30 January -02 February 2026

Dear Subscribers,

This week has been relatively quiet on the broader compliance front; however, several noteworthy regulatory developments still require prompt attention. In particular, updates related to ***Broad-Based Black Economic Empowerment (B-BBEE)*** amendments and revisions under the Occupational Health and Safety ***(OHS) Driven Machinery Regulations*** stand out as key changes that may impact your compliance obligations going forward.

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT

- Procedures for the application, administration and allocation of export quotas under the SADC-EU EPA for 2026
- Broad-Based Black Economic Empowerment Amendment Act: B-BBEE: Comments invited
- B-BBEE Code Series: The General Principles for Measuring Enterprise and Supplier: Draft:
- B-BBEE: The Recognition of Equity Equivalent Multinationals: Draft: Comments invited
- B B-BBEE Code Series: Codes of Good Practice for Qualifying Small Enterprises: Draft:
- B-BBEE Code Series: General Principles and the Generic Scorecard: Draft: Comments invited
- Schedule: Draft: Comments invited

1. SADC-EU EPA Export Quotas (2026): B-BBEE-Linked Procedures

Government has released updated procedures governing how export quotas for agricultural products destined for the EU under the SADC-EU Economic Partnership Agreement will be allocated in 2026.

Key points include:

- **B-BBEE compliance becomes the primary criterion** in quota allocation, assessed via valid B-BBEE certificates or sworn affidavits (for EMEs and certain QSEs).

- Allocation uses a weighted system considering:
    - B-BBEE status,
    - Historical market share (exports 2022–2024),
    - Quota size requested,
    - Number of applicants,
    - Available quota per product.

- **Strict anti-fronting safeguards** are introduced: entities with shared directors/ownership cannot apply separately; applications must consolidate to prevent unfair advantage.

- Quotas remain **provisional**, with mid-year utilisation assessments determining possible reallocation.
- This continues the EPA regime that enables **enhanced agricultural market access to the EU** under tariff-rate quotas.

2. B-BBEE Amendment Act Notices: Public Comment Invited Across Multiple Areas (2026)

A comprehensive review of B-BBEE Codes is underway. The Minister of Trade, Industry and Competition has published several draft statements and code amendments for 60-day public comment.

Core Themes Across All Draft Amendments

- **Strengthening ESD (Enterprise & Supplier Development)** as the anchor of transformation.
- Establishing the **national Transformation Fund**, aggregating ESD and Equity Equivalent contributions.
- **More measurable, outcome-based compliance**, with formal needs analyses, performance indicators, monitoring, and verification before recognition of points.
- **Reweighted scorecards** to incentivise deeper and more impactful transformation.

3. Draft Statement: General Principles & Generic Scorecard (Code Series 000)

Key updates include:

- Introduction of the **Transformation Fund** within the ESD element and changes to B-BBEE recognition.
- Revisions to **weighting points** across scorecard elements.
- Updated rules for entity eligibility (EMEs, QSEs, Generics, JVs, start-ups) and enhanced recognition for designated groups.

4. Draft: General Principles for Measuring Enterprise & Supplier Development (Statement 400)

Government proposes significant tightening of ESD measurement:

- **New Transformation Fund contribution option:**
  - Entities may contribute **3% of NPAT** to the Fund to receive full ESD points—offering a simpler alternative to traditional ESD programmes.

- **Expanded procurement targets**, including:
  - 15% from 100% black-owned EMEs/QSEs,
  - 25% from 100% black-owned enterprises,
  - 25% from 51–99% black-owned enterprises,
  - 12% from 100% black-women-owned enterprises.
  -

- **Bonus-point incentives** for improving turnover and job creation among first-time suppliers over three-year contracts.
- **Mandatory performance plans and M&E reporting** before scoring ESD points.

5. Draft Codes for Qualifying Small Enterprises (Code Series 600)

Amendments to QSE Codes include:

- Alignment with the revised ESD and procurement structures.
- Part of the broader restructuring of Code Series 000, 400, and the generic scorecard.
- Updates published for comment in Government Gazette 54032.

6. Draft: Recognition of Equity Equivalent Programmes for Multinationals (Statement 103)

The Minister has gazetted updates to the **Equity Equivalent Investment Programme (EEIP)** framework for public comment.

- Aims to streamline how multinationals contribute to transformation where equity ownership is impractical.
- Forms part of the same package of amendments covering Statements 000, 400, 004, 103 and Code Series 600.

7. Draft: Schedule / Definitions and Interpretations Update

The schedule includes clarifications relevant to:

- Definitions used in B-BBEE measurement (designated groups, enterprise categories, etc.),
- Harmonisation with revised Codes and the new Transformation Fund framework.
- Part of the multi-statement amendment bundle released for comment.

Overall Executive View

Collectively, these 2026 amendments signal the **most significant shift in B-BBEE policy architecture in a decade**. The reforms reflect a move away from "tick-box" compliance to **verified, impact-driven transformation**, characterised by:

- Centralised capital mobilisation through the **Transformation Fund**.
- Increased **procurement emphasis on black-owned and black-women-owned enterprises**.
- Stricter reporting and verification standards for ESD outcomes.
- Alignment of **export-quota access** with empowerment performance to ensure transformation is embedded in trade opportunities.
- Broad updates across the **Generic Scorecard, QSE codes, specialised enterprise codes, and EEIP framework**.

These changes are designed to **accelerate inclusive growth**, deepen the transformation of supply chains, and ensure measurable support for black-owned enterprises across the economy.

HEALTH AND SAFETY

OCCUPATIONAL HEALTH AND SAFETY AND ACT: REGULATIONS: DRIVEN MACHINERY: CORRECTION

1. Update to Driven Machinery Regulations (DMR), 2015

Recent regulatory action focuses on the refinement and clarification of requirements contained in the Driven Machinery Regulations, which govern the safe design, operation, inspection, maintenance, and training associated with driven machinery. These regulations aim to protect employees from hazards associated with machinery such as lifting equipment, saws, rollers, compressors, and other powered devices.

2. Incorporation of Revised Training Standards (Key Update Relevant to "Corrections")

The most notable recent correction/update involves the:

Incorporation of the 2024 National Code of Practice for Training Providers of Lifting Machine Operators

- The Department of Employment and Labour formally incorporated the updated **National Code of Practice for Training Providers** into the DMR (2015).
- This update **withdraws the previous code of practice** (from 2015) and replaces it with the 2024 version.
- The updated code standardises training requirements, ensuring consistent skills-development, competency verification, and safety standards for operators of lifting machinery.
- Training providers are temporarily exempted until June 2027, provided they are accredited by QCTO or TETA; **from July 2027 onward, all must be QCTO-accredited**.

This incorporation is effectively a **regulatory correction** improving clarity, ensuring proper alignment with the OHS Act, and strengthening safety governance in lifting-equipment operations.

3. Purpose of the Correction

The purpose underlying these corrections/updates is to:

- **Ensure regulatory alignment and accuracy** between the Act, the DMR, and national standards.
- **Improve operator competency and reduce workplace incidents** linked to machinery operations.
- **Enhance enforceability and clarity** for employers, training providers, and inspectors.

- Support the OHS Act's broader objective of safeguarding workers and ensuring that plant and machinery are used safely.

— Alison and The Legal Team

CONTENTS

AGRICULTURAL

LAW AND TYPE OF NOTICE

MARKETING OF AGRICULTURAL PRODUCTS ACT:

Establishment of Statutory Measure and Determination of Guideline Prices: Levy Relating to Cotton Lint

G 54029 RG 11933 GoN 7043

30 January 2026

APPLIES TO:

1. Ginneries (Ginners)
2. Cotton Producers
3. Agents / Suppliers of Seed Cotton
4. Cotton South Africa NPC (Cotton SA)
5. Cotton Value Chain Stakeholders

SUMMARY

The Minister of Agriculture has established a statutory measure and guideline price for cotton lint under the Marketing of Agricultural Products Act, 1996. Effective **1 April 2026 to 31 March 2030**, the measure introduces a levy on all cotton lint produced in South Africa, with the aim of strengthening the cotton industry and supporting its long-term growth, competitiveness and inclusivity.

Purpose of the Statutory Measure

The levy is intended to finance key industry functions identified as essential to the sustainability and development of the cotton sector. These include:

- Providing a unified industry forum for stakeholders across the cotton value chain.
- Strengthening industry intelligence, market information systems and decision-making support.

- Improving cotton marketability through standards, research, quality assurance, and training.

- Promoting awareness of cotton and its applications.
- Supporting research and development to enhance production, competitiveness, cultivar selection and adaptation for commercial and small-scale farmers.
- Advancing transformation by supporting emerging and smallholder farmers.
- Encouraging sustainable production practices aligned with economic, environmental and social objectives.

High-quality market information, improved production capacity and strong quality standards are emphasised as critical for market access, efficient marketing, and improved export performance.

Scope and Application

- **Product covered:** Cotton lint.
- **Geographical scope:** Republic of South Africa.
- **Administering body:** Cotton South Africa NPC.

Levy Imposition and Amount

A compulsory levy is imposed on all cotton lint ginned from seed cotton. The levy:

- Is set at **31 cents per kilogram** (excluding VAT).
- Will be **adjusted annually** in line with the previous year's Consumer Price Index (CPI) from **1 April 2027**.
- Is payable by **ginners** on behalf of producers/agents/suppliers.
- Must be remitted monthly to Cotton South Africa via electronic funds transfer.

Use of Levy Funds

The levy income must be allocated as follows:

- **70%** – Research, information services and core industry functions.
- **20%** – Transformation, focusing on developing emerging farmers and promoting inclusivity.
- **10% (maximum)** – Administration.

All levy funds must be accounted for separately and audited by the Auditor-General. Any surplus after expiry of the measure may be used only with ministerial approval.

Guideline Price

The Minister has determined the **guideline price for cotton lint** at **3100 cents per kilogram**.

Validity Period

The statutory measure takes effect on **1 April 2026** and remains in force until **31 March 2030**.

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 7043 30 January 2026

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE PRICES: LEVY RELATING TO COTTON LINT

I, John Henry Steenhuisen, Minister of Agriculture, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby -

(a) establish the statutory measure set out in the Schedule hereto;
(b) determine that the guideline price for cotton lint shall be 3100c per kilogram.

(MR) J.H. STEENHUISEN (MP)
MINISTER OF AGRICULTURE

CLICK HERE TO VIEW THE FULL NOTICE:

MARKETING OF AGRICULTURAL PRODUCTS ACT: ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE PRICES: LEVY RELATING TO COTTON LINT
G 54029 RG 11933 GON 7043 30 JANUARY 2026

LINK TO FULL NOTICE

Marketing of Agricultural Products Act: Establishment of Statutory Measure and Determination of Guideline Prices: Levy Relating to Cotton Lint
G 54029 RG 11933 GoN 7043
30 January 2026

54029rg11933gon7044.pdf

ACTION

Entity	Key Compliance Actions
Ginners	Collect levy, submit monthly returns, pay by 20th, maintain records, undergo audits
Producers	Accurate reporting to ginners, record keeping, verify levy deductions
Agents/Suppliers	Accurate delivery records, support levy calculations
Cotton SA	Receive/administer levy, maintain audited accounts, allocate funds according to rules
Research/Training Bodies	Use funds appropriately, provide transparent reporting
Spinners/Traders/Exporters	Comply with standards, participate in training & industry information systems

END

LAW AND TYPE OF NOTICE

MARKETING OF AGRICULTURAL PRODUCTS ACT:

Establishment of Statutory Measure: Registration of Exporters, Importers, Processors, Producers and Purchasers of Cotton

G 54029 RG 11933 GoN 7041

30 January 2026

APPLIES TO:

1. Cotton Producers
2. Purchasers of Seed Cotton
3. Cotton Processors (Ginneries)
4. Purchasers of Cotton Lint
5. Cotton Importers and Exporters

SUMMARY

The Minister of Agriculture has established a new statutory measure requiring compulsory **registration of all key participants in the South African cotton value chain**. Implemented under sections 13 and 19 of the *Marketing of Agricultural Products Act, 1996*, the measure aims to strengthen the sector by improving access to reliable, comprehensive and timeous market information. The statutory measure takes effect immediately on publication (30 January 2026) and remains valid until **31 March 2030**.

Purpose of the Statutory Measure

The measure introduces mandatory registration for all major actors involved in the production, processing, trading, import and export of cotton. The purpose is to enable Cotton South Africa (Cotton SA) to gather accurate national data on cotton volumes, flows and market activity. This supports:

- Improved industry-wide decision-making
- Enhanced market transparency and efficiency
- Better planning for producers and processors
- Strengthened monitoring of cotton supply, demand and trade
- More effective dissemination of market information

- A more stable and competitive cotton sector

Reliable market information is identified as essential for an efficient, deregulated agricultural market. The measure is therefore aligned with the Act's objectives of promoting equitable access, market efficiency, and sector viability.

Entities Required to Register

The following parties must register with Cotton South Africa:

1. **Producers** of seed cotton
2. **Purchasers** of seed cotton from producers
3. **Processors** of seed cotton (ginners)
4. **Purchasers of cotton lint** from producers or ginners
5. **Importers and exporters** of cotton

Registration is compulsory for both existing and new participants entering the sector.

Registration Requirements and Timeframes

- Existing sector participants must register **within 30 days** of the commencement date.
- New entrants must register **within 30 days** of beginning their activities.
- Registrants must **notify Cotton SA within 30 days** when they cease operating, so their registration can be cancelled.
- Registration forms are available free of charge from Cotton SA and must be submitted either by post or by hand to the Cotton SA offices in Pretoria.
- Applications must be completed in ink and signed by an authorised representative.

Scope of the Measure

- **Product covered:** All cotton (seed cotton and cotton lint).
- **Geographical scope:** Entire Republic of South Africa.
- **Administering body:** Cotton South Africa NPC, which is authorised to implement, administer and enforce the measure.

Impact on the Industry

The measure is expected to:

- Enhance market access through transparent and reliable market information
- Improve marketing efficiency across the cotton value chain

- Strengthen the viability and competitiveness of the cotton industry
- Support coordinated data collection and sector oversight
- Ensure the measure does not negatively impact employment or labour practices

Validity Period

The statutory measure takes effect **on publication (30 January 2026)** and remains in force until **31 March 2030**.

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 7041 30 January 2026

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF EXPORTERS, IMPORTERS, PROCESSORS, PRODUCERS AND PURCHASERS OF COTTON

I, John Henry Steenhuisen, Minister of Agriculture, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

(MR) J.H. STEENHUISEN (MP)
MINISTER OF AGRICULTURE

CLICK HERE TO VIEW THE FULL NOTICE:

ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF EXPORTERS, IMPORTERS, PROCESSORS, PRODUCERS AND PURCHASERS OF COTTON
G 54029 RG 11933 GON 7041 30 JANUARY 2026

LINK TO FULL NOTICE

Marketing of Agricultural Products Act: Establishment of Statutory Measure: Registration of Exporters, Importers, Processors, Producers and Purchasers of Cotton
G 54029 RG 11933 GoN 7041
30 January 2026

5402rg11933gon7041.pdf

ACTION

Entity	Required Actions
Producers	Register within 30 days; keep production records; notify if ceasing operations
Seed cotton purchasers	Register; maintain purchase records; notify on exit
Processors (ginners)	Register; maintain processing data; prepare for reporting; notify on exit
Lint purchasers	Register; keep transaction records; notify on exit
Importers/Exporters	Register; maintain trade records; notify on exit
Intermediaries	Assess whether they qualify; register if applicable
Cotton SA	Administer, enforce, record and report

END

LAW AND TYPE OF NOTICE

MARKETING OF AGRICULTURAL PRODUCTS ACT:

Invitation to Register as Directly Affected Group in terms of Act

G 54040 GeN 3752

30 January 2026

FULL TEXT

DETAILS

INVITATION TO REGISTER AS A DIRECTLY AFFECTED GROUP IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, ACT NO. 47 OF 1996, (MAP ACT) AS AMENDED

Section 20(1) of the MAP Act, as amended, prescribes that: "The Minister shall by notice in the Gazette and through the news media invite any group of persons which regards itself as a group that is directly affected, or potentially directly affected, by this Act or any market intervention in terms thereof and which complies with the criteria determined by the Council and set out in the said notice, to furnish the Council with full particulars regarding the reasons why it regards itself so to be affected or potentially affected, its composition, its address, and any other information that may be required.

(2) The Council shall keep a register of all the particulars received in terms of subsection (1)."

The National Agricultural Marketing Council (NAMC) keeps a 'Register of Directly Affected Groups' for each commodity listed as an agricultural product in the agricultural sector. A directly affected group means any group of persons, which is party to the production, sale, purchase, processing or consumption of an agricultural product and includes labour employed in the production or processing of such a product.

The register is being used to bring applications for statutory measures (and other interventions in the agricultural sector in terms of the MAP Act) to the attention of directly affected groups and to invite such directly affected groups to lodge any objections or support relating to such a request to the NAMC within a specified time. The viewpoints of directly affected groups are considered before the NAMC formulates its recommendations to the Minister of Agriculture.

All directly affected groups in the agricultural industry are kindly requested to register with the NAMC at any time, by e-mailing the following information to Mathilda van der Walt at the NAMC (mathildavdw@namc.co.za). • Name of the organisation/ company/ group • Agricultural products registered for, eg. maize, red meat, citrus etc. • Role in value chain, eg. producers, traders, importers, etc. • Contact person • Postal address and relevant telephone numbers • E-mail address and website Those who have registered before can send an e-mail to the NAMC to verify their contact information.
LINK TO FULL NOTICE **Marketing of Agricultural Products Act: Invitation to Register as Directly Affected Group in terms of Act** G 54040 GeN 3752 30 January 2026 54040gon3752.pdf

END

AVIATION

LAW AND TYPE OF NOTICE **CIVIL AVIATION ACT:** Regulations: Amendment: 34th G 54050 GoN 7064 30 January 2026
APPLIES TO: AVIATION INDUSTRY

SUMMARY

The **Department of Transport** has issued the **Thirty-Fourth Amendment to the Civil Aviation Regulations**, effective **1 April 2026.** This amendment extensively revises **Part 187**, which governs **user fees and passenger safety charges** applied by the South African Civil Aviation Authority (SACAA).

1. Purpose of the Amendment

The amendment updates and standardises the **fees payable across all aviation regulatory functions**, reflecting operational cost changes and ensuring the sustainability of regulatory oversight. It replaces the previous Part 187 in full.

2. Key Changes

A. Comprehensive Revision of User Fees (Subpart 1)

The amendment introduces updated fees across more than **30 regulatory parts**, covering:

Aircraft & Airworthiness

- Type certificates, airworthiness certificates, production approvals, experimental certificates, special flight permits.
- Fees vary by aircraft weight category (from <1,800 kg up to 50,001+ kg).

Licensing (Pilots, Engineers, Cabin Crew, ATC, RPAS, etc.)

- Adjusted fees for issuance, renewal, conversion, validation, and examiner designations.
- Online exam fees and re-marking fees updated across licence types.

Operators & Organisations

- Updated fees for:
    - Air operator certificates (Part 121, 127, 135, 136).
    - RPAS operators (UASOC).
    - Corporate aviation operators (CAOC).
    - Aviation training organisations (ATO & DTO).
    - Aircraft maintenance organisations (AMO).
    - Design & manufacturing organisations (Part 147 & 148).
    - Aviation recreation bodies.
    - Air cargo security, security screeners, and security programmes.

Aerodromes and Infrastructure

- Fees for:
    - Aerodrome and heliport licensing.
    - Obstacle assessments.
    - Instrumentation (VOR, ILS, NDB, PAPI).
    - Lighting assessments.
    - Fire, security, and dangerous goods infrastructure.

Other Technical Services

- Flight simulation device qualification.
- Flight procedure design.
- AIS approvals.
- Radio call sign allocations.
- Enforcement appeals.

General Hourly Rates

- For services without a specified fee:
  - **R1,084/hour** (in South Africa).
  - **USD 219/hour** (outside South Africa).

3. Passenger Safety Charge (Subpart 2)

A revised **Passenger Safety Charge** is introduced:

- **R33.67** per departing passenger on scheduled public transport flights.
- Charge must be included in the ticket price.
- Applies to domestic and international departures.

- Exemptions:
  - Non-fee-paying passengers,
  - Transit passengers who do not disembark,
  - Supernumeraries (crew travelling as passengers).

Payment Procedure

- Operators must remit collected charges **monthly**, within **21 days** after month-end.
- Airports Company South Africa (ACSA) and aerodrome operators must provide monthly passenger data.
- Interest applies for late payments at **prime +2%, compounded monthly**.

4. Effective Date

All changes come into operation on **1 April 2026**.

FULL TEXT

DETAILS

DEPARTMENT OF TRANSPORT

NO. 7064 30 January 2025

CIVIL AVIATION ACT, 2009 (ACT NO. 13 of 2009)

THIRTY-FOURTH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2026

(The English Text is the official text of the Regulations)

I, Barbara D. Creecy, Minister of Transport, hereby, in terms section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009), make the Regulations set out in the Schedule hereunder.

Ms Barbara D. Creecy, MP
Minister of Transport
Date: 20/1/2026

CLICK HERE TO VIEW THE FULL DOCUMENT:

CIVIL AVIATION ACT: REGULATIONS: AMENDMENT: 34TH
G 54050 GON 7064 30 JANUARY 2026

LINK TO FULL NOTICE

Civil Aviation Act: Regulations: Amendment: 34th (English / Afrikaans)
G 54050 GoN 7064
30 January 2026

54050gon7064.pdf

ACTION

- **Understand which parts apply** to its operations.
- **Review and map all new fees** across licences, approvals, certificates, and renewals.
- **Update financial plans and operational manuals.**
- **Meet new passenger safety charge obligations** (if applicable).
- **Prepare for strengthened SACAA oversight** including audits and inspections.
- **Update personnel licensing workflows.**
- **Adjust contracts with third-party aviation providers.**
- **Train staff and maintain continuous compliance monitoring.**

END

BROAD-BASED BLACK ECONOMIC EMPOWERMENT

LAW AND TYPE OF NOTICE

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT:

Procedures for the application, administration and allocation of export quotas under the SADC-EU EPA for 2026

G 54037 GoN 7054

30 January 2026

APPLIES TO:

1. Agricultural Exporters of TRQ-Eligible Products
2. Wine Industry Organisations
3. Sugar Industry Organisations
4. Agri-processing Companies
5. Agricultural Producers & Primary Sector Organisations
6. Organisations Required to Comply with AgriBEE
7. Export Service Providers

SUMMARY

The **Department of Agriculture, Land Reform and Rural Development** has published updated procedures governing the **application, administration, and allocation of export quotas** for South African agricultural products exported to the **European Union** under the **SADC–EU Economic Partnership Agreement (EPA)** for the **2026 calendar year**.

