)	<input type="checkbox"/>
(xiii) Storage of petroleum products for marking and jet fuel (warehouse business type 50)	<input type="checkbox"/>
(xiv) Storage of petroleum products for removal to BLNS countries or for export (warehouse business type 51)	<input type="checkbox"/>
(xv) Land-based storage of imported bonded fuel goods in terms of section 21(1) (warehouse business type 60)	<input type="checkbox"/>
(xvi) Sea-based storage of imported bonded fuel goods in terms of section 21(1) (warehouse business type 61)	<input type="checkbox"/>

(b) Please state the rebate item(s) and tariff subheading(s) / item(s) (if applicable); and describe the goods that will be stored in the warehouse

Rebate item(s)	Tariff subheading(s) / item(s)	Rebate code	Description of goods stored
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			
(9)			
(10)			
(11)			

Continues overleaf

If you have failed to comply with any law other than the Customs and Excise Act, 1964 relating to your industry during the past two years, state the nature of the offence and penalty imposed:

FOR OFFICIAL USE															
File Number:															
Type of Warehouse:	SOS														
Warehouse Number:															
Licence Number:															
Licence Date:															
District Office:															



ANNEXURE DA 185.4B17

LICENSING CLIENT TYPE 4B17 – MARINE REMOVER OF IMPORTED BONDED FUEL GOODS

Is the application in relation to-

A licensed marine remover of imported bonded fuel goods on which duty has been suspended (rule 64DA.02(c)(ii)(aa)); or

A licensed marine remover of imported bonded fuel goods on which duty has been paid (rule 64DA.02(c)(ii)(bb))

1. Trading Particulars:

Please supply all trade names and physical addresses if the business is conducted from a different address or under a different name as that stated in container 5 of the application form (DA 185)

Trade name of business:	
Physical address: Complex	
Street name and number	
Building name and floor number:	
Suburb/District:	
City/Town:	
Street code:	
Web address:	

2. Compliance with bunkering requirements:

In terms of Rule 64DA.03(a) of the Act, a licence as marine remover of imported bonded fuel goods is subject to compliance with all relevant requirements relating to approvals, licences or certificates of whatever nature by the relevant regulatory and other bodies in relation to bunkering operations.

Affirmation by applicant of compliance with bunkering requirements	YES	NO
--	-----	----

3. Documents in support of application:

In addition to the relevant documents listed in container 14 of form DA 185:

- Copies of all relevant approvals, licences or certificates of whatever nature by the relevant regulatory and other bodies in relation to bunkering operations.
- Detailed list required in terms of rule 64DA.08(a)(i) of all vessels used for any movements of fuel levy goods contemplated in rule 64DA.02(a) of the Act.

4. Declaration:

If you have failed to comply with any law other than the Customs and Excise Act, 1964 relating to your industry during the past two years, state the nature of the offence and penalty imposed:

FOR OFFICIAL USE													
Licence Number:													
Licence Date:													
District Office:													

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 225 OF 2024

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: GAUTENG DEPARTMENT OF SPORT, ARTS, CULTURE AND RECREATION

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as “the Act”), have been made in respect of the affairs of the Gauteng Department of Sport, Arts, Culture and Recreation (“the Department”);

AND WHEREAS the Department or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by officials or employees of the Department;
- (c) unlawful appropriation or expenditure of public money;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2019 and the date of publication of this Proclamation or which took place prior to 1 January 2019 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 25th day of October Two thousand and twenty four.

**MC Ramaphosa
President**

By Order of the President-in-Cabinet:
T Simelane
Minister of the Cabinet

SCHEDULE

1. Serious maladministration in connection with the affairs of the Department, including the causes of such maladministration, arising from the procurement of, or contracting for goods, works or services in relation to—

(a) the supply and installation of a surveillance CCTV and monitoring system in the Department's Surrey House in 2019; and

(b) the Heritage Day Social Cohesion Carnival hosted by the Department in 2019, by or on behalf of the Department and payments made in respect thereof in a manner that was—

(i) not fair, competitive, transparent, equitable or cost-effective; or

(ii) contrary to applicable—

(aa) legislation;

(bb) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or

(cc) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Department;

(iii) fraudulent;

(iv) conducted or facilitated by the manipulation of the Department's supply chain management processes—

(aa) by service providers or other third parties; and

(bb) in collusion with or through the intervention of employees of the Department,

to corruptly or unduly benefit themselves or others, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.