The EPA provides South Africa with preferential market access through **Tariff Rate Quotas (TRQs)** across a wide range of agricultural products.

1. Purpose of the Notice

The notice establishes:

- How exporters may **apply** for quotas.
- How the department will **allocate**, **verify**, and **manage** quotas.
- The **conditions** under which TRQ-eligible products may be exported.

- Compliance requirements relating to **B-BBEE / AgriBEE**, **sanitary and phytosanitary standards**, **Rules of Origin**, and **EU-required documentation**.

2. Who May Export Under the TRQs

Export permits will only be issued to entities that are:

- **Registered with the DTIC** (Department of Trade, Industry and Competition)
- **Registered with SARS** (Customs & Excise)
  Proof is required for both registrations.

3. Application Requirements

Exporters must:

- Submit a completed **Annexure A application form** within **one week** of publication of the notice.
- For wine: apply via the **Wine Online** system.
- For TRQs designated “first-come, first-served”: apply directly to **SARS** until the quota is exhausted.

Applications must be **hand-delivered or couriered** (no email/fax submissions).

4. Allocation Criteria

The Department allocates quotas using the **Preferential Market Access Permit Allocation System**, which weighs:

- **B-BBEE / AgriBEE status** (verified by SANAS-accredited agencies or sworn affidavits for EMEs/QSEs)
- **Historical export market share** (exports over 2022–2024)
- **Quantity requested**
- **Number of applicants**
- **Size of available quota per product**

Applicants must also provide a valid **Tax Compliance Status PIN**; non-compliant applicants are disqualified.

5. B-BBEE / AgriBEE Compliance

All applicants must comply with the **AgriBEE Sector Code**, which applies to enterprises deriving 50%+ of turnover from agricultural activities.

Key rules include:

- **EMEs (<R10m turnover)**: sworn affidavit accepted; deemed Level 4 or enhanced status.
- **QSEs (R10m–R50m)**: affidavit if 51%+ black-owned; otherwise must undergo verification.
- **Large enterprises (>R50m)**: full SANAS-accredited verification required.

6. Fees and Payments

- Permit fee: **R1,700 per permit** (including replacements) until 31 March 2026.
- No refunds for incorrect or excess payments.
- Payment must accompany the application (bank deposit slip or cashier receipt).

7. Permit Conditions & Administrative Rules

Exporters must comply with:

- **EU sanitary and phytosanitary standards**
- **Rules of Origin** (EUR-1 certificates issued by SARS)
- Special obligations for **wine exporters**, including correct use of the Wine Online system; misuse may result in suspension.

Expired permits must be returned within **30 days**, or the exporter may be disqualified from future allocations.

8. Tariff Rate Quotas for 2026 (TRQs)

The notice includes a detailed schedule of TRQs for products such as:

- Milk powders
- Butter and dairy fats
- Frozen strawberries
- Various sugar categories (administered partly by SASA)
- Fruit purées
- Juices (orange, apple, mixed fruit)
- Jams, purées, and preserved fruits
- Wines (bottled and bulk; significant allocations)

- Ethyl alcohol

Each TRQ includes:

- EU tariff code
- Product description

- Total quota allocated to South Africa for 2026
- Duty reduction (often **100% MFN**)
- Conditions (e.g., EUR-1 requirements, first-come first-served rules, historical export data obligations)

Some quotas are **provisional** and may be **re-allocated** if utilisation is poor.

9. Administration of Specific TRQs

Notable examples:

- **Sugar TRQs** (large allocations) are administered in cooperation with the **South African Sugar Association (SASA)**.
- **Wine TRQs** require strict compliance with Wine Online and EUR-1 certificate rules.
- Several TRQs require exporters to provide **three years of export history** (bills of entry).

10. Replacement, Loss, and Integrity of Permits

- Lost permits may be replaced only with affidavit + proof of payment.
- Companies with **common directors** or **duplicate structures** may be disqualified for attempting to apply separately.
- Allocation may be adjusted to prevent **dominance** under the Competition Act.

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7054 30 January 2026

PROCEDURES FOR THE APPLICATION, ADMINISTRATION AND ALLOCATION OF EXPORT QUOTAS UNDER THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND SOUTHERN AFRICAN DEVELOPMENT COMMUNITY FOR THE YEAR 2026

Economic Partnership Agreement (EPA) between the Southern African Development Community (SADC) and European Union (EU) was signed by both parties on 10th June 2016 and came into effect on 01st October 2016. The SADC-EU EPA package contains agricultural products to be exported by South Africa into the EU market under the Tariff Rate Quota (TRQ) regime. The SADC-EU EPA TRQ package offers South Africa enhanced market access for agricultural products.

MR. M. RAMASODI
DIRECTOR-GENERAL: AGRICULTURE

CLICK HERE TO VIEW THE FULL DOCUMENT:

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT: PROCEDURES FOR THE APPLICATION, ADMINISTRATION AND ALLOCATION OF EXPORT QUOTAS UNDER THE SADC-EU EPA FOR 2026
G 54037 GON 7054 30 JANUARY 2026

LINK TO FULL NOTICE

Broad-Based Black Economic Empowerment Act: Procedures for the application, administration and allocation of export quotas under the SADC-EU EPA for 2026
G 54037 GoN 7054
30 January 2026

54037gon7054.pdf

ACTION

1. Register with SARS & DTIC
2. Submit accurate applications on time
3. Meet AgriBEE / B-BBEE criteria
4. Comply with EU SPS, technical standards, and Rules of Origin
5. Use Wine Online or SARS channels correctly
6. Pay permit fees and include proof
7. Provide export history documentation
8. Avoid duplicate or disqualifying applications
9. Return expired permits
10. Track utilisation and prepare for re-allocations

END

LAW AND TYPE OF NOTICE

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT:

B-BBEE: Comments invited

G 54032 GoN 3745

- Comment by 30 Mar 2026

29 January 2026

APPLIES TO:

1. Companies limited by guarantee
2. Higher Education Institutions
3. Non-Profit Organisations
4. Public Benefit Organisations
5. Public entities / SOEs
6. State-owned enterprises / agencies
7. Any body exclusively owned by the State

SUMMARY

Scorecards for Specialised Enterprises under the B-BBEE Codes of Good Practice
The Draft Statement 004 of 2026, issued by the Minister of Trade, Industry and Competition, provides an updated framework for measuring Broad-Based Black Economic Empowerment (B-BBEE) compliance for **Specialised Enterprises**—entities that do not fit standard ownership models. These include:

- Companies limited by guarantee
- Higher Education Institutions
- Non-Profit Organisations (NPOs)
- Public entities and other state-owned enterprises
- Public Benefit Schemes/Organisations

Because these entities generally lack traditional shareholding structures, they **cannot be assessed on Ownership (Code Series 100)**. Instead, they are evaluated using specialised scorecards tailored to their operational and governance realities.

Key Objectives

1. **Clarify the treatment of ownership** for entities that cannot be measured under usual ownership rules.
2. **Specify the scorecards** and scoring mechanisms for Specialised Enterprises, including Generic, QSE, and EME categories.

General Principles

- All organs of state must apply relevant B-BBEE Codes when issuing licences, setting procurement policies, forming partnerships, or allocating incentives.
- Specialised entities **must use** the Specialised Generic or Specialised QSE Scorecard (depending on size).

- EMEs and QSEs may qualify for **enhanced B-BBEE levels** based on the percentage of black beneficiaries:
  - ≥75% black beneficiaries → Level 1
  - ≥51% black beneficiaries → Level 2

- Sworn affidavits are required annually, and misrepresentation constitutes a criminal offence.

Specialised Generic Scorecard (Large Entities)

Four elements apply (no Ownership element):

Element	Weight
Management Control	20
Skills Development	25
Enterprise & Supplier Development (ESD) & Transformation Fund	70 (increased from 50)
Socio-Economic Development	5

Each element references standard measurement methodologies (Code Series 200–500).

Notable changes include substantial increases in ESD weightings and adjusted procurement targets favouring black-owned suppliers.

Management Control

Measures representation of black people and black women at:

- Board level
- Executive management
- Senior, middle, and junior management
- People with disabilities

Targets generally align with Employment Equity demographic benchmarks.

Skills Development

Assesses investment in learning programmes for:

- Black people
- Black people with disabilities
- Learnerships/internships/apprenticeships
- Training of black unemployed people

Includes **bonus points** for absorption into employment.

Enterprise & Supplier Development (ESD)

This element receives the **highest weighting**, with detailed sub-targets for procurement from:

- Empowering Suppliers
- QSEs, EMEs, black-owned entities
- Women-owned entities
- Designated groups

Also includes:

- Supplier Development contributions
- Enterprise Development contributions
- Optional Transformation Fund contributions

- Bonus points for supplier onboarding, long-term contracts, and growth/job creation

Socio-Economic Development

Requires annual contributions equal to:

- 1% of NPAT *or*
- 0.1% of revenue/budget/gross receipts

Specialised QSE Scorecard

Applies similar elements but with adjusted weightings (total 100):

Element	Weight
Management Control	24
Skills Development	30
Enterprise & Supplier Development	30
Socio-Economic Development	15

QSEs must comply with **all** applicable elements.

EMEs (Specialised)

- Automatically Level 4
- May qualify for Level 1 or 2 based on black beneficiary percentages

Important Clarification

For socio-economic development contributions, **the status of the receiving organisation is irrelevant** — compliance depends on:

- The nature of the contribution
- The identity of beneficiaries

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3745 **29 January 2026**

CODE SERIES 000: FRAMEWORK FOR MEASURING BROAD-BASED BLACK ECONOMIC EMPOWERMENT CODES OF GOOD PRACTICE

DRAFT STATEMENT 004: SCORECARDS FOR SPECIALISED ENTERPRISES

I, **Mr Parks Tau**, Minister of Trade, Industry and Competition, hereby:

(a) Amend the following **Draft Statement 004 of 2026** for public commentary in terms of **section 9 (5)** of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and

(b) Invite interested persons and the public to submit inputs and comments on the **Draft Statement 004 of 2026,** within 60 days from the date of this publication. The Draft Statement is accessible the following hyperlink on the departmental website: https://www.thedtic.gov.za/wp-content/uploads/DraftStatement-004-of-2026.pdf .

(c) Interested parties are requested to forward their comments in writing for the attention of the B-BBEE Policy Unit to the following addresses:

E-mail: Statement004-2026@thedtic.gov.za

or hand delivered to:

The Director-General
c/o B-BBEE Policy Unit
the dtic Campus
77 Meintjies Street
Sunnyside, Pretoria
0002

Enquiries: 012 394 5469

CLICK HERE TO VIEW THE FULL DOCUMENT:

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: B-BBEE: COMMENTS INVITED
G 54032 GON 3745 - COMMENT BY 30 MAR 2026 29 JANUARY 2026

LINK TO FULL NOTICE

Broad-Based Black Economic Empowerment Amendment Act: B-BBEE: Comments invited

G 54032 GoN 3745 - Comment by 30 Mar 2026 29 January 2026 54032gon3745.pdf
ACTION Ensure that you submit your comments before 30 March 2026.

END

LAW AND TYPE OF NOTICE

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT:

B-BBEE Code Series: The General Principles for Measuring Enterprise and Supplier: Draft: Comments invited

G 54032 GoN 3743

- Comment by 29 Mar 2026

29 January 2026

APPLIES TO:

1. Large corporates with significant procurement budgets
2. Companies with established ESD programmes
3. Entities importing goods
4. Multinationals
5. Empowering suppliers
6. Black-owned EMEs & QSEs (positively affected)

SUMMARY

The **Department of Trade, Industry and Competition (the dtic)** has released **Draft Statement 400 of 2026** for public comment under the Broad-Based Black Economic Empowerment (B-BBEE) Act. The statement proposes significant updates to the **Enterprise and Supplier Development (ESD)** framework and the **Preferential Procurement** rules within Code Series 400.

Purpose of the Draft Statement

The amended Statement 400 aims to:

- Strengthen the structure for measuring **Preferential Procurement, Supplier Development, Enterprise Development**, and a newly introduced **Transformation Fund.**
- Promote increased participation of Black-owned suppliers, enhance localisation, and drive sustainable supplier development.

- Align procurement behaviour with national industrialisation and job-creation objectives.

Key Changes and Highlights

1. Introduction of a Transformation Fund (New Section 2.4)

- A **3% NPAT annual contribution** option, replacing traditional ED and SD spending if chosen.
- Carries **20 weighting points**, substantially higher than the existing ED/SD points.

- Entities may choose either:
  - **ED (1% NPAT) + SD (2% NPAT)**, or
  - **Transformation Fund (3% NPAT)**.

2. Major Increases in Procurement Targets

The draft introduces **specific minimum procurement targets** from key categories of Black-owned businesses:

Supplier Category	New Target
100% Black-owned enterprises	**25%**
Black-owned (51%–99%) enterprises	**25%**
100% Black-owned EMEs	**15%**
100% Black-owned QSEs	**15%**
100% Black women-owned enterprises	**12%**
Empowering Suppliers (overall)	**80%**

Significant increases aim to drive meaningful spend toward Black-owned suppliers.

3. Enhanced Bonus Point Structure

Higher incentives for:

- First-time Black suppliers with **3-year contracts** (2 bonus points).
- Suppliers achieving **10% annual growth** in turnover and job creation (2 bonus points).
- Procurement from **100% Black-owned Designated Group suppliers**, with a new **10% compliance target**.

4. Strengthened Measurement & Verification Requirements

Measured entities must now submit:

- A **needs analysis**,
- **Performance metrics** showing outcomes (job creation, turnover growth, innovation, market access),
- Annual **Monitoring & Evaluation reports**.

These reports must be verified before scoring can be claimed.

5. Revised Recognition and Procurement Rules

- Updated **ESD Recognition Matrix**.
- Clarification on use of **multipliers (1.2)** for qualifying Black-owned suppliers and ESD beneficiaries with 3-year contracts.
- Generic entities benefiting from ED/SD can only be recognised for **five years** from initial assistance/procurement.
- Stronger restrictions on claiming the same contribution under multiple indicators.

6. Focus on Localisation & Industrial Development

The statement strongly encourages:

- Procurement that supports **local manufacturing and beneficiation**.
- Supplier development aligned to **localisation programmes**.
- Development plans for imported goods if exclusions are applied.

7. Detailed Rules for Monetary and Non-Monetary Contributions

Clear definitions and benefit factors for:

- Grants, loans, guarantees, equity investments.
- Professional services and employee time.
- Preferential credit terms, early payment practices.
- Transformation Fund contributions (benefit factor 100%).

Overall Impact

The Draft Statement 400 represents one of the **most significant shifts since the introduction of the 2013 Codes**, emphasising: • **Higher reliance on Black supplier growth**, • **More stringent reporting and evaluation**, • **Improved effectiveness and traceability** of ESD spend, and • A **major new alternative mechanism** via the Transformation Fund. Businesses will need to **realign procurement strategies**, redesign ESD programmes, and potentially restructure long-term supplier contracts to meet the new weightings and targets.
FULL TEXT
DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3743 29 January 2026

DEVELOPMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT CODES OF GOOD PRACTICE

CODE SERIES 400: MEASUREMENT OF THE ENTERPRISE AND SUPPLIER

DRAFT STATEMENT 400: THE GENERAL PRINCIPLES FOR MEASURING ENTERPRISE AND, SUPPLIER DEVELOPMENT

I, **Mr Parks Tau**, Minister of Trade, Industry and Competition, hereby:

(a) Amend the following **Draft Statement 400 of 2026** for public commentary in terms of **section 9 (5)** of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and

(b) Invite interested persons and the public to submit inputs and comments on the **Draft Statement 400 of 2026,** within 60 days from the date of this publication. The Draft Statement is accessible the following hyperlink on the departmental website: https://www.thedtic.gov.za/wp-content/uploads/DraftStatement400of2026.pdf .

(c) Interested parties are requested to forward their comments in writing for the attention of the B-BBEE Policy Unit to the following address (es):

E-mail: Statement400-2026@thedtic.gov.za

or hand delivered to:

The Director-General
c/o B-BBEE Policy Unit
the dtic Campus
77 Meintjies Street
Sunnyside, Pretoria
0002

Enquiries: 012 394 5469

MR PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION

CLICK HERE TO VIEW THE FULL DOCUMENT

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: B-BBEE CODE SERIES: THE GENERAL PRINCIPLES FOR MEASURING ENTERPRISE AND SUPPLIER: DRAFT: COMMENTS INVITED
G 54032 GON 3743 - COMMENT BY 29 MAR 2026 29 JANUARY 2026

LINK TO FULL NOTICE

Broad-Based Black Economic Empowerment Amendment Act: B-BBEE Code Series: The General Principles for Measuring Enterprise and Supplier: Draft: Comments invited

G 54032 GoN 3743 - Comment by 29 Mar 2026 29 January 2026 54032gon3743.pdf
ACTION Ensure that you submit your comments before 29 March 2026.

END

LAW AND TYPE OF NOTICE **BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: B-BBEE:** The Recognition of Equity Equivalent Multinationals: Draft: Comments invited G 54032 GoN 3748 - Comment by 30 Mar 2026 29 January 2026
APPLIES TO:
SUMMARY **Purpose of the Statement** The statement aims to: • Provide a mechanism for **multinationals unable to meet ownership targets** (due to global practice restrictions) to comply via **Equity Equivalent Programmes (EEIPs)**. • Define **how ownership points** are **measured** when contributions are made through EEIPs. **Key Features and Requirements** **1. Measurement Principles** • EEIP contributions are measured **against the value of the multinational's South African operations.** • MNCs participating in EEIPs **cannot earn ownership points** from any other Code Series 100 statement. **2. Approval of Equity Equivalent Programmes** • Programmes must be approved by the **Minister**, after consultation with relevant government stakeholders.

- Sector-specific programmes are preferred, but non-sector-specific proposals may be considered.

3. Eligible Initiatives

Approved EEIPs may support government strategic priorities, including:

- **Industrial Policy initiatives**
- **Black Industrialists Development Programme**
- **National Skills Development Strategy**
- **National Development Plan**
- **Enterprise, Supplier Development, Transformation Funds**
- **Research & Development**
- **Critical and Core Skills Development**

4. Beneficiary Requirements

Beneficiaries may be **enterprises or natural persons**.

If enterprises:

- Must be **Level 1 B-BBEE** compliant (for both EMEs and QSEs).

If natural persons / designated groups:

- At least **75% must be Black people.**
- At least **75% of economic benefit** must accrue to Black beneficiaries.
- For co-operatives: **Black women must own more than 30%.**

5. Measurement of EEIP Contributions

Contributions may be measured against either:

- **25% of the value of SA operations**, or
- **4% of total SA revenue annually**.

Ownership points are calculated using formulas in **Annexe 103(A).**

6. Investment Periods

Longer investment periods are allowed for larger contributions:

- **> R100 million** → up to **10 years**

- **R75m–R100m** → up to **7 years**
- **R50m–R75m** → up to **5 years**
- **< R50m** → up to **3 years**

7. Topping-Up & Partial Contributions

- MNCs must **reinvest** at the end of the certificate period to retain ownership points ("topping-up").
- Partial contributions are allowed but must be **at least 40%** of the ownership target.

8. Administration Rules

Whether outsourced or in-house, key conditions apply:

- Administrators must be **≥51% Black-owned** (if outsourced).
- Admin fees **capped at 15%**.
- Goods/services must be procured from **B-BBEE Level 4 or better** suppliers.
- Programme managers must complete the **B-BBEE Management Development Programme**.
- Regular reporting to **the dtic** is required.

9. Specific Rules for Multinationals

- Ownership contributions must correlate to **SA operations** only.
- The **Exclusion Principle** applies for value derived from non-SA sources.

- MNCs may claim ownership recognition for **equity sold to Black people in non-SA companies** if:
  - Both companies share the **same ultimate parent**,
  - Exchange control rules are met, and
  - Voting rights & economic interest are comparable to those that would exist in SA.

Overall Significance

This statement:

- Reinforces the **strategic role of multinationals** in SA's transformation agenda.
- Strengthens compliance mechanisms for companies unable to transfer equity due to global policies.
- Prioritizes **economic development**, **skills creation**, and **Black industrialisation**.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3748 29 January 2026

CODE SERIES 100: THE MEASUREMENT OF THE OWNERSHIP ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT

STATEMENT 103: THE RECOGNITION OF EQUITY EQUIVALENTS FOR MULTINATIONALS

I, **Mr Parks Tau**, Minister of Trade, Industry and Competition, hereby:

(a) Amend the following **Code Series 100, Draft Statement 103, Code of 2026** in terms of **section 9 (5)** of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and

(b) Invite interested persons and the public to submit inputs and comments on the **Code Series 100, Draft Statement 103 of 2026,** within 60 days from the date of this publication. The Draft Statement is accessible the following hyperlink on the departmental website: https://www.thedtic.gov.za/wp-content/uploads/DraftStatement-103-of-2026.pdf .

(a) Interested parties are requested to forward their comments in writing for the attention of the B-BBEE Policy Unit to the following address (es):

E-mail: Statement103-2026@thedtic.gov.za

or hand delivered to:

The Director-General
c/o B-BBEE Policy Unit
the dtic Campus
77 Meintjies Street
Sunnyside, Pretoria
0002

Enquiries: 012 394 5469

MR PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY, AND COMPETITION

CLICK HERE TO VIEW THE FULL DOCUMENT

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: B-BBEE: THE RECOGNITION OF EQUITY EQUIVALENT MULTINATIONALS: DRAFT: COMMENTS INVITED
G 54032 GON 3748 - COMMENT BY 30 MAR 2026 29 JANUARY 2026

LINK TO FULL NOTICE

Broad-Based Black Economic Empowerment Amendment Act: B-BBEE: The Recognition of Equity Equivalent Multinationals: Draft: Comments invited
G 54032 GoN 3748

- Comment by 30 Mar 2026 29 January 2026 **54032gon3748.pdf**
ACTION Ensure that you submit your comments before 30 March 2026.

END

LAW AND TYPE OF NOTICE

Broad-Based Black Economic Empowerment Amendment Act: B B-BBEE Code Series:

Codes of Good Practice for Qualifying Small Enterprises: Draft: Comments invited

G 54032 GoN 3746

- Comment by 30 Mar 2026

29 January 2026

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3746 29 January 2026

CODES OF GOOD PRACTICE ON BROAD-BASED BLACK ECONOMIC EMPOWERMENT

CODE SERIES 600: CODES OF GOOD PRACTICE FOR QUALIFYING SMALL ENTERPRISES (QSE'S)

I, **Mr Parks Tau**, Minister of Trade, Industry and Competition, hereby:

(a) Amend the following **Draft Code Series 600 of 2026** for public commentary in terms of **section 9 (5)** of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and

(b) Invite interested persons and the public to submit inputs and comments on the **Draft Code Series 600 of 2026,** within 60 days from the date of this publication. The Draft Statement is accessible the following hyperlink on the departmental website: https://www.thedtic.gov.za/wp-content/uploads/DraftCodeSeries-600-of-2026.pdf .

(c) Interested parties are requested to forward their comments in writing for the attention of the B-BBEE Policy Unit to the following address (es):

E-mail: CodeSeries600-2026@thedtic.gov.za

or hand delivered to:

The Director-General
c/o B-BBEE Policy Unit
the dtic Campus
77 Meintjies Street
Sunnyside, Pretoria
0002

Enquiries: 012 394 5469

MR PARKS TAU, MP

The full document is currently unavailable.
LINK TO FULL NOTICE **Broad-Based Black Economic Empowerment Amendment Act: B B-BBEE Code Series: Codes of Good Practice for Qualifying Small Enterprises: Draft: Comments invited** G 54032 GoN 3746 - Comment by 30 Mar 2026 29 January 2026 54032gon3746.pdf
ACTION Ensure that you submit your comments before 30 March 2026.

END

LAW AND TYPE OF NOTICE

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: B B-BBEE CODE SERIES:

General Principles and the Generic Scorecard: Draft: Comments invited

G 54032 GoN 3744

- Comment by 29 Mar 2026

29 January 2026

APPLIES TO:

1. Government bodies and SOEs
2. Private companies (small to large)
3. NGOs and NPOs that transact with the state
4. Industry-specific participants (agricultural finance, mechanisation, retail etc.)
5. Project-based joint ventures
6. Start-ups

SUMMARY

1. Key Amendments

The draft introduces two major changes:

1. **Creation of a Transformation Fund** within the Enterprise & Supplier Development (ESD) element, with its own measurement category and sub-minimum.
2. **Revised weighting of points** across the B-BBEE Generic Scorecard. Total available points increase due to additions in the ESD element.

2. Purpose and Scope

Statement 000 sets out the interpretive principles, qualification thresholds, measurement rules, and the structure of the **Generic Scorecard.** It applies to:

- Organs of State and public entities

- All entities conducting economic activity with them
- Any measured entity seeking to establish its B-BBEE status

3. Strengthened Key Principles

The statement re-emphasizes:

- **Substance over legal form** in all B-BBEE assessments
- **Strict prohibition of fronting**, splitting, or misrepresentation
- **Mandatory evidence** for any B-BBEE claims
- **Consistency** in application of valuation methods

4. Revised Priority Elements and Sub-Minimum Rules

Priority elements remain **Ownership**, **Skills Development**, and **Enterprise & Supplier Development**, with the **Transformation Fund** added as a fourth measured component under ESD.

Each category within ESD now carries its own 40% sub-minimum requirement:

- Preferential procurement
- Supplier development
- Enterprise development
- Transformation Fund

Failure to meet any sub-minimum results in **discounting by one level** of status for QSEs and Generic Enterprises.

5. Updated Enterprise Thresholds

The revenue thresholds remain:

- **EME**: ≤ R10 million
- **QSE**: > R10 million–R50 million
- **Generic / Large Enterprise**: > R50 million

Enhanced recognition remains for 51%+ and 100% black-owned EMEs and QSEs, which may achieve automatic Level 1 or 2 status with an affidavit.

6. Joint Ventures and Start-Ups

The draft provides:

- Rules for **consolidated verification certificates**
- Weighted scoring based on JV equity splits

- Fixed scoring for Black-owned EMEs and QSEs in JVs
- Requirements for Start-Ups submitting annualised data when tendering

7. Revised Generic Scorecard Structure

The total potential points increase from the previous 109/118 to **131/142 points**, driven by the expanded ESD element.

ESD allocation expands significantly:

- From 40 points (plus 4 bonus)
- To **62 points** (plus 6 bonus)

Ownership, Management Control, Skills Development, and Socio-Economic Development remain unchanged in structure.

8. Enhanced Recognition for Priority Groups

The draft reiterates that measurement across scorecard elements must advance:

- Black women (40–50% of beneficiaries)
- People with disabilities
- Youth
- Rural and unemployed black people

Overall Summary

Draft Statement 000 of 2026 represents a **significant tightening and expansion** of B-BBEE measurement. Its major thrusts are:

- **Introducing the Transformation Fund** as a material contributor to empowerment
- **Increasing the scoring emphasis** on Enterprise & Supplier Development
- Closing compliance loopholes and strengthening rules against misrepresentation
- Maintaining simplified pathways for black-owned EMEs and QSEs
- Ensuring broader inclusion of priority groups within transformation benefits

Together, these changes aim to enhance the impact of B-BBEE on real economic participation and support black-owned and black-empowered enterprises more directly.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3744 **29 January 2026**

CODE SERIES 000: FRAMEWORK FOR MEASURING BROAD-BASED BLACK ECONOMIC EMPOWERMENT

DRAFT STATEMENT 000: GENERAL PRINCIPLES AND THE GENERIC SCORECARD

I, **Mr Parks Tau**, Minister of Trade, Industry and Competition, hereby:

(a) Amend the following **Draft Statement 000 of 2026** for public commentary in terms of **section 9 (5)** of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and

(b) Invite interested persons and the public to submit inputs and comments on the **Draft Statement 000 of 2026,** within 60 days from the date of this publication. The Draft Statement is accessible the following hyperlink on the departmental website: https://www.thedtic.gov.za/wp-content/uploads/DraftStatement-000-of-2026.pdf .

(c) Interested parties are requested to forward their comments in writing for the attention of the B-BBEE Policy Unit to the following address (es):

E-mail: Statement000-2026@thedtic.gov.za

or hand delivered to:

The Director-General
c/o B-BBEE Policy Unit
the dtic Campus
77 Meintjies Street
Sunnyside, Pretoria
0002

Enquiries: 012 394 5469

MR PARKS TAU, MP
MINISTER OF TRADE, INDUSTRY AND COMPETITION

CLICK HERE TO VIEW THE FULL DOCUMENT:

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: B B-BBEE CODE SERIES: CODES OF GOOD PRACTICE FOR QUALIFYING SMALL ENTERPRISES: DRAFT: COMMENTS INVITED
G 54032 GON 3746 - COMMENT BY 30 MAR 2026 29 JANUARY 2026

LINK TO FULL NOTICE [**Broad-Based Black Economic Empowerment Amendment Act: B B-BBEE Code Series: General Principles and the Generic Scorecard: Draft: Comments invited**] G 54032 GoN 3744 - Comment by 29 Mar 2026 29 January 2026 54032gon3744.pdf
ACTION Ensure that you submit your comments before 29 March 2026.

END

LAW AND TYPE OF NOTICE

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: SCHEDULE: DRAFT:

Comments invited

G 54032 GoN 3747

- Comment by 30 Mar 2026

29 January 2026

APPLIES TO:

1. All private businesses
2. Government and public institutions
3. Training and skills bodies
4. Suppliers and SMEs
5. Ownership transaction participants
6. Multinationals
7. Non-profit and community programmes
8. Sector bodies

SUMMARY

Purpose of the Schedule

The updated Schedule 1 serves three main purposes:

1. **Provide uniform definitions** applied across all B-BBEE scorecards and Statements.
2. **Ensure consistency** when measuring Ownership, Management Control, Skills Development, Enterprise & Supplier Development, and Socio-Economic Development.
3. **Align terminology** with related legislation (Skills Development Act, Employment Equity Act, Companies Act, etc.).

Key Highlights

1. Broader Interpretation Rules

The Codes must be interpreted in line with the objectives of the B-BBEE Act and national transformation strategy. Schedules and annexures form an integral part of the Codes.

2. Updated and Expanded Definitions

The document provides **over 150 definitions**, including updates to several core B-BBEE concepts. Important areas include:

Ownership-related Definitions

- **B-BBEE Owned / Controlled Company:** ≥51% Black voting rights AND economic interest, measured using Flow-Through principles.
- **Black New Entrants:** Individuals who have not previously held equity >R50 million in value.
- **Net Value, Exercisable Voting Rights, Equity Instruments:** Technical definitions central to ownership calculations.

Targeted Groups

Clear criteria for:

- **Black Designated Groups** (unemployed, youth, people with disabilities, rural communities, military veterans).
- **Black Women Ownership** levels (30% and 51% categories).

Enterprise & Supplier Development (ESD)

Defines:

- **Enterprise Development Contributions**
- **Supplier Development Contributions**
- **Qualifying Beneficiaries** (≥51% Black or Black-women-owned EMEs & QSEs)
- **Designated Group Supplier**

Skills Development

Includes definitions for:

- Learnerships, Internships, Apprenticeships
- PIVOTAL programmes

- Priority, Core, Critical and Scarce Skills
- Certified Learning Programmes

Socio-Economic Development (SED)

Clarifies permissible SED contributions, including:

- Education bursaries and resources
- Healthcare support
- Rural development
- Arts, culture, and sports programmes

New and Noteworthy Additions

- **Transformation Fund:** A new pooled mechanism intended to accelerate impact and avoid fragmentation across ESD initiatives.
- **New Enterprise & Start-up Enterprise definitions:** Introduces clarity for early-stage and pre-existing entities.
- **Empowering Supplier criteria:** Updated to reflect local production, job creation, skills transfer, and beneficiation requirements.

Strategic Implications for Businesses

The refined definitions have important implications:

1. More Accurate B-BBEE Verification

Clearer definitions tighten compliance assessments and reduce interpretation disputes.

2. Stronger Emphasis on Genuine Transformation

Rules around black ownership, new entrants, and designated groups discourage superficial or short-term structures.

3. Sharper Focus on Local Economic Impact

Empowering Supplier criteria and ESD rules push companies toward:

- local procurement,
- developing Black-owned SMEs,
- measurable job creation.

4. Better Skills Development Alignment

Updated definitions ensure alignment with SETAs, national skills strategies, and critical skills lists.

5. Enhanced Transparency

Definitions reduce ambiguity for verification professionals, rating agencies and measured entities.

FULL TEXT

DETAILS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3747 29 January 2026

BROAD BASED BLACK ECONOMIC EMPOWERMENT ACT (Act No. 53 of 2003)

SCHEDULE 1: INTERPRETATION AND DEFINITIONS

I, **Mr Parks Tau**, Minister of Trade, Industry and Competition, hereby:

(a) Amend the following **Schedule 1 of 2026**, Interpretation and definitions on the codes of good practice in terms of **section 9 (5)** of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and

(b) Invite interested persons and the public to submit inputs and comments on **Schedule 1,** within 60 days from the date of this publication. The Draft Statement is accessible the following hyperlink on the departmental website: https://www.thedtic.gov.za/wp-content/uploads/Schedule1-of-2026.pdf .

(c) Interested parties are requested to forward their comments in writing for the attention of the B-BBEE Policy Unit to the following address (es):

E-mail: Schedule 1-2026@thedtic.gov.za

or hand delivered to:
The Director-General
c/o B-BBEE Policy Unit
the dtic Campus
77 Meintjies Street
Sunnyside, Pretoria
0002

Enquiries: 012 394 5469

CLICK HERE TO VIEW THE FULL DOCUMENT:

BROAD-BASED BLACK ECONOMIC EMPOWERMENT AMENDMENT ACT: SCHEDULE: DRAFT: COMMENTS INVITED
G 54032 GON 3747 - COMMENT BY 30 MAR 2026 29 JANUARY 2026

LINK TO FULL NOTICE

Broad-Based Black Economic Empowerment Amendment Act: Schedule: Draft: Comments invited
G 54032 GoN 3747
- Comment by 30 Mar 2026
29 January 2026

54032gen3747.pdf

ACTION

Ensure that you submit your comments before 30 March 2026.

END

LAW AND TYPE OF NOTICE

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003:

Application for market access permits for agricultural products in terms of WTO agreement for 2026

G 54023 GoN 7032

28 January 2026

APPLIES TO:

Agricultural sector:

1. Importers
2. Processors & manufacturers
3. Retailers & wholesalers
4. Commodity traders & agents
5. B-BBEE-aligned SMEs
6. Sector-specific manufacturers (e.g., tobacco, cotton, dairy)

SUMMARY

Purpose of the Notice

To inform South African importers of:

- The **availability of tariff-rate quota (TRQ)** permits for 2026.
- The **conditions, timelines, and criteria** for eligibility.
- The **extent of duty rebates** and **annual/quarterly/half-yearly quotas** per product category.

Key Requirements for Applicants

1. Eligibility

To apply, an importer must:

- Be registered with **DTIC** and **SARS** (Customs Code and Tax Compliance Status PIN).
- Submit applications **by hand or courier only** (emails/faxes not accepted).
- Ensure all forms are fully completed and supported by required documents.

2. B-BBEE / AgriBEE Compliance

Applicants must provide:

- A valid **B-BBEE certificate** from a **SANAS-accredited agency**, or
- A **sworn affidavit** (for EMEs and qualifying black-owned QSEs). Compliance is assessed strictly under the **AgriBEE Sector Code**.

3. Allocation Criteria

Permits are awarded based on:

- B-BBEE level
- Market share (historical import volumes from 2022–2024)
- Quota requested vs available
- Number of applicants
- Compliance with SARS tax status

4. Restrictions

- Joint ventures, holding companies, related entities or companies with **common directors/owners** cannot apply separately.
- Imported products must be **for South African consumption only**.

Application Windows

Applications vary by product and are issued on:

- **Quarterly**,
- **Half-yearly**, or
- **Annual** basis.

Key periods include:

- **Within 1 week of publication** → First cycle applications
- **Feb, May, Aug** → Subsequent periods depending on the product's issuing cycle

Permit Fees

- **R1 700 per permit** (annual, replacement, or lost permits — until 31 March 2026).
- No refunds for overpayment or disqualified applications.

Table of Products & Quotas

The notice includes a detailed **Table 1** specifying:

- Tariff headings
- Product descriptions
- Extent of duty rebate (e.g., “full duty less 19%”)
- **Annual quota tonnage**
- Permit validity periods and additional conditions

Major product categories include:

- **Meat (bovine, sheep, goat)**
- **Dairy products** (milk powders, whey, butter, cheese)
- **Eggs**
- **Vegetables** (fresh, frozen, dried)
- **Legumes and pulses**
- **Cereals** (wheat, maize, buckwheat, millet)
- **Fruit (fresh, dried)**
- **Wine, spirits, alcohol**
- **Tobacco & cotton**

Administrative Obligations

Permit holders must:

- Return expired permits within **30 days**.
- Provide accurate import histories (bills of entry).
- Submit affidavits confirming the correctness of all information.

Overall Significance

This notice ensures transparent and equitable allocation of South Africa’s WTO-compliant agricultural import quotas. It prioritises:

- **Fair competition**
- **B-BBEE transformation objectives**

- **Proper control and monitoring of agricultural imports**

It replaces all previous notices on market access permit procedures.

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7032 28 January 2026

APPLICATION FOR MARKET ACCESS PERMITS FOR AGRICULTURAL PRODUCTS IN TERMS OF THE WORLD TRADE ORGANISATION (WTO) AGREEMENT FOR 2026

In order to fulfil South Africa's commitment under the WTO: Marrakesh Agreement regarding market access, it is hereby made known that market access permits will be issued for the products specified in the Table 1 of Import Arrangements and under the conditions set out in the Schedule.

Permits will be issued only to importers in South Africa for importation into the Republic for the quantities and at the reduced levels of duty as specified in Table 1.

MR. M. RAMASODI
DIRECTOR-GENERAL: AGRICULTURE

CLICK HERE TO VIEW THE FULL DOCUMENT:

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003: APPLICATION FOR MARKET ACCESS PERMITS FOR AGRICULTURAL PRODUCTS IN TERMS OF WTO AGREEMENT FOR 2026
G 54023 GON 7032 28 JANUARY 2026

LINK TO FULL NOTICE

Broad-Based Black Economic Empowerment Act 53 of 2003: Application for market access permits for agricultural products in terms of WTO agreement for 2026
G 54023 GoN 7032
28 January 2026

54023gon7032.pdf

ACTION

- ☐ Verify SARS TCS PIN & Customs Code
- ☐ Confirm DTIC registration
- ☐ Secure valid AgriBEE-aligned B-BBEE documentation
- ☐ Gather last 3 years of bills of entry/import history
- ☐ Prepare SAGIS or audited statements (for grain applicants)

- ☐ Schedule permit application submissions by period
- ☐ Ensure no disqualifying relations between entities

End

CONSTRUCTION

LAW AND TYPE OF NOTICE **ARCHITECTURAL PROFESSION ACT:** Guideline for professional fees G 54036 BN 875 30 January 2026
APPLIES TO: ARCHITECTURAL PRACTICES

SUMMARY

1. Fee Calculation Methods

Two main fee structures apply:

a. Project Cost–Based Fees

- Calculated as a percentage of the **value of works.**
- Fees vary according to **project complexity**:
    - **Low complexity**
    - **Medium complexity**
    - **High complexity**
- Each category provides:
    - **Primary fee (C)**
    - **Secondary fee (D)**, applied to the cost bracket after a threshold (Column E).
- A sliding scale is used to ensure proportionality across different project budgets.

b. Time–Based Fees

Applied when scope is unclear, work is specialized, or projects are small-scale.

The guideline includes a detailed schedule of **hourly rates** for:

- Principals / specialists
- Professional staff
- Registered architectural professionals
- Support staff

Rates may be calculated using:

- Gross annual remuneration method
- SACAP guideline hourly rate
- DPSA consultant fee scales

2. Reimbursable Expenses

Expenses recoverable from clients include:

- Specialist services, travel, mileage, accommodation
- Statutory submission fees
- Documentation costs (printing, plotting, scanning, materials)
- Digital services (software, subscriptions)
- Models, photography, maps, and presentation materials

A minimum **10% attendance fee** may be added for certain disbursements unless time-based reimbursement applies.

3. Standard Service Work Stages (1–6)

Fees and scope are structured around the 6 standard architectural work stages:

1. **Inception** – briefing, site rights, constraints, budget
2. **Concept & Viability** – concept design, statutory review, cost review
3. **Design Development** – detailed development and coordination

4. **Documentation & Procurement**
    - 4.1 Building plan submission

- 4.2 Technical documentation and tender

5. **Construction** – contract administration, inspections, site coordination
6. **Close-out** – handover, completion certification, record documentation

Each stage carries a specific **fee percentage allocation**, totaling 100%.

4. Partial, Additional & Specialized Services

Architects may be appointed for:

- Partial services
- Design-only roles
- Architectural professional of record
- Principal agent or principal consultant roles

Additional services attract **time-based fees** and include:

- Green Star/rational design
- Town planning & urban design
- BIM beyond documentation
- Master planning & interior design
- Heritage work
- Feasibility, environmental, traffic, and market studies
- As-built surveys, LiDAR, point cloud surveys
- Litigation support, dispute resolution

5. Adjustments to Fees

Certain project conditions allow fee adjustments:

- **Alterations**: +30%
- **Additions** (portions interfacing existing building): +30%
- **Heritage restoration**: +40%
- **Repeated buildings**: discounted fees for repeat prototypes
- **Taking over another professional's work**: +25%
- **Staff deployment on-site**: cost of employment + 30%
- **Fast-tracking**: cost of extra resources + 30%
- **Contract period exceeding by 10%**: hourly rates apply

6. Contractual, Payment & Procedural Provisions

- Fees become payable upon presentation of invoice.

- Interim invoicing is standard practice.
- Termination by the client requires payment for work done + **20% of remaining fees**.
- No penalties may be applied to architectural agreements.
- Travel time may be billed depending on fee basis.
- Claims by clients must be dealt with independently; set-off is not permitted.

- Professional appointments must be governed by **written agreements** outlining rights, responsibilities, liability, and IP ownership.

Overall Purpose

The 2026 guideline seeks to:

- Improve transparency and consistency in architectural fees
- Support competitive and fair remuneration
- Ensure service quality in line with statutory obligations
- Provide a flexible structure adaptable to project-specific conditions

FULL TEXT

DETAILS

BOARD NOTICE 875 OF 2026

SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION

GUIDELINE FOR PROFESSIONAL FEES IN TERMS OF SECTION 34 (2) OF THE ARCHITECTURAL PROFESSION ACT, 2000 ACT 44 OF 2000 ("THE ACT")

The guidelines for professional fees indicated in Tables 1, 2, 3, and 4 below must be read in the context of the Framework Guideline for Professional Fees. These guidelines for professionals' fees repeal the Board Notice 672 of 2024 guideline fees. The guidelines for professional fees describe the two methods of fee calculation: project cost-based and time-based. Both methods use the definitions of the complexity of the project type derived from the SACAP Identification of Work (IDoW) published under Board Notice 27 of 2021, as set out below:

CLICK HERE TO VIEW THE FULL DOCUMENT

ARCHITECTURAL PROFESSION ACT: GUIDELINE FOR PROFESSIONAL FEES G 54036 BN 875 30 JANUARY 2026

LINK TO FULL NOTICE Architectural Profession Act: Guideline for professional fees G 54036 BN 875 30 January 2026 54036bn875.pdf
ACTION 1. Adopt new fee tables and rates 2. Use updated written agreements 3. Classify complexity accurately 4. Document service delivery by work stage 5. Track time for time-based fees 6. Implement clear scope boundaries 7. Apply statutory submission requirements 8. Align to new reimbursable and travel rules

END

CUSTOMS, EXCISE AND INTERNATIONAL TRADE

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT: REGULATIONS:

Amendment of Rules (DAR267): Correction

G 54060 RG 11938 GoN 7066

02 February 2026

DETAILS

SOUTH AFRICAN REVENUE SERVICE

NO. R. 7066 2 February 2026

CORRECTION NOTICE

CUSTOMS AND EXCISE ACT, 1964 AMENDMENT OF RULES (DAR 267)

Government Notice No. R. 7033 of Government Gazette No. 54025 dated 28 January 2026 is hereby corrected by the deletion of the reference to form "DA 199.04C Calculation of the volume assembly localisation allowance in respect of electric vehicles produced and ready for sale for the SACU market this quarter" with retrospective effect from 19 December 2025

LINK TO FULL NOTICE

Customs and Excise Act: Regulations: Amendment of Rules (DAR267): Correction
G 54060 RG 11938 GoN 7066
02 February 2026

54060rg11938gon7066.pdf

END

LAW AND TYPE OF NOTICE

CUSTOMS AND EXCISE ACT:

Regulations: Amendment of Rules (DAR266)

G 54025 RG 11931 GoN 7033

28 January 2026

APPLIES TO:

1. Vehicle Manufacturers
2. Component Manufacturers
3. Importers and Exporters
4. Warehouse Operators
5. SACU Suppliers
6. PRC Users
7. Organizations Destroying Components

SUMMARY

Key Components Introduced or Amended

1. Updated DA 199-Series Forms

A comprehensive set of forms has been substituted or introduced. They detail:

- **Customs account submissions**
- **Value calculations for customs duty**
- **Volume Assembly Localisation Allowance (VALA) determinations**
- **Imported component value tracking**
- **EV battery rebate adjustments**

These forms now provide granular fields covering:

- Imported content
- Production information
- Export and domestic sales
- Component transfers

- Destruction under customs supervision
- Duty reductions via Production Rebate Certificates (PRCs)

2. Enhanced Calculation Frameworks

a. VALA (Volume Assembly Localisation Allowance)

Several forms (DA199.02, DA199.03, DA199.04A/B/C) govern how manufacturers calculate:

- VALA earned on vehicles produced
- VALA used in a quarter
- Excess VALA to carry forward
- Allocation for ICE vs EV units

b. Note 8.1 Calculation

Form DA199.01 calculates the "value in terms of Note 8.1," a key figure used in determining:

- Rebate eligibility
- Custom duty adjustments
- Duty relief after PRCs and VALA credits

c. Treatment of EV Batteries

A recurring rule reduces the **customs value of EV batteries by 50%**, enabling the effective application of a **10% duty rate** (TH 9801.00.03), aligning incentives for EV manufacturing.