2. Any irregular, improper or unlawful conduct by—

(a) employees or officials of the Department; or

(b) any other person or entity,

in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 225 VAN 2024**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID: GAUTENG DEPARTEMENT VAN SPORT, KUNS, KULTUUR EN ONTSPANNING**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleenthede van die Gauteng Departement van Sport, Kuns, Kultuur en Ontspanning (hierna na verwys as “die Departement”);

EN AANGESIEN die Staat of die Departement verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Departement; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2019 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2019 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenhede toegewys of opgedra is, insluitend die verhaal van enige verliese wat deur die Departement of die Staat gely is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 25de dag van Oktober Twee duisend-vier-en-twintig.

MC Ramaphosa

President

Op las van die President-in-Kabinet:

T Simelane
Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in verband met die aangeleenthede van die Departement, insluitend die oorsake van sodanige wanadministrasie, voortspruitend uit die verkryging van, of kontraktering vir, goedere, werke of dienste in verband met—

- (a) die voorsiening en installering van 'n besigtiging CCTV en moniteringstelsel in die Departement se Surrey House in 2019; en
- (b) die Erfenisdag Sosiale Samehorigheid Karnaval aangebied deur die Departement in 2019,

deur of namens die Departement en betalings in verband daarmee gemaak op 'n wyse wat—

- (i) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (ii) strydig was met toepaslike—
 - (aa) wetgewing;
 - (bb) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of betrokke Provinsiale Tesourie uitgevaardig is; of
 - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is;
- (iii) bedrieglik was; of
- (iv) bedryf of gefasiliteer is deur die manipulasie van die Departement se voorsieningsketting bestuursprosesse—
 - (aa) deur diensverskaffers of ander derde partye; en
 - (bb) deur samespanning met, of deur die tussenbeidetreiding van, werknemers van die Departement,

om hulself of ander op korrupte en ten onregte te bevoordeel, en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is.

2. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—

- (a) werknemers of beamptes van die Departement; of
- (b) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

PROCLAMATION NOTICE 226 OF 2024

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: ETHEKWINI METROPOLITAN MUNICIPALITY

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as “the Act”), have been made in respect of the affairs of the eThekweni Metropolitan Municipality (hereinafter referred to as “the Municipality”);

AND WHEREAS the Municipality or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by officials or employees of the Municipality;

- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2004 and the date of publication of this Proclamation or which took place prior to 1 January 2004 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at this day of Two thousand and twenty four.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for security services and VIP protection services in terms of contract number CMS 0031 and any subsequent extensions or variations thereto by or on behalf of the Municipality and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Municipality;
- (c) conducted by or facilitated through the improper or unlawful conduct of—
 - (i) employees or officials of the Municipality;
 - (ii) the service providers in question; or
 - (iii) any other person or entity,

to corruptly or unduly benefit themselves or any other person or entity; or

- (d) fraudulent,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or the State.

2. Any non-performance, incomplete performance or defective performance by the service providers referred to in paragraph 1 of this Schedule.

3. Any irregular, unlawful or improper conduct by—

- (a) officials or employees of the Municipality; or
- (b) any other person or entity,

in relation to the allegations as set out in paragraphs 1 and 2 of this Schedule.

PROKLAMASIE KENNISGEWING 226 VAN 2024
van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID: ETHEKWINI
METROPOLITAANSE MUNISIPALITEIT**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleentede van die eThekwini Metropolitaanse Munisipaliteit (hierna na verwys as "die Munisipaliteit");

EN AANGESIEN die Munisipaliteit of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentede in die Bylae vermeld ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

(a) ernstige wanadministrasie in verband met die aangeleentede van die Munisipaliteit;

- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Munisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2004 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2004 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Munisipaliteit of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te
op hede diedag van Twee
duisend-en-vier-en-twintig.