3. Comprehensive Tracking of Component Flows

The updated forms require detailed reporting on:

- Imports under Chapter 98
- SACU-sourced components
- Transfers to other registrants
- Usage in manufacturing
- Returns to overseas suppliers
- Destruction under supervision
- Exportation of components or completed vehicles

These measures strengthen traceability and compliance with rebate rules.

4. Amended Customs Account (DA 199A)

A new combined account consolidates:

- Opening balances
- Calculated values
- Deductions (VALA, PRCs, battery reductions)
- Customs duty and additional VAT payable

It finalises the reconciled duty amounts due after rebates.

Overall Impact

The amendments modernise the customs administration for the automotive industry, especially for:

- **Localisation initiatives**
- **Export competitiveness**
- **EV production incentives**

Manufacturers, importers, and exporters operating under Rebate Item 317.04 will need to adopt these revised forms and methodologies to remain compliant.

FULL TEXT

DETAILS

SOUTH AFRICAN REVENUE SERVICE

NO. R. 7033 28 January 2026

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

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF RULES

Under section 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 retrospective effect from 19 December 2025**

EDWARD CHRISTIAN KIESWETTER

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

CLICK HERE TO VIEW THE FULL DOCUMENT

CUSTOMS AND EXCISE ACT: REGULATIONS: AMENDMENT OF RULES (DAR266) G 54025 RG 11931 GON 7033 28 JANUARY 2026

LINK TO FULL NOTICE

Customs and Excise Act: Regulations: Amendment of Rules (DAR266)
G 54025 RG 11931 GoN 7033
28 January 2026

54025rg11931gon7033.pdf

ACTION

1. Maintain Accurate Registration and Entity Information
2. Keep Detailed and Accurate Records of All Component Movements
3. Complete All Updated DA199-Series Forms Quarterly
4. Apply Correct Duty, VALA, and EV Battery Calculations

5. Reconcile Quarterly Balances and Opening/Closing Values
6. Retain All Required Supporting Documentation
7. Implement Internal Controls and Segregation of Duties
8. Prepare for SARS Audits and Ensure Transparency

END

ELECTRONIC COMMUNICATIONS

LAW AND TYPE OF NOTICE

ELECTRONIC COMMUNICATIONS ACT:

Questionnaire of the Inquiry into New Individual Electronic Communications Network Service Licences: Extension of closing date for written responses

G 54018 GeN 3739

- Comment by 16 Feb 2026

27 January 2026

DETAILS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 3739 OF 2026

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

NOTICE TO EXTEND THE CLOSING DATE FOR WRITTEN RESPONSES TO THE QUESTIONNAIRE OF THE INQUIRY INTO NEW INDIVIDUAL ELECTRONIC COMMUNICATIONS NETWORK SERVICE LICENCES

On 25 November 2025, the Independent Communications Authority of South Africa ("the Authority") published its Notice of intention to conduct an Inquiry into new Individual Electronic Communications Network Service licences in Government Notice No. 53719 published in Government Gazette No. 3644 of 2025.

Interested persons were invited to provide responses to the questionnaire within forty-five (45) working days after the publication of the Notice in the Gazette (i.e., no later than 02 February 2026).

The Authority has received and considered request(s) from stakeholders to extend the deadline to submit responses or comments.

The Authority hereby extends the deadline to 16 February 2026. However, it should be noted that no further extensions beyond the aforementioned closing date will be considered and/or granted by the Authority.
LINK TO FULL NOTICE **Electronic Communications Act: Questionnaire of the Inquiry into New Individual Electronic Communications Network Service Licences: Extension of closing date for written responses** G 54018 GeN 3739 - Comment by 16 Feb 2026 27 January 2026
ACTION Ensure that you submit your comments before 16 February 2026.

END

ENVIRONMENTAL

LAW AND TYPE OF NOTICE

NATIONAL ENVIRONMENTAL MANAGEMENT ACT:

Single Registration Authority: Environmental Assessment Practitioners Association of South Africa: Extension of appointment (Correction)

G 54072 GoN 7078

02 February 2026

DETAILS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 7078 2 February 2026

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

EXTENSION OF THE APPOINTMENT OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS ASSOCIATION OF SOUTH AFRICA AS THE SINGLE REGISTRATION AUTHORITY IN TERMS OF SECTION 24H(3), READ WITH SECTION 24H(6), OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, UNTIL A DATE TO BE DETERMINED BY NOTICE IN THE GOVERNMENT *GAZETTE*

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby extend the appointment of the Environmental Assessment Practitioners Association of South Africa, as the single registration authority, in terms of section 24H(3), read with 24H(6), of the National Environmental Management Act, 1998 (Act No. 107 of 1998), until a date to be determined by notice in the Government *Gazette*.

The Environmental Assessment Practitioners Association of South Africa was appointed as the single registration authority for a period of five years, with effect from 8 February 2018 until 7 February 2023, whereafter the period of appointment was extended until 7 February 2024, and thereafter until 7 February 2026. This appointment is hereby further extended until a date to be determined by notice in the Government *Gazette*, to enable me to adequately consider what the most sustainable way forward would be for the long-term registration and regulation of environmental assessment practitioners and to undertake the required law reform processes.

WILLEM ABRAHAM STEPHANUS AUCAMP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

LINK TO FULL NOTICE **National Environmental Management Act: Single Registration Authority: Environmental Assessment Practitioners Association of South Africa: Extension of appointment (Correction)** G 54072 GoN 7078 02 February 2026 54072gon7078.pdf **National Environmental Management Act: Single Registration Authority: Environmental Assessment Practitioners Association of South Africa: Extension of appointment** G 54044 GoN 7059 30 January 2026 **54044gon7059.pdf**

END

FINANCE

LAW AND TYPE OF NOTICE

SOUTH AFRICAN REVENUE SERVICE ACT:

Schedule 1: Legislation administered by Commissioner: Amendment

G 54036 P 308

30 January 2026

APPLIES TO:

1. Any organisation, employer, or taxpayer operating under South African tax law
2. Any business involved in importing, exporting, manufacturing, financial trading, or mining
3. Any employer paying levies or deductions
4. Any entity subject to VAT, income tax, PAYE, payroll levies, duties, royalties, or securities taxes

SUMMARY

The amendment updates Schedule 1 of the South African Revenue Service Act, 1997, which lists all legislation administered by the Commissioner for SARS. This update formally consolidates and clarifies SARS' administrative authority over a broad range of tax-related statutes.

The revised Schedule confirms that SARS is responsible for administering key national tax, duty, levy, and royalty laws, including but not limited to the Income Tax Act, VAT Act, Customs and Excise Act, Skills Development Levies Act, Unemployment Insurance Contributions Act, Mineral and Petroleum Resources Royalty Acts, Diamond Export Levy Acts, Securities Transfer Tax Acts, and the Tax Administration Act.

As a result, the amendment affects a wide spectrum of organisations across the South African economy — including all employers, corporate taxpayers, importers and exporters, mining and petroleum companies, financial sector participants, small businesses, and any entity or individual subject to SARS-administered tax legislation.

The change does *not* create new taxes but ensures the statutory alignment of SARS' mandate with current legislative instruments.

In essence, the amendment reinforces SARS' jurisdiction over the national tax framework, ensuring regulatory coherence and confirming the obligations of all tax-liable entities operating in South Africa.

FULL TEXT

DETAILS

SOUTH AFRICAN REVENUE SERVICE

PROCLAMATION NOTICE 308 OF 2026

BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

AMENDMENT OF SCHEDULE 1 TO THE SOUTH AFRICAN REVENUE SERVICE ACT (ACT NO. 34 OF 1997)

In terms of section 33 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997), I hereby amend Schedule 1 to the said Act, as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at... Pretoria...... this ...9th.. day of ....January... Two Thousand and Twenty Six.

PRESIDENT
By order of the President-in-Cabinet

MINISTER OF THE CABINET

CLICK HERE TO VIEW THE FULL DOCUMENT

SOUTH AFRICAN REVENUE SERVICE ACT: SCHEDULE 1: LEGISLATION ADMINISTERED BY COMMISSIONER: AMENDMENT
G 54036 P 308 30 JANUARY 2026

LINK TO FULL NOTICE **South African Revenue Service Act: Schedule 1: Legislation administered by Commissioner: Amendment (English / Afrikaans)** G 54036 P 308 30 January 2026 **54036proc308.pdf**
ACTION Take note of the SARS Administrative Authority

END

HEALTH AND SAFETY
LAW AND TYPE OF NOTICE **CANNABIS FOR PRIVATE PURPOSES ACT:** Regulations: Communications invited G 54061 RG 11939 GoN 7067 - Comment by 05 Mar 2026 02 February 2026

SUMMARY

Invitation for Public Comments on Draft Cannabis Regulations

The Department of Justice and Constitutional Development has issued an open invitation to all interested parties to provide written comments on the draft Cannabis Regulations under the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024). These regulations, developed in accordance with Section 6 of the Act, aim to provide a clear framework for the possession, cultivation, transportation, and expungement of criminal records related to cannabis use and possession for private purposes. The draft regulations are available for public review on the Department's official website at justice.gov.za.

This initiative is part of the government's ongoing efforts to regulate the use of cannabis for private purposes, following the enactment of the Cannabis for Private Purposes Act, 2024. The Department is committed to ensuring that the regulations are comprehensive, fair, and reflective of public opinion. As such, it encourages all stakeholders, including individuals, organizations, and other interested parties, to participate in this important process by submitting their comments and suggestions.

Key Highlights of the Draft Cannabis Regulations

The draft regulations outline specific provisions regarding the possession, cultivation, transportation, and expungement of criminal records related to cannabis. Below are the key highlights:

1. Maximum Amount of Cannabis for Possession

- Private Places: Adults are permitted to possess up to 750 grams of cannabis in private places for personal use. This limit applies to the total amount of cannabis in possession during a single day.

- Public Places: Adults may also possess up to 750 grams of cannabis in public places for private purposes, provided the amount does not exceed this limit within a single day.

2. Maximum Number of Cannabis Plants for Cultivation

- Adults are allowed to cultivate up to five cannabis plants in private spaces for personal use. This limit applies regardless of the size, shape, or strain of the cannabis plants.

3. Maximum Amount of Cannabis for Transportation

- Adults may transport up to 750 grams of cannabis per day for private purposes. This includes cannabis that has not been removed from the plant. The regulations emphasize that the cannabis must be concealed from public view during transportation.

4. Transportation of Cannabis

The regulations provide detailed conditions, restrictions, prohibitions, obligations, and standards for transporting cannabis:

- Conditions: Cannabis must be concealed from public view during transportation. It should be stored in the trunk, boot, or enclosed storage compartment of the vehicle. If this is not possible, a storage container that ensures the cannabis is hidden from view must be used.

- Restrictions: The amount of cannabis transported must not exceed the prescribed limit of 750 grams per day.

- Prohibitions: Transporting cannabis mixed with other substances, handling or inspecting cannabis while driving, or revealing to others that the vehicle is carrying cannabis is strictly prohibited.

- Obligations: Drivers must inform passengers if cannabis is being transported in the vehicle. Passengers must also notify the driver if they are carrying cannabis and ensure it is within the permissible limit.

- Standards: Only cannabis varieties or strains permissible under South African law may be transported.

5. Regulations for Passengers in Vehicles Transporting Cannabis

Passengers in vehicles transporting cannabis must adhere to specific rules:

- Conditions: Cannabis must be kept in the passenger's bag or luggage and concealed from public view.

- Restrictions: Cannabis must not exceed the permissible transportation limit and must not be accessible to other passengers.

- Prohibitions: Passengers are prohibited from mixing cannabis with other substances, handling or inspecting cannabis while in transit, or disclosing to others that the vehicle is carrying cannabis.

- Obligations: Passengers must notify the driver if they are carrying cannabis and ensure it is within the legal limit. They may refuse to enter a vehicle if the driver is transporting cannabis in excess of the prescribed limits.

- Standards: Passengers may only possess cannabis varieties or strains permitted under South African law.

6. Expungement of Criminal Records

The regulations provide a process for individuals convicted of certain cannabis-related offences prior to the enactment of the Cannabis for Private Purposes Act, 2024, to apply for the expungement of their criminal records. This process is outlined as follows:

- Eligibility: Individuals may apply for expungement if their conviction and sentence for cannabis-related offences were not automatically expunged by the Criminal Record Centre of the South African Police Service.

- Application Process: Applicants must complete Form 1, which is included in the regulations, and submit it along with a clearance certificate obtained from the Criminal Record Centre. The application can be delivered by hand or post to the Department of Justice and Constitutional Development.

- Review and Decision: The Director-General will review the application and issue a certificate of expungement if the applicant meets the criteria outlined in the Act. If the application is denied, the applicant will be informed in writing, along with the reasons for the decision.

- Final Steps: The certificate of expungement will be submitted to the Criminal Record Centre of the South African Police Service, which will confirm the expungement in writing within 21 working days.

How to Submit Comments

The Department encourages all interested parties to provide their input on the draft regulations. Comments must be submitted no later than Thursday, 5 March 2026, and should be marked for the attention of Mr. M Mokulubete. Submissions can be made through the following channels:

- By Post: Address your comments to: The Department of Justice and Constitutional Development Private Bag X81 Pretoria, 0001

- By Hand Delivery: Deliver your comments to: The Department of Justice and Constitutional Development Momentum Centre, Room E1431 239 Pretorius Street Pretoria

- By Email: Send your comments to MMokulubete@justice.gov.za.

For further inquiries or additional information, you may contact Mr. M Mokulubete at 012 406 4753 or 084 842 5780.

Why Your Input Matters

The Department of Justice and Constitutional Development is committed to ensuring that the regulations governing the use, possession, cultivation, and transportation of cannabis for private purposes are fair, comprehensive, and reflective of the needs and concerns of the public. By participating in this process, you can help shape the future of cannabis regulation in South Africa.

Accessing the Draft Regulations

The full text of the draft Cannabis Regulations is available for free online at www.gpwonline.co.za. Interested parties are encouraged to review the document thoroughly before submitting their comments.

This is a unique opportunity for South Africans to contribute to the development of legislation that will impact the use and regulation of cannabis for private purposes. Make your voice heard by submitting your comments before the deadline!

FULL TEXT

DETAILS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 7067 2 February 2026

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

INVITATION FOR PUBLIC COMMENTS ON THE DRAFT CANNABIS REGULATIONS

1. INVITATION

1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the draft Regulations under the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024) (the Act).

1.2 The draft Regulations are issued in terms of section 6 of the Act, and are available on the website of the Department at: https://www.justice.gov.za/legislation/invitations/invites.htm

2. COMMENTS

2.1 The comments must be submitted not later than **Thursday, 5 March 2026**, marked for the attention of **Mr M Mokulubete**, and–

(a) if they are forwarded by post, be addressed to–
The Department of Justice and Constitutional Development
Private Bag X81, Pretoria, 0001

(b) if they are delivered by hand, be delivered at–
The Department of Justice and Constitutional Development
Momentum Centre, Room E1431, 239 Pretorius Street, Pretoria

(c) if they are delivered by email, be emailed to MMokulubete@justice.gov.za.

2.2 For more information, please contact Mr M Mokulubete on **012 406 4753 / 084 842 5780**

LINK TO FULL NOTICE

Cannabis for Private Purposes Act: Regulations: Communications invited
G 54061 RG 11939 GoN 7067
- Comment by 05 Mar 2026
02 February 2026

54060rg11938gon7067.pdf

ACTION

Ensure that you submit your comments before 05 March 2026.

END

LAW AND TYPE OF NOTICE

OCCUPATIONAL HEALTH AND SAFETY AND ACT: REGULATIONS: DRIVEN MACHINERY:

Correction

G 54036 GoN 7052

30 January 2026

APPLIES TO:

TRAINING PROVIDERS OF LIFTING MACHINE OPERATORS

SUMMARY

□ **New Clause for Training Providers (Clause 4.5 Added)**
Training providers are allowed to **continue issuing carry cards** until a formal licensing body is established.

□ **Licensing Body Establishment Deadline**
A licensing body must be in place by **29 May 2027** to implement clause 5.

□ **Updated Requirements for Certificates of Competence (Clause 14.1)**
The list of information required on certificates has been revised by **removing "initial"** and replacing the entire clause.

The certificate must now include:

- Accredited provider details
- Accreditation number
- Certificate number
- Operator's full name, ID/passport
- Machine details, restrictions, assessor registration number
- Skills programme and NQF level
- Credit value
- Date of issue
- Two authorised signatures

 Terminology Change: “Re-certification” → “Relicensing” (Clause 14.1)
The term **re-certification is replaced with "relicensing"**.
Certificates will **not** be re-issued for the same learning component; instead, relicensing applies.

 Deletion of Re-certification Reference (Clause 14.2)
Re-certification wording is removed entirely since certificates are **issued once only**.

FULL TEXT
DETAILS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 7052 30 January 2026

OCCUPATIONAL HEALTH SAFETY AND ACT (ACT NO.85 OF AS 1993), AS AMENDED

DRIVEN MACHINERY REGULATIONS 2015

INCORPORATION OF NATIONAL CODE OF PRACTICE FOR TRAINING PROVIDERS OF LIFTING MACHINE OPERATORS

CORRECTION NOTICE

Government Notice No. 51657 published in government gazette No 5588 dated 29 November 2024 is hereby corrected as follows.

1. Addition of clause 4.5 under duties of training providers empowering training provider to continue issuing the carry card until licencing body has been established.
2. Establishment of the licensing body by 29 May 2027 for the implementation of clause 5.
3. Deletion of the word initial in clause 14.1, so that the clause will read, 'A certificate of competence must include the following...:'
   a. name and logo of the accredited training provider or authorised body
   b. physical address of accredited training provider;
   c. accreditation number of accredited training provider;
   d. certificate identification or serial number;
   e. identification of Act and Regulation;
   f. Full names and surname of operator
   g. National identification or passport number of operators;
   h. lifting machine code, code description of equipment, attachments and capacity:
   i. restrictions of operation;
   j. registration number of assessor
   k. skills program number/part qualification or qualification number
   l. skills program title
   m. NQF level if applicable
   n. Credit value;
   o. Date of issue and
   p. Two authorising signatures
4. Deletion of the term 're-certification' in clause 14.1 as it has been replaced by the term 'relicensing' so that the clause read, 'No certificate will be issued on relicensing for the same component of learning/Skills programme, module, part-qualification, qualification or unit standard'.
5. Deletion of the term 're-certification' in clause 14.2 as certificates are only issued once.

Millysind E. Ruiters

Chief Inspector

Changes will appear in orange. And if there is a cross through the word, it has been deleted and replaced.

DETAILS OF THE PREVIOUS GAZETTE THAT ARE SUBJECT TO CORRECTION.

**GN 5588 of 29 November 2024: National Code of Practice for the Training Providers of Lifting Machine Operators, 2024
(Government Gazette No. 51657)**

DEPARTMENT OF EMPLOYMENT AND LABOUR

I Millysind E. Ruiters, appointed as Chief Inspector in terms of section 27 (1) of the Occupational Health and Safety Act, (Act No. 85 of 1993), as amended, by virtue of the power delegated to me by the Minister of Employment and Labour in terms of section 42 (1) of the Act, and after consultation with the Advisory Council for Occupational Health and Safety hereby—

1.Withdraw National Code of Practice for Training Providers of Lifting Machine Operators published on the Government Notice R.539 of Government Gazette No. 38904, and mentioned on the schedule published Government Notice R.542 of Government Gazette No. 38905,

2.Under Section 44 of the Occupational Health and Safety Act (Act No.85 of 1993), as amended, incorporate into the Driven Machinery Regulations, 2015, the National Code of Practice for the Training Providers of Lifting Machine Operators, 2024.

3.Exempt Training Providers in terms of Section 40 of the Occupational Health and Safety Act, (Act 85 of 1993), as amended as required by regulation 18 (11) of the Driven Machinery Regulations on a condition that they are accredited by Quality Council for Trade Occupations (QCTO) or Transport Seta (TETA) until end of June 2027. With effect from end of June 2027 all training providers shall be accredited by QCTO.

FOR THE
TRAINING PROVIDERS OF LIFTING MACHINE OPERATORS, 2024

CONTENTS

(Editorial Note: Wording as per original Government Gazette.)

FOREWORD

This Code of Practice is to provide clarity and direction to all stakeholders directly or indirectly related to the accreditation and provision of training to lifting machine/equipment operators in South Africa.

This document incorporates the experience acquired by the Department of Employment and Labour, the relevant stakeholders of the industry since 1992.

This Code of Practice provides direction regarding the foundation for training of all lifting machine/equipment operators with the objective of ensuring standardised training, and safety standards that will impact directly on reducing the risk of injury/death to employees/persons or damage to plant and equipment, inherent in all driven machinery operations and especially when loads are lifted or transported.

The Provincial Office of the Department of Employment and Labour is available to assist in clarifying any difficulties in understanding the application of the legislation or if there are any queries regarding the accreditation contact Quality Council for Trades Occupations (QCTO).

1. SCOPE

This National Code of Practice is to provide clarity and direction to all stakeholders directly or indirectly related to the accreditation and provision of training to lifting machine/equipment operators in South Africa.
The National Code of practice is set in line with the relevant accreditation criteria and guidelines of the Quality Council for Trade Occupations (QCTO).

The National Code of Practice requires that all lifting machine/equipment Operators of lifting machines listed in this code are trained regardless of the capacity of the lifting machine/equipment by an accredited training providers.

Further, the National Code of Practice covers the criteria and guidelines for lifting machine/equipment operators, assessors, moderators and skills training providers. Where other Occupational Health and Safety legislation is applicable these must be applied.

The Authorised Body shall be consulted by South African Qualification Authority (SAQA) prior to approval and registration of, components of learning/skills programmes, part-qualifications or qualifications for operators of lifting machines/equipment.

2. DEFINITIONS

For purposes of The National Code of Practice the following definitions shall apply—

Accredited training provider
Means a body recognised and approved by the chief inspector which delivers unit standards, components of learning/skills programmes, part-qualifications or qualifications as defined and reports the achievements thereof to the Authorised Body.

Assessment
Means the process of collecting evidence of learner's work to measure and make judgements about the achievements or non-achievements of specified National Qualifications framework standards.

Assessor
Means the person who is registered by the Authorised Body in accordance with criteria established for the purpose to measure the achievement of specified National Qualifications Framework Standards or qualifications and the criteria of this Code of Practice.

Audit
Means the process undertaken to measure the quality of products or services that have already been made or delivered;

Authorised Body
Means a body mandated in terms of the National Qualifications Framework Act, Act 67 of 2008 as amended, responsible for monitoring and auditing achievements in terms of national standards or qualifications, and to which specific functions relating to the monitoring and auditing of national standards or qualifications have been assigned and is mandated by Chief Inspector.

Board
Means an executive structure of an Authorised Body.

Certificate of Competence
A certificate issued by an authorised body to a person who has demonstrated competence in a specific category of equipment as delineated per Appendix 1 and according to the assessment criteria of the applicable components of learning/skills programmes, part-qualifications or qualifications and the criteria of this Code of Practice.

Licenced Operator
A holder of a valid license/carry card issued by a licensing body approved by Chief Inspector.

Licensing body
It is a body approved and mandated by the Chief Inspector

Lifting Machine/Equipment Codes
The lifting machine/equipment codes denote the different types of lifting machine/equipment that are covered under this National Code of Practice primarily lift-

trucks (also known as forklift) and cranes. The unique codes for the different machine types are identified in Appendix 1. See Appendix 6 for typical illustrations.

Management Representative
A person employed by the Accredited Training Provider to administer and control the functionality of the accredited training provider in accordance with the provisions of the National Code of Practice and in line with authorised body's accreditation criteria.

Moderator
Means the person that is registered by the relevant authorised body in accordance with criteria established for this purpose by SAQA that ensures the assessment of the outcomes as described in the National Qualifications Framework Standards and/or qualifications, and this National Code of Practice, is fair, valid and reliable.

Non-Credit bearing Skills Programme
Means a programme that is based on a module of a qualification that leads to a skill related to a specific group of equipment and does not earn a credit on the National Qualifications Framework (NQF) towards a qualification. This programme must subscribe to a standard duration agreed through the authorised body or in the absence of such an agreement a SANS or International standard.

Quality Management System
Means the combination of documented processes used to ensure that the degree of excellence specified is achieved in line with the quality assurance criteria and other relevant standards

Regulations
Means the Driven Machinery Regulations.

Statement of Results
A statement of Results issued by the Authorised Body to a person who has demonstrated competence in a specific category of equipment according to the assessment criteria of the applicable, components of learning/skills programmes, part-qualifications or qualifications.

3. DUTIES OF AUTHORISED BODY

3.1.The Internal Accreditation Committee shall make recommendations to the Board of the Authorised Body for accreditation ratification.
3.2.The authorised body shall maintain the latest information of the accredited training provider's and shall forward such listings on request or at least every three months to the Chief Inspector. The following information fields are to be included; registered name of provider, postal and physical address, contact name, contact numbers, and accredited codes.

3.3The authorised body shall at the last working day of January of each year or as may be requested provide the following returns for the previous calendar year to the Chief Inspector—

(a)the number of accredited providers;
(b)the number of learner assessments;
(c)the number of monitoring and audits of accredited providers and
(d)the number of certificates of competence issued both new and retrained, per code of lifting machine/equipment.

3.4The authorised body shall conduct periodic audits of accredited training providers to verify compliance to the quality assurance criteria. Provided that audits shall be conducted at intervals not exceeding 12 months or as determined by the Authorised Body to verify compliance to the relevant criteria.
3.5The authorised body is empowered to de-accredit a training provider after a fair process for non-conformance with the accreditation criteria. The Authorised Body shall forthwith notify the Chief Inspector of any suspension or withdrawal.
3.6The authorised body is mandated by Chief Inspector to accredit training provider.

4. DUTIES OF ACCREDITED TRAINING PROVIDERS

4.1After accreditation, the accredited training provider shall forward a copy of the letter of accreditation/provisional accreditation letter and a cancelled letterhead of the accredited provider, to the Chief Inspector for approval under the applicable regulation.
4.2Accredited training providers shall hold valid accreditation issued by an authorised body, in terms of the National Qualifications Framework Act, and approval from the Chief Inspector, in terms the Driven Machinery Regulation 18 (11) as published under the Occupational Health and Safety Act 1993.
4.3An accredited training provider's management representative shall be responsible for the implementation and maintenance of a Quality Management System (QMS) as per the accreditation criteria and maintenance of accreditation.

4.4The accredited training provider must comply to the authorised body accreditation criteria and guidelines which include but are not limited to the following—
(a)Approved Quality Management System
(b)Learning Programmes aligned to components of learning/skills programmes, part-qualifications or qualifications and submitted and approved by the authorised body.
(c)Registered Assessors and Moderators in line with subject matter area and criteria.

(d)The management representative's delegated duties and responsibilities, including the authorisation of all certificates of competence.
(e)The delegation of functions and scope of responsibilities for registered facilitator/s or assessor/s under the supervision and control of an accredited training provider, to maintain assurance of management's support for independent actions and decisions.

(f)The accredited training provider shall ensure that all assessments are carried out with integrity. Measures shall be implemented to ensure that the accredited training provider and its staff are free from all pressures; financial or otherwise that could influence their judgement.
(g)A clearly defined written policy and procedure for the resolution of any conflict that may arise from clients or other parties about the activities of the accredited provider.

(h)The accredited training provider shall ensure confidentiality of all information obtained in the course of its activities. Proprietary rights shall be protected in accordance with Protection of Personal Information Act, No 4 of 2013.
(i)The accredited training provider shall conduct internal moderation on all aspects of its scope of accreditation plan and report to the authorised body external moderator to ensure effective competency declaration of learners. A procedure clarifying whom, when, what and how regarding the internal moderation process shall be conducted.
(j)Submit per electronic data all relevant national learner record database information on a quarterly basis to authorised body.
NB: All accredited training providers will need to ensure that they have aligned to the approved and updated guidelines from the relevant authorised body.

4.5 Empowering training provider to continue issuing the carry card until licencing body has been established.

5. DUTIES OF LICENSING BODY

Establishment of the licensing body by 29 May 2027 for the implementation of clause 5.

5.1The licensing body shall assess recommendations from the Training Providers prior to issuing a licence.
5.2The licensing body shall issue a licence to a learner found competent against a skills program, part qualification or qualification.

5.3The licensing body shall independently assess the competence of the learner.
5.4Department of Employment and Labour (DOEL) and QCTO will audit the licensing body.
5.5The licensing body shall develop assessment process approved by DOEL, Transport Seta (TETA) and QCTO.
5.6Once the National Code of Practice is published, the licensing body should be ready to implement the requirements for issuing temporary licences and licences within a year of publication of this National Code of Practice.

6. FIELD OF ACTIVITY

6.1The field of activity(scope) and extent of the services for which the accredited training provider has been accredited and approved shall be detailed in the accreditation document issued by the authorised body and an approval certificate issued by Chief Inspector. An accredited training provider shall not provide training on any lifting machine/equipment code and extent of services other than those for which the provider holds accreditation and approval.
6.2The, components of learning/skills programmes, part-qualifications or qualifications must lead to the competent operation of the lifting machine/equipment within the specific code against the registered components of learning/skills programmes, part-qualifications or qualifications.
6.3Where training is provided by an accredited training provider at premises other than those inspected and approved by the authorised body, then full details of the facilities and equipment used shall be recorded in the format of the facilities check sheet as

detailed in Appendix 5 must be completed and readily available on request of the authorised body.

7. TRAINING SYSTEM DOCUMENTATION

7.1The accredited training provider will keep available training system documents as required by the accreditation criteria.

8. RECORDS AND RETENTION

8.1All learner records shall be maintained by the accredited training provider as required by the NQF Act for a minimum period of five (5) years and the records shall be accessible during this time for inspection by the Authorised Body and Department of Employment and Labour.
8.2The authorised body will similarly retain for five (5) years all its relevant records.

9. TRAINING COURSE DURATION

9.1The accredited training provider shall ensure that every learner is granted relevant theoretical and practical training to enable the learner to attain the prescribed competency level according to the assessment criteria of the applicable component of learning/Skills programme, module, part-qualification or qualification. The training course duration and instruction conditions may vary according to previous certification of the learner, as indicated below:

9.2Learners without prior certification applicable to a specific lifting machine/equipment code—
(a)The hours of training shall be according to the notional learner hours of the components of learning/skills programmes, part-qualifications or qualifications with a minimum of 30% theory and 70% practical.
(b)The ratio of learners to facilitator shall not exceed 12:1 for theory training; and
(c)The ratio of learners to demonstration/practical training per machine shall also not exceed 4:1 and all operator training must be subject to direct facilitator supervision.

NOTES:
•Operators without a valid licence or temporary licence to operate shall not operate the relevant lifting machine/equipment in the working or operating environment.
•Operators of immovable machines (area specific) may be trained/assessed in the working or operating environment only under the direct and constant supervision of a facilitator/assessor and the work area is safe and safeguarded.
Should the operator not meet the registered components of learning/skills programmes, part-qualifications or qualifications competency further training must be arranged, for the learner to achieve the particular outcome/s.

10. LICENSING

(a)Operators who are found competent must be issued with a license by a body approved by the Chief Inspector.

(b)A temporary license may be issued for 6 months by the licensing body where practical assessment has to be carried out.

(c)A licensing body shall issue a temporary licence to learners for the purposes of practical assessments/experience. The temporary licence will be valid for a maximum period of 6 months. A learner issued with a temporary licence must operate under direct and constant supervision of a person with a valid licence for the particular type of lifting machine.

11. OPERATORS WITH PREVIOUS LICENSE (RE-LICENSING)

(a)Operators previously certified under the Driven Machinery Regulations whose licenses have expired or are due to expire, shall be subject to re-licensing. The re-licensing training shall comprise a minimum of 4 hours theoretical instruction with special focus on safety and a minimum 1-hour practical training.
(b)Practical assessments must be done under a ratio of 1:1 assessor supervision.
(c)The ratio of learners to facilitator shall not exceed 12:1 for theory training; and
(d)Upgrades on codes for learners/operators shall be regarded as re-licensing, provided that the upgrade will be of a same type of lifting machine i.e. code F1 to code F 3, code F5 to F14. C33 to C36.

NOTES:
•Operators without a valid licence or a temporary license shall not operate the relevant lifting machine/equipment in the working or operating environment.
•Operators of immovable machines (area specific) may be trained/assessed in the working or operating environment only under the direct and constant supervision of a facilitator/assessor and the work area is safe and safeguarded.
•Should the operator not meet the registered components of learning/skills programmes, part-qualifications or qualifications competency further training must be arranged, for the learner to achieve the particular outcome/s.

12. ENTRANCE QUALIFICATION CONDITIONS

12.1All learners of whatever status must be physically capable of performing without difficulty the tasks involved in operating the lifting machine/equipment for which they are to receive training or re-licensing training and are at least 18 years of age.

12.2Before commencing training or re-licensing every learner shall provide the accredited training provider with the following—
(a)An employer declaration or medical certificate confirming the medical fitness of the learner to undergo the intended training;
(b)An eye test results issued by a person trained to carry out such tests, confirming that the learner has adequate day and night vision, and depth perception (e.g. Purdue University standard vision test No. 3): Provided that a valid Professional Driver's Permit can also be accepted in lieu of the eye test results; and

(c)Shall wear the required personal protective equipment as prescribed by the employer under the General Safety Regulation 2 of the Occupational Health and Safety Act.

12.3All new entrants intended under this code will be required to hold at least a Grade 9/Abet 4 or NQF level 1 in foundational learning and must be at least 18 years of age—

(a)Additional Entrance Qualification Conditions for Mobile Jib Cranes and Tower Cranes—
(i)An appropriate driver's licence for the particular vehicle;
(ii)Shall be wearing protective footwear (steel toe-capped); and
(iii)As from the final approval date of the Code of Practice, all new entrants intended under these categories shall hold a General Education and Training Certificate Grade 12 (Std 10), or National Qualifications Framework level 4 (Mathematics literacy and English) or equivalent.
(iv)Conditions i and iii do not apply to wall/pillar mounted jib cranes.

13. ACCREDITATION REQUIREMENTS FOR PERSONNEL

13.1Every accredited training provider shall appoint in writing a full-time employee as a management representative.
13.2Every accredited training provider shall appoint in writing all registered facilitators/assessors.

13.3Management Representative—
(a)The management representative shall be empowered with the necessary authority to ensure that the provisions of the National Code of Practice are implemented and maintained.
(b)The accredited training provider shall within 7 days notify the authorised body in writing regarding any changes to the management representative.

13.4Assessor
(a)An assessor is a person having complied with the following—
(i)Holding a valid certificate of competence in assessment and facilitation and a minimum of three years' experience and a valid certification/license/carry card for each applicable lifting machine/equipment code.
The duration of initial training for an assessor shall be at least the same as for a novice operator plus documented 120-hours practical experience.
Demonstrating competence for providing training as evaluated according to the relevant criteria.
(ii)Knowledgeable of this code of practice; and

(b)Who is under the supervision and control of an accredited training provider.

14. CERTIFICATION

14.1 A~~n~~ ~~initial~~ certificate of competence must include the following ~~information~~—
(a)name and logo of the accredited training provider or authorised body;
(b)physical address of accredited training provider;
(c)accreditation number of accredited training provider;
(d)certificate identification or serial number;
(e)identification of Act and Regulation;
(f)Full names and surname of operator;
(g)National identification or passport number of operators;

(h)lifting machine code, code description of equipment, attachments and capacity;
(i)restrictions of operation;
(j)registration number of assessor;
(k)skills program number/part qualification or qualification number
(l)skills program title
(m)NQF level if applicable
(n)Credit value;
(o)date of issue and
(p)Two authorising signatures

No certificates will be issued on ~~re-certification,~~ relicensing for the same component of learning/Skills programme, module, part-qualification, qualification or unit standard

14.2A license/carry card will be valid for a period of up to 24 months, and must be issued upon certification or ~~re-certification~~ and must include the following information—
(a)name and logo of the accredited provider or authorised body
(b)license identification or serial number;
(c)initials and surname of operator;
(d)Identification or passport number of operators;
(e)lifting machine code, code description of equipment, attachments and capacity;
(f)restrictions of operation;

(g)skills program or qualification number;
(h)registration number of assessor;
(i)date of issue and expiry date (24 months); and
(j)authorising signature.

14.3A temporary license will be valid for a period of up to 6 months, and must be issued upon certification or re-licensing and must include the following information—
(k)name and logo of the accredited training provider or authorised body
(l)certificate identification or serial number;
(m)initials and surname of operator;
(n)Identification or passport number of operator;
(o)lifting machine code, code description of equipment, attachments and capacity;
(p)restrictions of operation including “under supervision only”;
(q)Skills programme, part-qualification or qualification number;

(r)registration number of assessor;
(s)date of issue and expiry date (6 months); and
(t)authorising signature.
(Editorial Note: Numbering as per original Government Gazette.)

14.4The Authorized Body will issue a “Statement of Results” to competent learners/operators.
14.5No person shall operate any equipment covered by this National Code of Practice without a valid certificate of competence and a carry card required by the Driven Machinery Regulations.

13.Special cases
2. Where lifting machine/s are in use that are reasonably considered to be a “one off/unique” type, and where no experience in their use is available. The manufacturer/supplier of the lifting machine will train the operator and issue a certificate of training. This can be accomplished by sending the learner/operator to the supplier or the supplier sending a qualified instructor to the learner/operator. In such cases full course details must be made available to the relevant authorised body and the learner/operator will be required to do a theoretical and practical assessment set by the authorised body. The authorised body will issue a statement of results for the theoretical examination to the operator’s employer.
(Editorial Note: Numbering as per original Government Gazette.)

APPENDIX 1
LIFTING MACHINE CERTIFICATION CODES
Forklift Codes
For illustrations of typical codes refer to Appendix 12

Code No.	Code Description
F1	Counterbalanced lift truck up to rated capacity of 3000 kg
F2	Counterbalanced lift truck up to rated capacity of 7000 kg
F3	Counterbalanced lift truck up to rated capacity of 15000 kg
F4	Counterbalanced lift truck above a rated capacity of 15000 kg
F5	Reach lift truck up to rated capacity of 2500 kg
F6	Pedestrian-controlled lift truck below rated capacity of 2000 kg
F7	Pedestrian-controlled lift truck above rated capacity of 2000 kg
F8	Order Picker lift truck - for first and second level racking (NA/WA)
F9	Order Picker lift truck - for all racking levels including high-rise (NA/WA)
F10	Side Loader lift truck
F11	Rough Terrain//Agricultural Equipment with lift truck attachments,
F12	Pallet lift truck, battery-powered for propulsion (Specify Capacity)
F13	VNA lift truck, non-elevating cab, to service all levels
F14	VNA lift Truck, elevating cab, to service all levels

F15	Rail mounted stacker lift truck, non-elevating cab
F16	Rail mounted stacker lift truck, elevating cab

•VNA=Very Narrow Aisle
•NA=Narrow Aisle
•WA=Wide Aisle

Attachments & Special Equipment

A Side-shift
B Single Pole
C Carton or Paper Roll Clamp
D Crane Hook
E Push-Pull/Slip Sheet Equipment
F Load Rotator
G Wire Guidance System
H Load Extender Pantograph
I Rotating Mast (Order Picker)
J Tilting Bucket
K Tandem Forks
L Container Handling
M Mancage
N Tyre handler

Code Specification on Competency Certificates

Accrediting Organisations are required to annotate certificates to clearly identify the machine category, code number and description. The description only where it significantly differs from the basic code description: i.e. code F11 (Bell Three-Wheeler/Front End Loader/Excavator with Fork/grab attachment)

Special Cases

In the case of additional or new attachment/s, the learner will be required to undergo retraining and assessment to include the attachment/s.

CRANES CODES

Code No.	Code Description
C30	Overhead Crane Pendant and Radio Controlled
C31	Overhead Crane Cab Controlled
C32	Truck mounted Crane up to the Capacity specified on the Certificate
C33	Hydraulic Mobile Crane up to rated capacity of 50 000 kg
C34	Hydraulic Crane Pick up and Carry up to a rated capacity of 50 000 kg
C35	Hydraulic Mobile Crane to the rated capacity of above 50 000 kg and as specified on the Certificate
C36	Hydraulic Crane Pick up and Carry to the rated capacity of above 50 000 kg and as specified on the Certificate
C37	Lattice Boom Mobile Truck Crane up to rated capacity of 50 000 kg
C38	Lattice Boom Mobile Crawler up to rated capacity of 50 000 kg
C39	Lattice Boom Mobile Truck Crane to the rated capacity of above 50 000 kg as specified on the Certificate

C40	Lattice Boom Mobile Crawler Crane to the rated capacity of above 50 000 kg as specified on the Certificate
C41	Tower Crane: Top Slewing
C42	Tower Crane: Bottom Slewing
C43	Hydraulic Mobile Crane up to rated capacity of 15 000 kg
C44	Sugar Cane Crane
C45	Ships Crane
C46	Telescopic Boom Handler
C47	Wharf side Crane (Rail mounted)
C48	Reach Stacker (Telescopic Container Handler)
C49	Straddle Carrier
C50	Cantilever container Crane (Ship to Shore)
C51	Scotch Derrick Crane (Ship Mounted)
C52	Rail mounted Gantry Crane (RMG)
C53	Mobile elevated work platform
C54	Hoist & Winches.
C55	Rubber Tyred Gantry Crane
C56	Side Loader Container
C57	Floating crane
C58	Powered Wallmounted/Pedestal Jib crane
C59	Wharfside Jib crane (rubber tyred)
C60	Side boom crane

Note that the authorised body will maintain a list of approved learning elements per code. Providers must ensure that they are accredited on the relevant unit standards linked to these codes.

Attachments and Special Operations

O Fly Jib (Lattice)
P Boom Extension (Hydraulic)
Q Counterweight Options
R Tandem Lifts
S Special Categories
T Mancage
U Rail Mounted
V Steam driven
W Spreader
X Grab/grapple/forks

Code Specification on Competency Certificates

Accredited training providers are required to annotate certificates to clearly identify the machine category, code number and description. The description only where it significantly differs from the basic code description.

Special Cases

1.It is a pre-requisite that the operator of specialised equipment will be certificated in a basic category applicable to the special machine in question.

APPENDIX 2
GENERAL EXPLAN
ATORY NOTES

These form part of the provisions of the Code

This appendix contains explanatory notes, which should be taken into account when additional clarity maybe required.

1.Accreditation of accredited training providers will remain valid whilst no non-conformances are recorded during annual audits. If any non-conformances are recorded the accredited training provider will have 30 days of the audit date to correct and provide any explanations, which may be required.

2.The responsibility of the accredited training provider shall go beyond simply carrying out training and assessments but shall include applying measures to ensure that the standards of training and assessments are maintained at all times.

3.An accredited training provider may operate as a training organisation on a client's premises. The registered facilitator shall ensure that sufficient equipment and facilities are available at the client's premises to undertake and complete the training programme to ensure the required level of competence. In all cases a record must be kept of the facilities and equipment used at the premises for inspection during audits. Any special circumstances such as the absence of suitable equipment to perform the practical tests required should be recorded and the certificate issued may require limitation endorsements.

4.Copies of all assessment papers and practical test marking sheets are required to be kept for each certificate of competence issued for audit purposes.

5.A composite organisation involved in the direct sale of equipment and which has sufficient staff to perform accredited training provider functions shall obtain accreditation and shall be required to demonstrate the following—
(a)That adequate safeguards are in place to isolate certification staff from those involved in the other aspects of the organisation to ensure that no pressures are brought to bare which may influence registered facilitator's and assessor's judgement.
(b)The organisation has a clearly defined policy for the resolution of conflict that may arise;

6.Accredited training providers requiring registered facilitators to use alternative course material, to their own proprietary material, must be able to demonstrate to the authorised body that they are conversant with the material and able to use it effectively.

7.An organisation applying for accreditation, as an accredited training provider must provide written approval for the use of the course material submitted unless it is clearly entirely of its own origination

8.Where conditions and/or equipment are insufficient to be able to assess an operator's performance under all types of situation then any certificate must be limited accordingly.