President

Op las van die President-in-Kabinet

Minister van die Kabinet

BYLAE

1. Die verkryging van, en kontraktering vir, sekuriteitsdienste en BBP beskermingsdienste ingevolge kontraknommer CMS 0031 en enige gevolglike verlengings of variasies daarvan deur of namens die Munisipaliteit en betalings wat ten opsigte daarvan gemaak is op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
 - (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is;
 - (c) bedryf of gefasiliteer was deur die onbehoorlike of onwettige optrede deur—
 - (i) amptenare of werknemers van die Munisipaliteit;
 - (ii) die betrokke diensverskaffers; of
 - (iii) enige ander persoon of entiteit,om hulself of enige ander persoon of entiteit op korrumpente wyse of onbehoorlik te bevoordeel; of
 - (d) bedrieglik was,
- en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat die Munisipaliteit of die Staat aangegaan is.

2. Enige nie-uitvoering, onvolledige uitvoering of gebrekkige uitvoering deur die diensverskaffers na verwys in paragraaf 1 van hierdie Bylae.

3. Enige onreëlmatige, onwettige of onbehoorlike optrede deur—

- (a) amptenare of werknemers van die Munisipaliteit; of
- (b) enige ander persoon of entiteit,

met betrekking tot die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.

PROCLAMATION NOTICE 227 OF 2024

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL: NGQUSHWA LOCAL MUNICIPALITY

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Ngqushwa Local Municipality, situated in the Eastern Cape Province (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by employees of the Municipality;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or

- practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
 - (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or
 - (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2019 and the date of publication of this Proclamation or which took place prior to 1 January 2019 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at **Pretoria** this **25th** day of **October** Two thousand and twenty four.

MC Ramaphosa

President

By Order of the President-in-Cabinet:

T Simelane

Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for goods, works or services by or on behalf of the Municipality in relation to Bid Number 8/2/014/2022-2023: Upgrade of New Creation Sports Field Phase 1 and associated Bid Number 8/2/046/2023-2024: Completion of Phase 1 Upgrade of the New Creation Sports Field as well as Bid Number 8/2/089/2022-2023: Supply and Delivery of Mayoral SUV Luxury Vehicle by or on behalf of the Municipality and payments made in respect thereof in a manner that was—
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable:
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Municipality;and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or losses suffered by the Municipality or the State.

2. Any irregular, improper or unlawful conduct by—
 - (a) the applicable service providers of the Municipality; or
 - (b) any other person or entity,relating to the allegations referred to in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 227 VAN 2024**deur die
PRESIDENT van die REPUBLIEK VAN SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL:
NGQUSHWA PLAASLIKE MUNISIPALITEIT**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna "die Wet" genoem), gemaak is ten opsigte van die sake van die Ngqushwa Plaaslike Munisipaliteit (hierna "die Munisipaliteit" genoem), geleë in die Oos-Kaap;

EN AANGESIEN die Munisipaliteit moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde bewerings ondersoek moet word en siviele verrigtinge wat uit sodanige ondersoek voortspruit, bereg moet word;

verwys ek nou, DERHALWE, kragtens artikel 2(1) van die Wet, die aangeleentede in die Bylae vermeld, ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentede, dit die opdrag van die Spesiale Ondersoekeenheid is om ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

- (a) ernstige wanadministrasie in verband met die sake van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of niegoedgekeurde verkrygende handeling,

- transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van of skade aan publieke eiendom;
 - (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Munisipaliteit gepleeg is; of
 - (g) onregmatige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat tussen 1 Januarie 2019 en die datum van publikasie van hierdie Proklamasie plaasgevind het of wat voor 1 Januarie 2019 of na die datum van publikasie van hierdie Proklamasie plaasgevind het, maar betrekking het op, verband hou met, insidenteel of aanvullend is tot die aangeleenthede in die Bylae vermeld of dieselfde persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat die Munisipaliteit of die Staat met betrekking tot die in die Bylae vermelde sake, gelyk het, te verhaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te **Pretoria** op hede die **25** dag van **Oktober** Tweeduisend vier-en-twintig.