9.In the case of the client's only requirement is for the operator to load and off load road vehicles then the certificate of competence must be limited in either of the following manner:
(a)"Whilst in the employment of the Client"; or
(b)"For loading and off-loading road vehicles only"
The second alternative is preferred, as this will adequately represent the operator's competency if the certificate of competence is presented to another employer.

APPENDIX 3
EXAMPLE OF A PRACTICAL ASSESSMENT MARK SHEET

ACCREDITED PROVIDER:
....
CANDIDATE: .... DATE:
....
I.D. NUMBER: .... MACHINE TYPE:
....
MACHINE MAKE: .... MACHINE CODE:
....
COMPANY: .... CAPACITY:
....

PRE-START CHECKS (Delete items not specific to the test machine or conditions)
Personal Protective Equipment for the work environment
....
{May include hardhats, overalls, thermal suits, goggles, earplugs as applicable}

Safety Shoes/Boots		Load Chart & Max Mass Load	
Forks/Attachments *		Position of Forks	
Load Backrest		Tyre Condition & Pressure	
Machine Condition		Wheel Nuts	
Battery Terminals		Overhead Guards	
Electrolyte Level		Engine & Transmission Leaks	
Engine Oil Level *		Hydraulic Oil Leaks	
Hydraulic Oil Level		Brake Fluid Leaks	
Brake Fluid Level* ____		Petrol/Diesel Leaks	
Radiator Water Level *		Gas Leaks	
Radiator Cap		Water Leaks	
Water Pump		Drivers Compartment	
Fan Belts		Mast & Chains *	
Fan Blades		Hydraulic Cylinders	
Drive Belts		Hoses Condition	
Fuel Level			

PRE-OPERATIONAL TESTS

Enter & Adjust Seat		Gauges (before and after)*	
Control levers/pedals		Ignition Key	
Raise & lower		Foot Brake*	
Tilt Front & Back		Hand/Park Brake*	
Forward & Reverse		Steering Operation*	
Horn		Attachment controls	
Lights/Indicators			

Total Items Unchecked ....
*
Omission to check any one of these items would constitute the learner/operator not being yet competent of the Pre-start checks and Pre-operational test.

THEORY TEST QUESTIONS (group)
1 4
....
2 5
....
3
....

Penalties
Total items unchecked from Pre-start and Operational Assessment:
....: × 2 = ...*....
* Maximum 20 penalties

1
TOTAL PRE-START AND PRE-OPERATIONAL PENALTIES ....
PRACTICAL OPERATING ASSESSMENT
(Delete items not specific to the test machine)

Penalties

Forks Bind on Entry/Withdrawal	.... = ...: × 5 = ...
Forks not central under Load	.... = ...: × 5 = ...
Load not at Heel of Forks	.... = ...: × 5 = ...
Stack/De-stack with Mast Tilted	.... = ...: × 5 = ...
Fails to Stack/De-stack Correctly	.... = ...: × 5 = ...
Fails to Apply Park/Handbrake	.... = ...: × 5 = ...
Fails to Place in Neutral	.... = ...: × 5 = ...
Fails to Position Mast for Travel	.... = ...: × 5 = ...

Fails to Position Forks for Travel	………………… = ………………: x 5 = ……………………
Places Body Outside Cabin	………………… = ………………: x 5 = ……………………
Bump Side of Course	………………… = ………………: x 10 = …………………
Fails to Look in Direction of Travel	………………… = ………………: x 5 = ……………………
Selects Wrong Control/Direction	………………… = ………………: x 10 = …………………
Shunts to Stack/Un-stack	………………… = ………………: x 1 = ……………………
Shunts to negotiate Chicane	………………… = ………………: x 1 = ……………………
Fails to Release Park/Handbrake	………………… = ………………: x 5 = ……………………
Fails to hold steering wheel during travel	………………… = ………………: x 10 = ……………………
Accelerates erratically	………………… = ………………: x 1 = ……………………
Brakes erratically	………………… = ………………: x 3 = ……………………
Uses Controls roughly	………………… = ………………: x 5 = ……………………
Hands on Controls	………………… = ………………: x 5 = ……………………
CLOSE DOWN CHECKS (PARK)	
Fails to Place in Neutral	………………… = ………………: x 2 = ……………………
Fails to Set Park Brake	………………… = ………………: x 2 = ……………………
Fails to Set Mast and Forks	………………… = ………………: x 2 = ……………………
Fails to Shut off Gas	………………… = ………………: x 2 = ……………………
Fails to Operate Diesel Cut Out	………………… = ………………: x 2 = ……………………
Fails to Switch Off	………………… = ………………: x 2 = ……………………
Fails to Remove Key	………………… = ………………: x 2 = ……………………

2TOTAL OPERATING AND CLOSE DOWN PENALTIES

…………………………………

TIME PENALTIES

The assessor is to complete the course to establish a fair time (minimum 15 minutes) and then add 50% to establish the maximum time to complete the operational and close down (park) assessment.

Maximum time permitted	.... Minutes .... Seconds
Duration of operating assessment	.... Minutes .... Seconds

3TIME PENALTIES (6 penalties for every 60 seconds above the maximum) ....

Summary of Penalties

1 PRE-START AND PRE-OPERATIONAL	....
2 OPERATING AND CLOSE DOWN	....
3 TIME	....
TOTAL PENALTIES	....

Note

A maximum of 50% of the total scored penalty points calculated by 6 penalty points per 1 minute of operational assessment time (driving time).

RESULT:

COMPETENT ☐ NOT YET COMPETENT ☐

Assessor:	Registration No: ....
Signature:	Date: ....

I the undersigned acknowledge that the process and results were explained to me and I accept the outcome of the assessment.

Signature/Mark of Learner: ....

☐ ☐

APPENDIX 4

MANAGERIAL RESPONSIBILITIES

1.The person legally responsible for ensuring that the provisions of the Occupational Health and Safety Act and Regulations of 1993 are implemented on behalf of the employer is the Chief Executive Officer (C.E.O.).

2.In the case of a company without a board of directors or a closed corporation, the Owner will be the C.E.O.

3.In the case of a State department, the C.E.O. is the Director-General, not the Minister. [Section 16 of the OHS Act, 1993].

4.It is therefore incumbent upon the C.E.O. that proper information, instructions, training and supervision, as far as practicable are provided for the health and safety of employees. [Section 8 (e) of the OHS Act, 1993].

5.The necessary enforcement measures to assure the health and safety of employees are effected through a chain of command structure.

6.All lifting machine operators must be informed about what they are allowed to do. [Sections 8 (j) and Section 37 (1) (b)].
7.The C.E.O. must ensure that a health and safety management system is in place to give effect to the provisions of the Act and regulations.
8.Anyone delegated by the C.E.O. to perform certain duties regarding information, instructions, training and supervision for employees, through the management chain of command structure and who omits to do so is contravening the Act and regulations and may be prosecuted.

APPENDIX 5
ACCREDITED TRAINING PROVIDERS FACILITIES RETURN

FACILITIES CHECK SHEET		Appendix 5
The accredited training provider is to complete this document, to record and describe any premises at which certification is offered that has not been inspected and approved by the authorised body ie client's premises		
	Question	Remarks
1	Full physical address details of the premises, including name of organisation, street address, suburb/industrial area, city/town and the location of the practical training/test route area at premises	
2	Lifting machine code/s and description/s for which training is offered at the premises	
3	Description of equipment used and identification number of equipment	
4	The lifting machine capacity or rating	
5	Description of any attachments fitted to the lifting machine	
6	A general description of the duration training, re-certification done, and test route used at the premises	
7	Describe any limitations to the training and test route that may deviate from the standard routes set out in the code of practice for a specific lifting machine code.	
8	Describe any inherent dangers prevalent in the use of the lifting machine at the premises.	
	Signature of Client	Signature of assessor

APPENDIX 6
ILLUSTRATIONS OF LIFTING MACHINE CODES
CODE DESCRIPTIONS

CODE F1
Counterbalanced Lift Truck
Up to rated capacity of 3000 kg

CODE F2
Counterbalanced Lift Truck
Up to rated capacity of 7000 kg

CODE F3
Counterbalanced Lift Truck
Up to rated capacity of 15000 kg

CODE F4
Counterbalanced Lift Truck
Above rated capacity of 15000 kgs

CODE F5
Reach Lift Truck
Up to rated capacity of 2500 kg

CODE F6
Pedestrian-Controlled Lift Truck
Below rated capacity of 2000 kg

CODE F7
Pedestrian-Controlled Lift Truck
Above rated capacity of 2000 kg

CODE F8
Order Picker Lift Truck
For First and Second Level Racking (NA/WA)

CODE F9
Order Picker Lift Truck
For All Racking Levels Including High-Rise (NA/WA)

CODE F10
Side Loader Lift Truck
Capacity as Specified on the Certificate

CODE F11 (A)
Rough Terrain/Earthmoving/Agriculture Equipment with Lift Truck Attachment

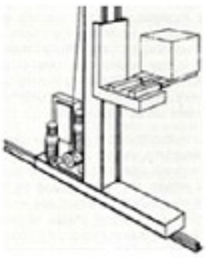
CODE F11 (B)
Rough Terrain/Earthmoving/Agriculture Equipment with Lift Truck Attachment

CODE F11 (C)
Rough Terrain/Earthmoving/Agriculture Equipment with Lift Truck Attachements

CODE F12
Pallet Lift Truck Battery Operated

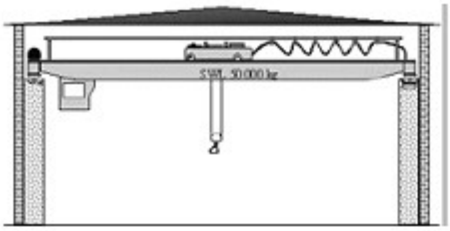
CODE F13
VNA Lift Truck Non-Elevating Cab Services all levels

CODE F14
VNA Lift Truck Elevating Cab Service all levels

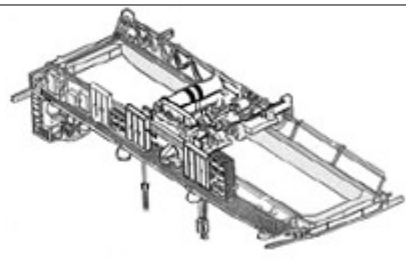


CODE F15
Railmounted Stacker Lift Truck Non-Elevating cab

CODE F16
Railmounted Stacker Lift Truck Elevating cab



CODE C30
Overhead Crane Pendant and Radio Controlled



CODE C31
Overhead Crane Cab Controlled

CODE C32
Truck mounted Crane up to the capacity stated on the certificate

CODE C33
Hydraulic Mobile Crane up to 50 000 kg capacity

CODE C34
Hydraulic Crane Pickup and Carry up to 50 000 kg capacity

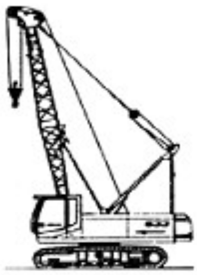
CODE C35
Hydraulic Mobile Crane

Above 50 000 kg capacity

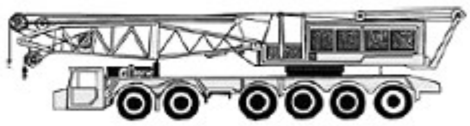
CODE C36
Hydraulic Crane Pickup and Carry

Above 50 000 kg capacity

CODE C37
Lattice Boom Mobile Truck Crane up to 50 000 kg capacity

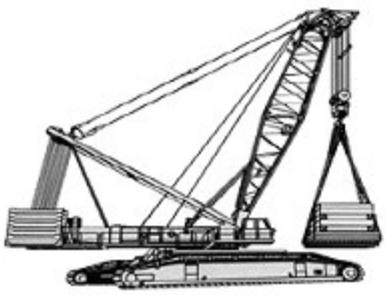


CODE C38
Lattice Boom Mobile Crawler Crane up to 50 000 kg capacity

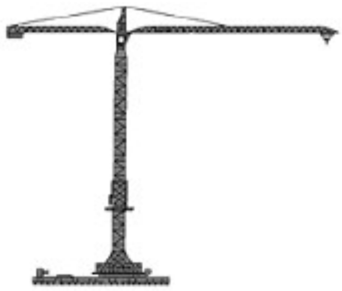


CODE C39
Lattice Boom Mobile Truck Crane

Above 50 000 kg capacity as stated on the certificate

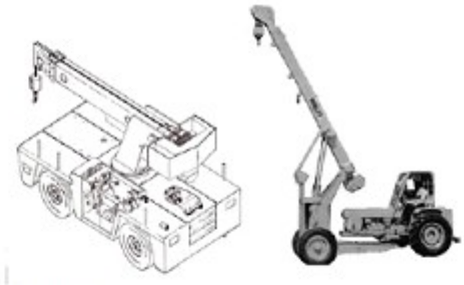


CODE C40
Lattice Boom Mobile Crawler Crane
Above 50 000 kg capacity as stated on the certificate



CODE C41
Tower Crane: Top Slewing

CODE C42
Tower Crane: Bottom Slewing



CODE C43
Mobile Hydraulic Crane up to 15000 kg capacity

CODE C44
Sugar Cane Crane

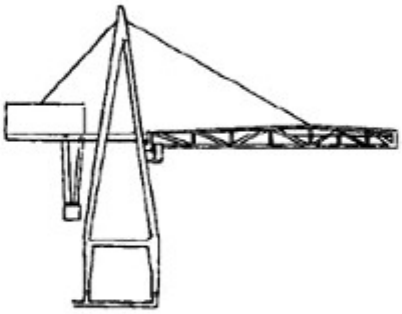
CODE C45
Ships Crane

CODE C46
Telescopic Boom Handler

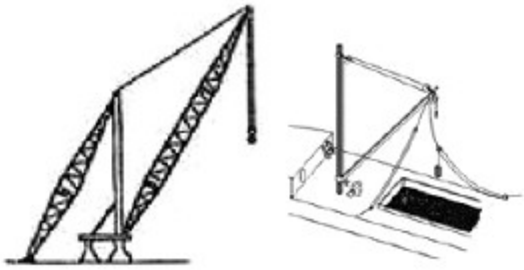
CODE C47
Wharf Side Crane: (Railmounted)

CODE C48
Reach Stacker

CODE C49
Straddle Carrier



CODE C50
Cantilever Container Crane

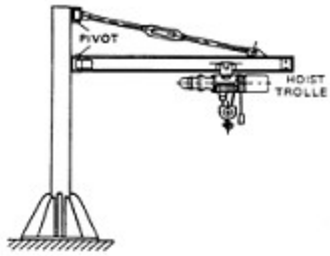


CODE C51
Scotch Derrick Crane (Ship mounted)

CODE C52
Rial Mounted Gantry Crane

CODE C53
Mobile Elevated Work Platform

CODE C54
Hoist on a fixed structure



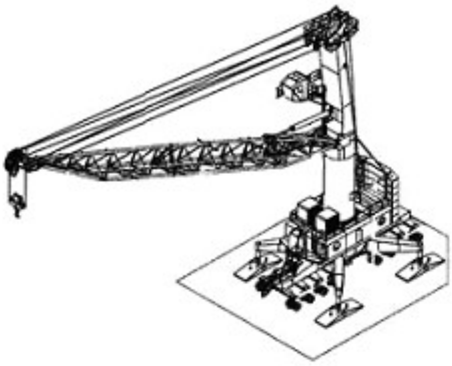
CODE C54
Pillar Mounted Jib Crane

CODE C55
Rubber Tyred Grantry Crane

CODE C56
Side Loader Container

CODE C57
Floating Crane

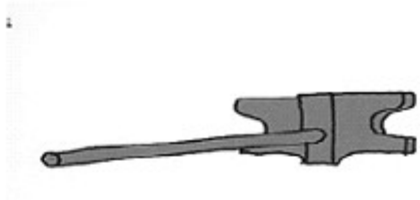
CODE C58
Wall Mounted Jib Crane



CODE C59
Wharfside Jib Crane (Rubber Tyred)

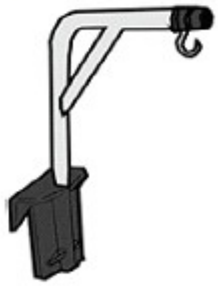
CODE C60
Side Boom Crane

A Side - Shift



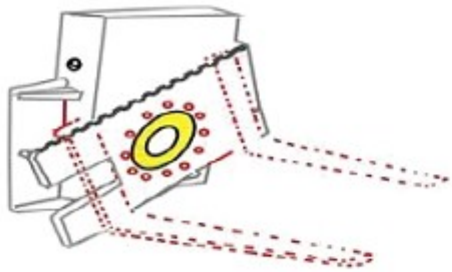
B Single POLE

C Carton or Paper Roll Clamp

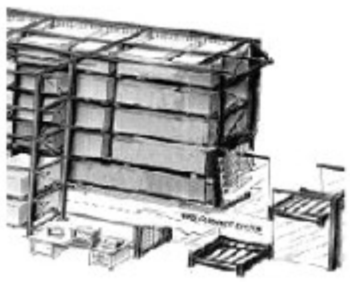


D Crane Hook

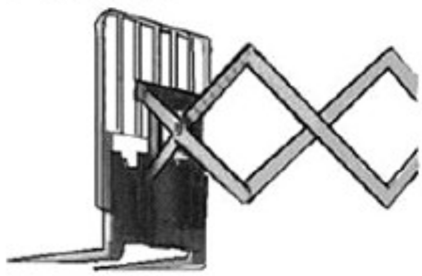
E Push Pull Slip-sheet Equipment



F Load Rotator

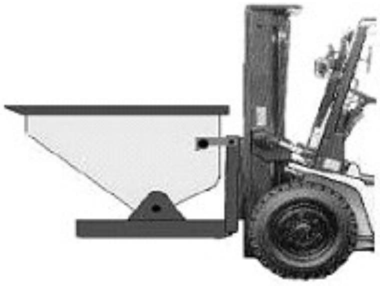


G Wire Guidance System

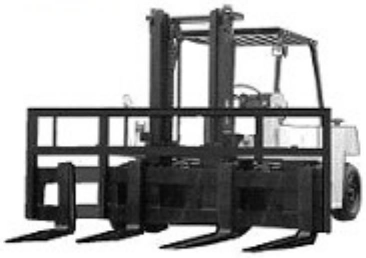


H Load Extended Pantograph

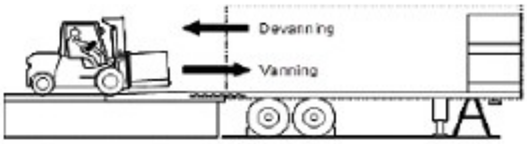
I Rotating Mash



J Tilting Bucket



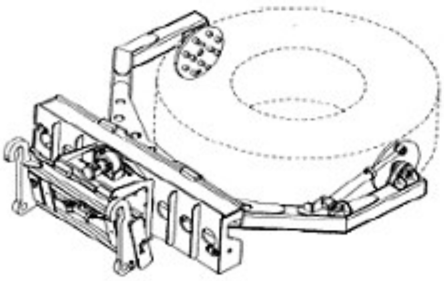
K Tandem Forks



L Container Vanning and Devanning

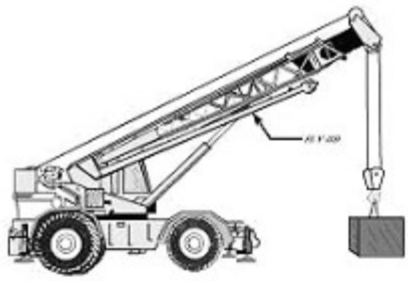
L Container Handling

M Lifting Cradle (Personnel Cage)

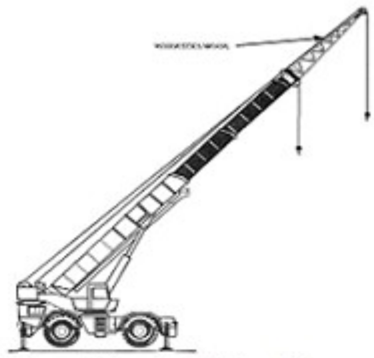


N Earthmoving Tyre Handling

ATTACHMENT AND SPECIAL OPERATIONS (CRANES)

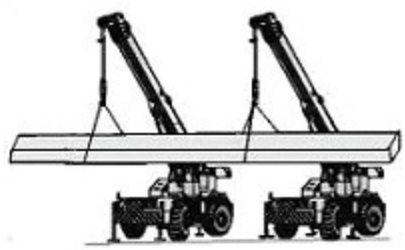


O Fly-jib (Lattice)



P Boom Extension (Hydraulic)

Q Counterweight Options



R Tandem Lifts

S Special Categorie

T Lifting Craddle (Personnel Cage)

U Rail Mounted Crane

V Steam Driven Crane

W Container Spreader

X Grable / Grapple

LINK TO FULL NOTICE [Occupational Health and Safety and Act: Regulations: Driven Machinery: Correction] G 54036 GoN 7052 30 January 2026 54036gon7052.pdf
ACTION Take note of the minor amendments.

END

LAW AND TYPE OF NOTICE **OCCUPATIONAL DESEASES IN MINES AND WORKS ACT:** Declaration of controlled mines and risk work G 54045 GoN 7060 30 January 2026
APPLIES TO: Mining organizations
FULL TEXT
DETAILS

DEPARTMENT OF HEALTH

NO. 7060 **30 January 2026**

DECLARATION OF CONTROLLED MINES AND RISK WORK

I, Dr PA Motsoaledi, Minister of Health, hereby in terms of section 10 of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), declare the following mines to be controlled mines with effect from 1 March 2026:

a) The mine known as **Central Africa Crushers** on the farm Messina 4 MT, near Musina in the province of Limpopo;
b) The mine known as **Grasvally Chrome Mine** on Portion 4 of the farm Grasvally 293 KR, near **Mokopane** in the province of Limpopo;
c) The mine known as **Sterkfontein Crushers** situated on Portion 3 of the farm Bultfontein 259 JQ, near Rustenburg in the province of the North West;
d) The mine known as **Idwala Lime** on the farm Ouplaas 340, near Danielskuil in the province of the Northern Cape;
e) The mine known as **PPC Laezonia Quarry** on the farm Doornrandje 386 JR, near Centurion in the province of Gauteng;
f) The mine known as **Simuma Quarry** on the farm Simuma 11486, near Port Sheptone in the province of KwaZulu-Natal;
g) The mine known as **Sephaku Development Aganang** on the farms Klein Westerford 78 IO, Verdwaal 57 IO and Stiglingspan 73 IO, near Lichtenburg in the province of the North West;
h) The mine known as **Sefateng Chrome Mine** on the farms Zwartkoppies 413 KS and Waterkop 113 KT, near Mashishing in the province of Mpumalanga; and
i) The mine known as **Koppies Mine** on the farms Blaauwboshpoort 13, Oceaan 64, Oceaan 99, Ongegund 7, Enkelbos 98 and Broodkop 304, near Koppies in the province of the Free State.

I hereby, in terms of section 13 of the said Act, declare the following work at the said mines to be risk work with effect from the same date:

Excavations: Any work in underground or open workings.

On the surface: Any work-

(i) at surface bins;
(ii) where the moving, transfer or handling of stone, rock, ore, coal or other minerals takes place, including any loading operation at subsidiary sidings;
(iii) where the crushing, screening or classification of stone, rock, ore, coal or other minerals takes place, except where this is carried out under water;
(iv) at tube mill plants, rotary filter plants and smelt-houses;
(v) on or at waste dumps, ore dumps, coal dumps or slimes dams, except where the materials are being deposited in the form of slime;
(vi) in blacksmith shops, boilermaker shops, truck repair shops, welding shops and drill-sharpening shops or at any other place where drills are sharpened;
(vii) in change-houses where persons performing risk work change their clothing;
(viii) in assay laboratories and coal laboratories, except separately ventilated parts thereof where only wet assays are done and no treatment of dry stone, rock, ore, coal or other minerals takes place;
(ix) where samples of crushed ore, coal or other minerals are graded in a dry state; and
(x) where rock drilling is done.

DR PA MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 17/1/2026

LINK TO FULL NOTICE **Occupational Deseases in Mines and Works Act: Declaration of controlled mines and risk work** G 54045 GoN 7060 30 January 2026 **54045gon7060.pdf**
ACTION Please take note of the controlled mines and risk work.

END

LAW AND TYPE OF NOTICE

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT:

Required prescribed supporting documents to clear employers who are flagged for audit by the Compensation Fund

G 54043 GeN 3753

30 January 2026

APPLIES TO:

ALL EMPLOYERS

SUMMARY

1. Requirements for Employers Flagged for Audit

The Compensation Fund has implemented additional compliance checks. **Only employers who have been *flagged for audit*** are required to submit a prescribed set of supporting documents in order to be cleared.

Documents required from flagged employers:

- **EMP501** (SARS reconciliation)
- **Detailed payroll report** for the relevant financial year
- **Annual Financial Statements** (Audited, Independently Reviewed, or Compiled)
- **Affidavit** explaining any significant variance between declarations
- **Fully completed ROE form** (CF-2A/W.As.8)
- **Power of Attorney**, if the submission is done by a consultant, accountant, bookkeeper, auditor, or attorney

An example scenario is provided for employers flagged when submitting their **2024 ROE**.

2. Final Reminder for ALL Employers: Submission of Outstanding ROE

Separately from the audit section, the notice serves as a **general reminder to all employers**, regardless of audit status.

Key points:

- Under **Section 82 of COIDA**, all employers must submit their **Return of Earnings (ROE)** annually (CF-2A/W.As.8).

- Employers who fail to submit their ROE for **2024 and prior years** by **28 February 2026** may face:
  - **Estimated assessments** raised by the Director-General (Section 83(6)(a))
  - **Penalties up to 10%** of the final assessment (Section 83(6)(b))

- Employers are encouraged to submit ROEs online via **cfonline.labour.gov.za** or via email.

FULL TEXT

DETAILS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 3753 OF 2026

GENERAL NOTICE

No.1110 22 January 2026

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

NOTICE ISSUED BY THE COMPENSATION COMMISSIONER UNDER THE COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993

I, Farzana Fakir, the acting Compensation Commissioner, hereby in terms of section 81,82 and 83 of the Compensation for Occupational Injuries and Diseases Act,1993 (Act No 130 of 1993) as amended issue this notice of the following required prescribed supporting documents to clear employers who are flagged for audit by the Compensation Fund,

a) EMP 501
b) A Detailed Payroll Report
c) An Audited /Independently Reviewed/Compiled Annual Financial Statement
d) An affidavit explaining a reason for variance

e) Fully Completed ROE Form (CF-2A/ W.As.8)
f) Power of Attorney (Consultants, bookkeepers, accountants, auditors and attorneys)

____
FARZANA FAKIR
ACTING COMMISSIONER: COMPENSATION FUND
DATE________________________

CLICK HERE TO VIEW THE FULL DOCUMENT

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT: REQUIRED PRESCRIBED SUPPORTING DOCUMENTS TO CLEAR EMPLOYERS WHO ARE FLAGGED FOR AUDIT BY THE COMPENSATION FUND
G 54043 GEN 3753 30 JANUARY 2026

LINK TO FULL NOTICE

Compensation for Occupational Injuries and Diseases Act: Required prescribed supporting documents to clear employers who are flagged for audit by the Compensation Fund
G 54043 GeN 3753
30 January 2026

54043gen3753.pdf

ACTION

- **If flagged** → submit the full audit documentation pack.
- **If not flagged** → ensure all ROEs (including outstanding years) are submitted before deadlines to avoid assessments and penalties.
- Maintain compliance annually to reduce audit risk and avoid penalties.

END

LABOUR

LAW AND TYPE OF NOTICE **LABOUR RELATIONS ACT:** National Bargaining Council of the Leather Industry of South Africa: Extension to Non-Parties of the Supplementary Sick Benefit Fund Collective Agreement G 54029 RG 11933 GoN 7044 30 January 2026
LINK TO FULL NOTICE **Labour Relations Act: National Bargaining Council of the Leather Industry of South Africa: Extension to Non- Parties of the Supplementary Sick Benefit Fund Collective Agreement** G 54029 RG 11933 GoN 7044 30 January 2026 **54029rg11933gon7044.pdf**

END

LIQUOR

LAW AND TYPE OF NOTICE

LIQUOR PRODUCTS ACT:

Regulations: Fees: Amendment

G 54036 GoN 7047

30 January 2026

APPLIES TO:

1. Liquor Product Manufacturers
2. Importers and Exporters of Liquor Products
3. Retailers or Dealers Handling Certain Liquor Imports
4. Logistics and Supply Chain Entities

SUMMARY

1. Updated Administrative Fees

The amendment introduces revised fees for a wide range of regulatory functions, including:

- Registration and annual maintenance of producer/importer code numbers
- Applications for import, export, and removal certificates
- Permissions required for blending or bottling imported bulk liquor
- Authorisations for special products such as sacramental beverages

These adjustments reflect changes in administrative and compliance costs faced by the Department.

2. Expanded and Updated Analysis Fees

The Gazette includes a comprehensive list of updated laboratory analysis fees for:

- Alcoholic strength measurements
- Sugar, acidity, sulphur dioxide, metals, esters, and additives

- GC/HPLC/LCMS analyses
- Stability tests (protein, tartrate, cold stability)

These fees apply when analysis is required for importation, exportation, certification, or compliance checks.

3. New Fee Structure for Inspections

Fees are now explicitly defined for inspections conducted:

- During official working hours
- After hours on weekdays and Saturdays
- After hours on Sundays and public holidays

This ensures clarity on inspection costs for exporters and logistics providers.

4. Appeals and Board Member Compensation

The amendment revises:

- The fee for lodging or cancelling an appeal
- Compensation levels for attorneys, advocates, and other members serving on the appeals board

This sets a more transparent structure for governance and oversight processes.

FULL TEXT

DETAILS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 7047 30 January 2026

LIQUOR PRODUCTS ACT, 1989
(ACT No. 60 OF 1989)

REGULATIONS RELATING TO FEES: AMENDMENT

The Minister of Agriculture, acting in terms of section 27 of the Liquor Products Act, 1989 (Act No. 60 of 1989), has made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 624 of 13 July 2001 as amended by Government Notice No. R. 685 of 17 May 2002, No. R. 618 of 9 May 2003, R. 1071 of 17 September 2004, R. 284 of 1 April 2005, R. 270 of 31 March 2006, R. 162 of 2 March 2007, R. 562 of 22 May 2009, R. 709 of 9 September 2011 R. 234 of 30 March 2012, R. 89 of 14 February 2014, R. 66 of 6 February 2015, R. 238 of 17 March 2017, R. 212 of 16 March 2018, R. 301 of 8 March 2019, R. 420 of 14 May 2021, R. 1917 of 25 March 2022, R. 3275 of 24 March 2023, R. 4381 of 16 February 2024 and R.5924 of 28 February 2025.

Substitution of the Table of Fees Payable

2. The following table is hereby substituted for the Table of Fees Payable:

CLICK HERE TO VIEW THE FULL DOCUMENT

LIQUOR PRODUCTS ACT: REGULATIONS: FEES: AMENDMENT
G 54036 GON 7047 30 JANUARY 2026

LINK TO FULL NOTICE

Liquor Products Act: Regulations: Fees: Amendment (English / Afrikaans)
G 54036 GoN 7047
30 January 2026

54036gon7047.pdf

ACTION

1. Review and Update Internal Compliance Budgets

2. Confirm Validity and Renewal of Code Numbers

3. Update Import and Export Operational Procedures
4. Reassess Product Testing Requirements
5. Review Requirements for Bulk Blending and Bottling
6. Evaluate Special Product Authorisations
7. Update Guidance for Logistics and Freight Partners
8. Enhance Documentation Workflows
9. Prepare for Appeal Processes (If Applicable)
10. Educate Teams and Stakeholders

END

MEDICAL

LAW AND TYPE OF NOTICE **MEDICAL SCHEMES ACT:** Adjustment to fees payable to brokers G 54019 GoN 27 January 2026
APPLIES TO: 1. Medical Schemes 2. Healthcare Brokers / Medical Scheme Brokers 3. Administrator & Managed Care Companies 4. Organizations that provide medical scheme benefits to employees
FULL TEXT
DETAILS

DEPARTMENT OF HEALTH

NO. 7028 27 January 2026

MEDICAL SCHEMES ACT, 1998 (ACT NO 131 OF 1998)

ADJUSTMENT TO FEES PAYABLE TO BROKERS

The Minister of Health has, in terms of section 65 of the Medical Schemes Act, 1998 (Act No. 131 of 1998) ("the Act"), read with Regulation 28(2)(a) of the Regulations in terms of the Act, as amended, determined R125.86 plus Value Added Tax (VAT) as an amount that is payable by medical schemes to brokers with effect from 1 January 2026.

DR PA MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 4/1/2026

LINK TO FULL NOTICE

Medical Schemes Act: Adjustment to fees payable to brokers
G 54019 GoN
27 January 2026

54019gon7028.pdf

ACTION

Take note of the adjustment in fees.

END

STANDARDS

LAW AND TYPE OF NOTICE **STANDARDS ACT:** Standards matters: Comments invited G 54047 GeN 3754 - Comment by 01 Mar 2026 30 January 2026
LINK TO FULL NOTICE **Standards Act: Standards matters: Comments invited** G 54047 GeN 3754 - Comment by 01 Mar 2026 30 January 2026 **54047gen3754.pdf**
ACTION Ensure that you submit your comments before 01 March 2026.

END

TRANSPORTATION

LAW AND TYPE OF NOTICE

ROAD ACCIDENT FUND ACT:

Adjustment of statutory limit in respect of claims for loss of income and loss of support

G 54036 BN 874

30 January 2026

FULL TEXT

DETAILS

BOARD NOTICE 874 OF 2026

ROAD ACCIDENT FUND

ADJUSTMENT OF STATUTORY LIMIT IN RESPECT OF CLAIMS FOR LOSS OF INCOME AND LOSS OF SUPPORT

The Road Accident Fund hereby, in accordance with section 17(4A)(a) of the Road Accident Fund Act, No. 56 of 1996, adjusts and makes known that the amounts referred to in subsection 17(4)(c) are hereby adjusted to **R378 581.00**, with effect from **31 January 2026**, to counter the effects of CPI inflation.

Note: The CPI index based on the new "basket and weights" was used to calculate this adjustment, **effective from 31 January 2026** (with base year December 2024 = 100). The CPI index for May 2008 was 43.7 due to the December 2024 rebasing. The CPI index for November 2025 was 103.4. This adjustment was calculated by multiplying the R 160 000 limit by 103.4/43.7.

LINK TO FULL NOTICE

Road Accident Fund Act: Adjustment of statutory limit in respect of claims for loss of income and loss of support (English / Afrikaans)
G 54036 BN 874
30 January 2026

54036bn874.pdf

B-BBEE ARTICLES

SOUTH AFRICA

BEE main factor in EU export permits

Companies with better BEE credentials will have an advantage in securing valuable export permits to the EU market, as the Department of Agriculture makes empowerment status a primary criterion in allocating 2026 agricultural export quotas worth more than R1bn.

The shift means a wine producer with level 2 broad-based BEE status could now win quota allocation over a competitor with identical export volumes but level 6 status.

For the first time, transformation credentials carry equal weight to traditional performance metrics in government's preferential market access permit allocation system, the department of agriculture stipulated in a gazette in January.

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For the first time, transformation credentials carry equal weight to traditional performance metrics in the government's preferential market access permit allocation system.

The department of agriculture in a gazette in January stipulated that broad-based BEE status, measured against the AgriBEE sector code, will be factored alongside historical market share and export volumes when dividing permits for products ranging from wine to sugar to processed fruit under the Southern African Development Community-EU economic partnership agreement.

The allocation formula considers five variables, with broad-based BEE status listed first: transformation credentials, past three years of export volumes, quantity required, number of applicants and total quota available.
This weighting structure means companies can potentially offset lower historical volumes with superior BEE scores.
Exempted microenterprises with turnover under R10m automatically receive level 4 broad-based BEE status and only need sworn affidavits.

Qualifying small enterprises earning R10m-R50m and majority black owned firms also avoid costly verification processes, submitting affidavits instead of certificates from South African National Accreditation System-accredited agencies.

Large enterprises exceeding R50m turnover face the strictest requirements, mandating full broad-based BEE verification regardless of ownership.

The government reserved authority to further adjust allocations mid year if utilisation proves unsatisfactory, introducing additional uncertainty for exporters.

It can also modify formuUlas if any company's market share approaches competition law thresholds.

"The quotas allocated to exporters will be provisional. The department will assess the utilisation rate during the quota year after which there will be reallocation," the gazette stated.

"The communique regarding the reallocation will be posted on the wine online system homepage. Applicants will be expected to motivate in order to avoid deduction in their allocated quota. No new applications will be accepted during this period.

"Despite any provisions in other laws, applicants registered as joint ventures, mergers, consortiums, holding companies or other similar business arrangements are not allowed to apply separately from their subsidiaries, minority shareholders or divisions for the same product, as this will create an unfair advantage towards other applicants."

Companies with higher BEE ratings are able to secure quotas for agricultural exports

By Thando Maeko
Businessday

DATA PRIVACY ARTICLES

SOUTH AFRICA

Section 20 of POPIA Comes to the Rescue: Zulu Nyala Game Ranch v Christiaan Beukes

The KwaZuluNatal High Court's judgment in Zulu Nyala Game Ranch (Pty) Ltd v Beukes has brought POPIA into the spotlight by ruling that POPIA's statutory duty of confidentiality may outlive the employment relationship. This matter involves an urgent application by Zulu Nyala Game Ranch (Pty) Ltd ("Zulu Nyala") against Christiaan Beukes ("Beukes") and Custom Trails (Pty) Ltd ("second respondent") in which Zulu Nyala sought an interdict prohibiting Beukes and the second respondent from utilising, disclosing or otherwise exploiting Zulu Nyala's confidential and personal information (as defined in the Protection of Personal Information Act 4 of 2013 ("POPIA")), including contacting or soliciting their clients.

The background to the case is that Zulu Nyala operates a bespoke wildlife and cultural tourism business, while Beukes was employed as a ranger responsible for marketing excursions and game drives to Zulu Nyala's guests. As such, he had access to Zulu Nyala's client list containing personal information such as contact details and personal preferences. The second respondent, a company registered by Beukes' wife, offered identical services.

During his employment, Beukes began marketing and selling the second respondent's excursions to Zulu Nyala's guests and was subsequently dismissed. Following his dismissal, the second respondent secured a license to operate safari vehicles and offer excursions and accommodation within various game reserves, placing it in direct competition with Zulu Nyala.

Zulu Nyala alleged that Beukes had used the confidential client and personal information which he had obtained through his employment to solicit business and gain an unlawful competitive advantage, in breach of the confidentiality obligations in his employment contract which survived termination.

The Court had to determine whether: (I) Zulu Nyala's client information constituted confidential and personal information, (ii) whether Beuke's post-employment use, retention or disclosure of such information constituted a breach of his confidentiality obligations and section 20 of POPIA; and (iii) whether an interdict should be granted to prevent Beukes and the second respondent from using, disclosing or exploiting Zulu Nyala's client information, including contacting those clients.

When coming to its decision, the Court held that Zulu Nyala's client information constituted personal information as defined in POPIA, as it included identifiable client contact details and specific travel and excursion preferences. It further found that the client information qualified as confidential information, as it was not publicly available, could be used by competitors to target clients within the same industry, and had clear commercial value.

Interestingly, the Court then determined that, notwithstanding that Beukes was employed by Zulu Nyala, he would fall within the definition of an operator and therefore was subject to the obligations imposed by section 20 of POPIA.

In terms of section 20 of POPIA, a person processing personal information on behalf of a responsible party is obliged to treat such information as confidential and not disclose it to third parties. By disclosing this information with the second respondent, Beukes had breached both his contractual confidentiality obligations and section 20 of POPIA, justifying the granting of an interdict restraining the respondents from contacting or soliciting Zulu Nyala's clients.

This judgment sets out that employees who process personal information in the course of their duties fall within the scope of section 20 of POPIA as persons acting under the authority of a responsible party (rather than employees of a responsible party required to comply with the obligations imposed on the responsible party), and are accordingly subject to a statutory duty to preserve the confidentiality of such information, which persists beyond the termination of employment.

The approach taken by the Court in this case is novel in how it applies section 20 of POPIA to an employee relationship and therefore we can expect plenty of analysis and dissection of the judgment in the future. Whether or not this position will go untested remains to be seen.

Matthew Anley
Eversheds Sutherland

FINANCE ARTICLES

SOUTH AFRICA

VAT reform framework takes shape

Tax institute expects Sars to unveil next step this year

Tax professionals expect the South African Revenue Service (Sars) to release the full framework for VAT e-invoicing later this year.

The South African Institute of Taxation (SAIT) believes it will mark a significant step in Sars' VAT modernisation initiative, the phased rollout of which it expects to begin this year, with full operational capability targeted for 2028.

Provision for e-invoicing, e-reporting and an interoperability framework — the cornerstone of the modernisation strategy — was made in the 2025 Tax Administration Laws Amendment Bill.

Sars spokesperson Siphithi Sibeko said among the aims of the strategy is to address substantial administrative inefficiencies and revenue losses. "To ensure a seamless transition, the initiative will entail close collaboration and comprehensive stakeholder engagement over the next five years. Detailed information will be shared during the planned consultations dedicated to this purpose."

The e-invoicing framework was first referred to in the 2023 draft proposals. SAIT said in a statement that the release of the full framework would mark "a significant step in Sars' broader modernisation agenda, which is rapidly shifting South Africa's tax environment towards real-time data transmission, automation and increased transparency".

SAIT acting deputy CEO Keitumetse Sesana said the VAT modernisation programme offers the potential for a more predictable, efficient compliance environment but will also place a big responsibility on businesses to ensure systems, data and processes are prepared for the new level of transparency.

She said that under the new system Sars would gain earlier, richer and more accurate visibility of business activity, long before VAT returns are formally submitted. "The upcoming e-invoicing regime promises a more streamlined, less administratively burdensome experience for taxpayers whose systems are aligned with Sars' new requirements," Sesana said.

"Digitally structured invoices, validated VAT numbers and automated data flows will allow VAT information to be transmitted directly from accounting systems into Sars in near real time.

“For many businesses this means fewer documentation requests, faster verification cycles and improved refund turnaround times.

Compliance will naturally embed itself into daily operations, rather than remaining an isolated monthly task.”

The system will give Sars unprecedented insight into the operations of vendors, she said.

Real-time data from banks, accounting systems and third-party platforms will increasingly allow the tax authority to detect discrepancies, often before a taxpayer becomes aware of them.

“Filing low or zero VAT returns while bank activity reflects trading will trigger automated risk flags. Mismatches between invoicing patterns and VAT declarations will be surfaced immediately.

“Understatement penalties have become stricter, and the margin for ‘honest mistake’ classifications has narrowed significantly.”

As the visibility of data increases, the cost of weak internal controls rises exponentially
Keitumetse Sesana SAIT acting deputy CEO

In this environment compliance will become a systems issue first and a tax issue second.

“Accuracy at the point of data creation will define the new compliance landscape. Every invoice, credit note and adjustment entered into financial systems must be correct from the outset.

“VAT numbers must be validated in real time. Controls against duplication, incorrect sequencing and inconsistent tax treatment must be embedded within accounting platforms.

“Sars’ risk engines will increasingly analyse behavioural patterns and detect gaps as they occur.

“Tax compliance status will become a near-instant indicator of reliability, affecting access to tenders, supply chains and financing. This will be an immediate step in curbing, among others, the prevalence of VAT refund fraud.

“As the visibility of transactional data increases, the cost of weak internal controls rises exponentially,” Sesana said.

By Linda Ensor
BusinessDay

More lifestyle audits on their way, this time by the FIC

Sars already has these powers. Now the Financial Intelligence Centre will get them too in terms of a new bill being promoted by National Treasury.

A new bill being fast-tracked by National Treasury will grant the Financial Intelligence Centre (FIC) the authority to conduct lifestyle audits on South African citizens.

The South African Revenue Service (Sars) already has these powers and frequently uses them to ascertain whether your standard of living matches your declared income.

Under the General Laws Amendment Bill of 2025, the FIC will have its own powers to conduct lifestyle audits, not just in response to suspicious transactions, but as a proactive measure.

The bill also requires banks and other financial institutions to keep records for seven years instead of the current five.

If passed in its current form, the FIC would have the power to initiate lifestyle audits at the request of an organ of state, a public entity, or municipality – provided it reasonably believes that entity has an interest in the information.

The FIC would have the power to access any database held by a municipality or public entity.

The bill was gazetted in January for public comment.

Response

A public participation campaign by Dear South Africa has attracted overwhelmingly negative comment from South Africans, mainly because it is perceived to infringe constitutional rights to privacy and brings SA a step closer towards a police state under the guise of combatting money laundering and terrorism financing.

The Law Society of South Africa (LSSA) has raised concerns in its submissions, particularly around amendments affecting legal practitioners, such as potential conflicts with legal professional privilege, reporting obligations under targeted financial sanctions, and disproportionate burdens on smaller practices.

While supporting the overall objective of combatting money laundering and terrorism financing, the LSSA questions how client details, property information, or representation rights would be handled if a client is on the Targeted Financial Sanctions List, potentially hindering a legal practitioner's duty to represent clients without compromising privilege.

Others, such as Corruption Watch, have adopted a more neutral to positive stance on the proposed bill, which many see as necessary to stay in the good graces of the Financial Action Task Force (FATF), which last year removed SA from its grey list for progress made in tightening anti-money laundering (AML) and Countering the Financing of Terrorism (CFT) practices and regulations.