MC Ramaphosa

President

Op las van die President in die Kabinet:

T Simelane

Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir goedere, werke of dienste deur of namens die Munisipaliteit ingevolge Bodnommer 8/2/014/2022-2023: Opgradering van New Creation Sportveld Fase 1 en gepaardgaande Bodnommer 8/2/046/2023-2024: Voltooiing van Fase 1 Opgradering van die New Creation Sportveld asook Bodnommer 8/2/089/2022-2023: Verskaffing en Lewering van Burgemeester se Luukse Sportnutsvoertuig deur of namens die Munisipaliteit en betalings wat ten opsigte daarvan gemaak is op 'n wyse—
 - (a) wat nie billik, mededingend, deursigtig, gelyk of koste-effektief was nie;
 - (b) wat strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendbriewe, of opdragte deur die Nasionale Tesourie of Tersaaklike Provinsiale Tesourie uitgereik,
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of van toepassing op die Munisipaliteit;en verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die Munisipaliteit of die Staat aangegaan.
2. Enige onreëlmatige, onbehoorlike of onwettige gedrag deur—
 - (a) die toepaslike diensverskaffers van die Munisipaliteit; of
 - (b) enige ander persoon of entiteit,met betrekking tot die bewerings in paragraaf 1 van hierdie Bylae uiteengesit."

PROCLAMATION NOTICE 228 OF 2024

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: AIRPORTS COMPANY OF SOUTH AFRICA SOC LIMITED

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of Airports Company of South Africa SOC Limited (hereinafter referred to as "ACSA")

AND WHEREAS ACSA or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of ACSA, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of ACSA;
- (b) improper or unlawful conduct by the employees or officials of the ACSA;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were

committed in connection with the affairs of ACSA; or

(g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof, which took place between 1 January 2008 and the date of publication of this Proclamation or which took place prior to 1 January 2008 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by ACSA or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 14th day of October Two thousand and twenty four.

CM Ramaphosa

President

By Order of the President-in-Cabinet:

T Simelane

Minister of the Cabinet

SCHEDULE

1. Maladministration in connection with the affairs of ACSA relating to interest rate swap agreements concluded between ACSA, on the one hand, and various banks, on the other, as referred to in the Report of the Judicial Commission of Inquiry into State Capture, Corruption and Fraud in the Public Sector including Organs of State, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by ACSA in relation thereto.

2. Offences referred to in—

(a) Part 1 to 4; and

(b) sections 17, 20 and 21,

of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), in so far as they relate to the offences referred to in section 2(2)(a) to (e) of

the Act, and which were committed in connection with the affairs of ACSA in relation to the allegations set out in paragraph 1 of this Schedule.

3. Any irregular, unlawful or improper conduct by officials or employees of ACSA, board members of ACSA, applicable service providers, or any other person or entity, in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.

PROKLAMASIE KENNISGEWING 228 VAN 2024**van die
PRESIDENT van die REPUBLIEK VAN SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE
SPESIALE ONDERSOEKEENHEID: "AIRPORTS COMPANY OF SOUTH AFRICA
SOC LIMITED"**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleentede van die Airports Company of South Africa SOC Limited" (hierna na verwys as "ACSA");

EN AANGESIEN ACSA verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentede in die Bylae vermeld ten opsigte van ACSA, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentede van ACSA;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van ACSA;
- (c) onregmatige bewilliging of besteding van publieke geld;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en

Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van ACSA; of

- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2008 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2008 of na die datum van publikasie van hierdie Proklamasie, maar wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur ACSA of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 14 dag van Oktober Twee duisend-en-vier-en-twintig.

CM Ramaphosa

President

Op las van die President-in-Kabinet:

T Simelane

Minister van die Kabinet

BYLAE

1. Wanadministrasie met betrekking tot die aangeleenthede van ACSA in verband met rentekoers ruil ooreenkomste wat gesluit is tussen ACSA, aan die een kant, en verskeie banke, aan die ander kant, soos verwys na in die Verslag van die Geregtelike Kommissie van Ondersoek na Staatskaping, Korrupsie en Bedrog in die Openbare Sektor, met inbegrip van Staatsorgane, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur ACSA met betrekking daartoe.

2. Misdrywe bedoel in—

(a) Deel 1 tot 4; en

(b) artikels 17, 20 en 21,

van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), vir soverre hulle betrekking het op die misdrywe bedoel in artikel 2(2)(a) tot (e) van die Wet, en wat gepleeg was in verband met die aangeleentheid van ACSA in verband met die beweringe in paragraaf 1 van hierdie Bylae uiteengesit.

3. Enige onbehoorlike of onregmatige gedrag van die beamptes of werknemers van ACSA, Raadslede van ACSA, betrokke diensverskaffers, of enige ander persoon of entiteit, met betrekking tot die bewerings in paragraawe 1 en 2 in hierdie Bylae uiteengesit.

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