The new bill being promoted by National Treasury is deemed necessary to plug some vestigial weaknesses in the law.

The powers

The FIC will have the power to share your personal information with other government departments, including the Border Management Authority and the Public Procurement Office.

The proposed bill will also amend the Nonprofit Organisations Act of 1997 to allow for closer monitoring of NPOs and impose administrative penalties for contraventions of the law.

The NPO directorate, which falls under the Department of Social Development, will be transformed from a registration to a monitoring and enforcement body armed with powers to impose penalties and refer NPOs for criminal investigation.

The bill proposes amending the Companies Act to allow for the deregistration of companies that fail to submit securities registers on time, with new powers for the Companies and Intellectual Property Commission (CIPC) to impose administrative penalties.

"This [bill] moves the state from a reactive role – investigating specific crimes – to a proactive surveillance role, where your lifestyle itself can trigger a government probe," says Dear South Africa.

No direct new powers for Sars

Sars has the authority under tax legislation to conduct lifestyle audits as an enforcement tool to reconcile declared income with actual living standards and assets, especially when discrepancies arise.

This has been in practice for years, with Sars often issuing estimated assessments where mismatches suggest undeclared income.

The new bill does not grant Sars new direct powers for lifestyle audits. Instead, it statutorily empowers the FIC to conduct them proactively, including at the request of organs of state, public entities, or municipalities where there's a reasonable belief of relevance.

The FIC can then share findings with Sars and other organs of state, such as the National Prosecuting Authority.

This creates a broader, inter-agency mechanism.

The FIC gains explicit audit authority, while Sars benefits indirectly through enhanced data sharing and potential referrals.

The change aims to strengthen the state's ability to probe suspected violations of AML/CFT regulations in a proactive way.

Members of the public have until 13 February to comment on the bill.

Ciaran Ryan
Moneyweb

Big VAT changes coming for South Africa

Big changes are coming to South Africa's VAT system as the South African Revenue Service (SARS) plans to roll out a full VAT e-invoicing framework, which is expected to be published later this year.

The changes form part of a broader VAT modernisation programme that would change how businesses report and manage VAT.

It is believed that these changes will increase transparency while significantly tightening SARS' visibility over economic activity.

The South African Institute of Taxation (SAIT) expects the phased rollout of VAT e-invoicing to begin this year, with full operational capability targeted for 2028.

Speaking with Business Day, SAIT acting deputy CEO Keitumetse Sesana said the modernisation programme offers clear benefits but comes with heightened responsibility for vendors.

Under the proposed system, SARS would gain earlier and more accurate insight into business transactions, long before VAT returns are formally submitted.

Instead of relying largely on periodic self-assessments, the tax authority would increasingly be able to track VAT-related activity as it happens.

Sesana said the e-invoicing regime promises a more streamlined experience for businesses whose systems align with SARS' requirements.

Digitally structured invoices and verified VAT numbers will enable accounting systems to send VAT information directly to SARS almost in real time.

For compliant businesses, this could mean fewer documentation requests, faster verification processes and improved turnaround times for VAT refunds.

Sesana added that compliance would increasingly become embedded in daily operations rather than treated as a once-off monthly or bi-monthly task.

However, the same systems would also give SARS unprecedented insight into vendors' operations.

Real-time data from banks, accounting platforms and third-party systems would enable SARS to detect discrepancies early, often before a taxpayer becomes aware of an issue themselves.

In its VAT modernisation discussion paper, SARS noted that South Africa is lagging behind many other countries that have already introduced electronic VAT invoicing as a core compliance tool.

Will require amendments to both primary and secondary legislation

Globally, the dominant trend has been the digitisation of VAT source data, allowing tax authorities to receive transaction-level information directly from vendors' systems to ensure compliance across the value chain.

According to SARS, VAT was introduced in South Africa in 1991, replacing the general sales tax, and remains a critical and predictable source of government revenue.

It operates on a self-assessment basis using an invoice-based credit input method, placing the responsibility on vendors to maintain proper accounting records and documentation.

Tax invoices play a central role in this system, forming a key part of the audit trail used to verify VAT liabilities and refunds.

While SARS has introduced technology across parts of the VAT value chain—including e-registration, eFiling and electronic payments—it has limited visibility into supply chains from a self-assessment perspective.

SARS said this lack of visibility exposes the fiscus to revenue leakages that are time-consuming to detect and often require frequent audits and verifications.

This places a heavy burden on businesses and delays VAT refunds.

To address these challenges, SARS plans to introduce a modern VAT return supported by the digital transmission of VAT data directly from vendors' accounting systems.

SARS acknowledged that these changes will require amendments to both primary and secondary legislation.

Proposed changes include prescribing mandatory disclosure requirements for a modern VAT return, identifying categories of vendors or transaction types that must transmit VAT data digitally, and introducing penalties to discourage non-compliance.

As part of the consultation process, SARS has invited input from businesses, accounting software developers, technology providers, professional bodies and the public.

Stakeholders are being asked to comment on VAT data models, the digital transmission of VAT data, and the design of a modern VAT return with more detailed, disaggregated disclosure fields.

Malcolm Libera
BusinessTech

ENERGY ARTICLES

SOUTH AFRICA

Nersa clarifies regulatory requirements for small-scale embedded generation registrations

The National Energy Regulator of South Africa (Nersa) has noted public commentary following an article published by the Organisation Undoing Tax Abuse (Outa) on January 27 regarding the registration of residential solar and other small-scale embedded generation (SSEG) installations.

As previously reported in *Engineering News* on January 27, Outa described the recent "threats" by State-owned Eskom and certain municipalities to fine or disconnect the electricity supply of users for failing to register their SSEG systems as impractical, irrational

Nersa, in a media release, says it wishes to clarify the applicable regulatory position to avoid public confusion and ensure that electricity consumers, installers and other stakeholders are correctly informed of the legal requirements governing embedded generation.

According to the Electricity Regulation Act of 2006 (as amended), read with the Exemption and Registration Notice, the requirement to register an embedded generation facility is determined by whether the installation has a point of connection to the electricity grid and its installed capacity, and not by whether electricity is exported to the grid or consumed on site, says Nersa.

Accordingly, Nersa explains that SSEG facilities with an installed capacity of 100 kW or less and with a point of connection to the electricity grid are required to register with the relevant distributor, being Eskom or the applicable licensed municipality.

Additionally, it notes that embedded generation facilities with an installed capacity of more than 100 kW and a point of connection to the grid are required to register directly with Nersa.

Embedded generation facilities without a point of connection to the electricity grid are exempt from registration requirements.

"These regulatory requirements exist to support the safe, reliable and efficient operation of the electricity system, including compliance with applicable technical standards, system planning and network protection," says Nersa.

While a Certificate of Compliance confirms that an installation meets electrical safety requirements, it explains that registration serves a distinct regulatory purpose and does not duplicate those safety certification processes.

Nersa emphasises that registration is not intended to discourage the uptake of renewable energy technologies, but rather to ensure the integration of embedded generation occurs in a manner that protects the integrity of the electricity network and the interests of all electricity users.

The regulator says it remains committed to enabling South Africa's transition to a more diverse and sustainable electricity supply, while ensuring compliance with the legislative and regulatory framework.

"Stakeholders are encouraged to engage with their licensed distributors or Nersa directly for accurate guidance on registration requirements."

By: Sabrina Jardim
Polity

LABOUR ARTICLES

SOUTH AFRICA

Important new laws for anyone employing a domestic worker in South Africa

President Cyril Ramaphosa has commenced new amendments to the Compensation for Occupational Injuries and Diseases Act (COIDA), impacting employers in South Africa, including households that employ domestic workers.

The COIDA Amendment Act was first signed into law in April 2023, but certain sections were not implemented.

On Friday, 23 January 2026, **Ramaphosa gazetted the commencement of several new sections**, including a shift in focus from penalising violations under criminal prosecution to administrative fines.

Broadly, the amendments make adjustments to employer compliance requirements, establish administrative penalties, increase enforcement authority, and lengthen injury-claims periods.

This means that violating safety and insurance regulations as an employer will become more costly and subject to stricter penalties, while making it easier for injured workers to return to work.

Notably, the changes also apply to households employing domestic workers in South Africa, who were brought under the COIDA umbrella when the amendment Act was signed into law in 2023.

Law firm Webber Wentzel said employers need to take the new laws seriously and comply with them to ensure workplace safety.

"Immediate action is required to update record-keeping systems, strengthen accident reporting protocols, prepare for inspector engagement, and audit temporary disablement payment processes," it said.

"Implement rehabilitation frameworks, enhance contractor onboarding procedures, and review transport policies to ensure compliance with the staggered commencement dates."

The new laws under the COIDA Amendment Act do not take effect all at once, and will commence in sections in February and April 2026.

What it means for employers

1. Fines Instead of Court Cases

Previously, violating these rules was a criminal offence. Now, instead of waiting for a court hearing, the government will impose a substantial fine immediately.

Failing to report an accident within seven days could result in the employer covering the entire cost of the employee's compensation.

Additionally, failing to pay an injured worker's salary (temporary disablement compensation) for the first three months of recovery will result in a penalty equal to the full compensation plus interest.

2. Extended Time for Claims

Workers now have three years to file injury claims, up from just 12 months. Employers must retain accident records for longer, as old injuries can cause problems down the line.

3. Employer Responsibility for Transport Accidents

If an employer arranges transport for staff, such as a shuttle bus, the employer is liable from pickup to drop-off. Even if the driver is at fault for an incident, the employer is still held responsible.

Employers are also required to retain records for five years and report accidents within seven days.

4. Liability for Sub-Contractors

Hiring subcontractors means the subcontractor's workers are legally considered the employer's employees unless the subcontractor has paid their insurance premiums.

Employers will then be responsible for paying these fees if the subcontractor fails to do so.

5. Expanded Powers for Inspectors

New inspectors can now:

- Enter an employee's workplace without notice, which, for domestic workers, means an employer's home or property.
- Request to see any documents, which is why it is important to retain all employee documents.
- Question the employer under oath.

- Issue orders enforceable by the Labour Court.

6. Emphasis on Rehabilitation

The law now emphasises rehabilitation over just compensation. This means that employers must provide support for medical recovery and job reintegration.

According to Chapter VIIA of the COIDA Amendment Act, it requires the Compensation Fund (or individually liable employer/licensee) to provide clinical, vocational, and social rehabilitation.

This could be done by providing medical support for injured employees, such as covering medical costs, offering work concessions, and assisting with reintroducing the employee to the job.

If the employer makes substantial efforts to facilitate employee rehabilitation programs, the employer may be eligible for assessment rebates, which could result in discounted fees.

Caitlyn Hilliard-Lomas
Businesstech

National minimum wage rate breaks above R30 an hour

South Africa's national minimum wage will increase to R30,23 an hour.

This is an increase of R1,44 from R28.23 is effective in March.

Employment and Labour Minister Nomakhosazana Meth made this announcement on Wednesday.

She said the upward adjustment would benefit all workers, including vulnerable farm workers and domestic workers.

Global Business Solutions, Joint CEO John Botha, who adds to the minister's comment, regards this as a significant increase.

According to Botha, this means at least 5.5 million individuals would have a 5% increase in their wage payment.

"South Africa is one of the highest and most inequitable geographies in the world. So, the national minimum wage is one of the mechanisms generally that government can use to try and narrow that."

The announcement, however, was not welcomed by various workers' unions.

Among those was the General Industries Workers Union of South Africa (GIWUSA) who rejected the minimum wage increase.

The union regarded it as a betrayal of the working class in the face of soaring living costs.
According to the union, the current minimum wage still leaves a R2,000 monthly shortfall against basic expenses.

This means customers still cannot afford.

"After paying for transport and electricity, a minimum wage worker has virtually nothing left for a nutritious food basket for their family. This proposed increase does not close this gap; it merely adjusts the depth of the deficit," the union said.

Instead, the union is requesting a living wage that meets workers' basic needs.

Much like GIWUSA, Botha hopes this boost could alleviate the cost of living, food, and transport for employees to some extent.

EWN

MINING ARTICLES

SOUTH AFRICA

Managing health and safety enforcement in South African mining

A single inspection can halt production, disrupt supply chains and expose a mine to significant financial and reputational risk. In South Africa's highly regulated mining environment, health and safety enforcement is not theoretical, it is an operational reality. Understanding the powers entrusted to inspectors to enforce health and safety, how companies can prevent the issuing of notices and how to respond when unlawful and disproportionate notices are issued is critical to managing health and safety enforcement in South African Mining.

The Mine Health and Safety Act 29 of 1996 ("**MHSA**" or "**the Act**") establishes a comprehensive enforcement framework aimed to protect the health and safety of persons at a mine and to ensure compliance with the provisions of the Act. For mining companies, a practical understanding of enforcement mechanisms, particularly section 54 closure notices, section 55 compliance notices, and administrative penalties under sections 55A and 55B - is essential to maintaining operational continuity, managing regulatory risk and demonstrating commitment to zero harm.

Section 54 instructions: closure orders

Section 54 empowers an inspector to issue instructions where the inspector has reason to believe that any occurrence, practice, or condition at a mine endangers, or may endanger the health and safety of any person. The section provides for varying degrees of enforcement, including:

- **section 54(1)(a):** halting operations at a mine or part of a mine;
- **section 54(1)(b):** suspending a specific act or practice;
- **section 54(1)(c):** requiring remedial steps to be taken within a specified period; and
- **section 54(1)(d)** removing persons to a place of safety.

Closure notices must be served on the employer or a designated representative. Importantly, any notice issued under section 54(1)(a) must be confirmed, varied, or set aside by the Chief Inspector of Mines ("**CI**") as soon as practicable. Instructions remain effective until they are set aside or until compliance has been achieved.

According to the Mine Health and Safety Inspectorate ("**MHSI**") Annual Report for 2024/2025, inspectors issued 629 closure notices, comprising 3,186 instructions to address 5,086 alleged contraventions. While most notices related to specific areas rather than full mine closures, the operational and financial implications associated with such notices can be significant depending on the extent and duration.

Judicial interpretation and proportionality

The courts have provided significant guidance on section 54 powers, with specific focus on proportionality.

In *AngloGold Ashanti Limited v Mbonambi and Others* [2017] 38 ILJ 614 (LC), the Labour Court suspended and set aside instructions that effectively closed an entire mine based on conditions observed on a single level. The court held that conditions on one level were not automatically representative of the entire operation and articulated key principles that continue to guide enforcement:

- an inspector's belief must be based on reasonable grounds supported by objective facts;
- instructions must be limited to what is necessary to protect health and safety; and
- proportionality - encompassing balance, necessity, and suitability - is a core component of reasonable administrative action.

The court memorably cautioned against "*using a sledgehammer to crack a nut*"

Decisions under section 54 constitute administrative action and may be subject to review under the Promotion of Administrative Justice Act 3 of 2000 ("**PAJA**") on grounds including procedural fairness, rationality and proportionality.

Section 55 Compliance notices

Section 55 provides an alternative enforcement mechanism where an inspector believes an employer has failed to comply with the Act or its regulations. Unlike section 54, compliance notices are designed to address non-compliance without necessarily stopping operations.

According to the MHSI Annual Report for 2024/2025, inspectors issued 552 compliance notices, containing 1,667 instructions addressing 2,418 transgressions.

The choice between section 54 closure notices and section 55 compliance notices should be guided by the nature of the contravention and the degree of immediate risk posed. A section 55 compliance may be more appropriate where contraventions do not create an occurrence, practice, or condition at the mine which endangers or may endanger any person's health or safety.

Administrative Penalties

Sections 55A and 55B provide for the imposition of administrative fines where an employer fails to comply with its obligations under the Act. An inspector may recommend the imposition of a fine to the Principal Inspector of Mines ("**PI**"). The employer may make written representations within 30 days of the recommendation. After considering the recommendation and representations, the PI may:

- disregard the recommendation
- impose the administrative fine; or
- refer the matter to the prosecuting authority to consider criminal prosecution.

The maximum fine which may be imposed is R1 million per transgression, payable within 30 days.

Appeal Mechanisms

Section 57 permits any person adversely affected by a decision of an Inspector of Mines ("**IM**") to appeal such decision to the CI, except the PI's decision to impose an administrative fine.

Following the CI's determination, a further appeal is available to the Labour Court under section 58 within 60 days. An appeal against the decision of an IM or CI does not suspend the decision. Employers are required to comply while the appeal is pending, unless interim relief is sought and granted.

Practical considerations for mining companies

Mining companies should adopt a proactive approach by maintaining constructive engagement with IMs, documenting health and safety measures and remedial actions, and carefully assessing whether the instructions in the notices are proportionate to identified hazards. Early engagements with the PI may provide an opportunity for reconsideration of potentially disproportionate notices.

Employers are encouraged to exercise their rights where notices are fundamentally irrational, disproportionate or establish concerning precedents.

Conclusion

The MHSA enforcement mechanisms aim to protect the health and safety of persons at a mine and to ensure compliance with the provisions of the Act. Courts have affirmed, however, that enforcement must be based on objective facts, be rationally connected to protective purposes and be proportionate.

Effective navigation of health and safety enforcement requires proactive compliance, constructive regulatory engagement, meticulous record-keeping, and the strategic use of the available appeal mechanisms. Mining companies are encouraged to review its compliance frameworks and systems to ensure they remain aligned with the obligations imposed by the Act - protecting people while preserving operational continuity.

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How key updates under the MHSA are reshaping how mines must plan and respond to emergencies at its underground operations

On Friday, 28 March 2025, Notice 6052 was published in Government Gazette No. 52388, in terms of which the Minister of Mineral and Petroleum Resources, under sections 98(1)(zP) of the Mine Health and Safety Act, 1996 ("**MHSA**"), amended Chapter 16 of the Mine Health and Safety Regulations ("**MHS Regulations**")("**the Notice**").

In terms of the Notice, Chapter 16 of the MHS Regulations was amended by the substitution of the regulations contained in the Notice ("**the New Regulations**"). The New Regulations came into effect on 28 March 2025. The New Regulations are arguably far-reaching in certain instances, compelling mines to reshape how it plans and responds to emergencies at its operations. We highlight below some of the noteworthy amendments in respect to underground mines:

1. **Mine Rescue Teams**

    - At every underground mine, the employer shall provide and maintain, mine rescue teams, which are readily available at the mine. The number of mine rescue teams is calculated according to the maximum number of persons that could be underground at any one time. Previously, the minimum number of mine rescue team(s) required, where there could be between 100 and 1100 persons underground, was one mine rescue team. Now, according to the New Regulations, where there could be between 150 and 3600 persons underground, there must be at least two mine rescue teams. The number of mine rescue teams thereafter increases, as the number of persons underground increase. Where there are less than 150 persons underground, the mine is required to enter into a contract with a mines rescue service provider that has the resources to assist it with mine rescue teams.
    - In addition, each mine rescue team must consist of at least eight members "*trained at the mine*", whereby a minimum of six members need to be "*readily available*" at the mine, to be deployed at any time, to any emergency. For a number of years, a six manned mine rescue team was adopted. Although it remains unclear as to why the compilation of the team has increased to eight, such increase may be onerous, in light of the increased number of mine rescue teams that are required to be available. Furthermore, the requirement for rescue team members to be "*trained at the mine*" is also unclear, bearing in mind that the mine is required to enter into a contract with a mines rescue service provider for each "*mining shaft*", whereby the mines rescue service provider is to, amongst others, train and certify mine rescue team members.
    - The New Regulations further require that at least two members of each mine rescue team must be holders of blasting certificates, and that each mine rescue team must have two members who are holders of an advance mines rescue member certificate of competency, who can captain and/or vice-captain the team during any emergency.

2. **The minimum requirements for a control room and requirements during an emergency**

    - In the case of an emergency at an underground mine, an emergency control room is to be established at a suitable location at the mine. The New Regulations prescribed the minimum requirements for the emergency control room. Such requirements include, but not limited to, a communication system between the control room and the fresh air base or emergency scene; an independent communication system where the mine can communicate with outside parties; and an emergency communication system that has a different ring tone in comparison to any other communication system, so that persons in the control room can immediately identify and attend to the incoming call on the emergency communication system in the event of an emergency. The emergency control room must, at all times, be under the control of a competent person as prescribed and who is the holder of a mine manager's certificate of competency. In addition, all sequence of events and instructions issued by the manager in control of the control room, are to be recorded by a person appointed as a competent person in the control room. A risk assessment is also required to be conducted, in writing, where all known and anticipated hazards and risks in and around the area of emergency are identified, together with measures to address such hazards and risks, before the commencement of the emergency operations.
    - During an emergency, additional obligations imposed on the employer include, amongst others, ensuring that: the person appointed in terms of section 12(1) of the MHSA, as well as Regulation 2.13(1) of the Minerals Act Regulations are present in the control room (and/or relieved by a person with similar qualifications and/or appointment); there are sufficient number of plans available in the control room indicating the route from the shaft to the scene of the emergency and possible escape routes; a fresh air base is established underground; and that no unauthorized person, other than mine rescue team members, proceed beyond the fresh air base directly into the area where the emergency is being dealt with.

3. **Refuge Bays**

In addition to the existing obligations to erect readily accessible refuge bays in the underground working of a mine, the refuge bays must now be constructed in such a manner that allows for the mines rescue service providers' available equipment, and to conduct rescue or recovery operations safety from such refuge bays.

4. **"*Missing person locator system*"**

A new obligation imposed on the employer by the New Regulations, is the obligation to ensure that no person proceeds underground without an intrinsically safe device to determine the last known location of such a person or persons in the event that they go missing while in the underground workings. A "*missing person*" is defined as "*a person* *who is unaccounted for by the employer during or after any shift*". Despite other measures that a mine has in place to prevent employees from going "*missing*" (such as designated travelling routes to and from working places, barricading of abandoned or closed working places to prevent inadvertent access thereto; training provided to employees in respect of travelling underground; etc), employers are now required to implement a tagging and tracking system regardless of the number of employees underground and the size of the operation.

As stated in the article entitled "*South Africa: Mine Health and Safety Act, 29 of 1996 ("MHSA") - Amendments to the Regulations relating to Rescue, First Aid and Emergency Preparedness and Response*", authored by Willem le Roux, Executive Consultant, and Celeste Coles, Executive (assisted by Kedibone Seroka, Associate), most of the New Regulations have been drafted in a peremptory manner by the use of the words i.e. "*The employer must ensure…*". In terms of the MHSA, an employer's obligations are limited by the term "*reasonably practicable*". Although the New Regulations do not reference "*reasonably practicable*", this does not imply strict liability on the part of an employer.

The failure on the part of any person (including the employer) to comply with the New Regulations constitutes an offence and is liable to a fine or imprisonment. In addition, the employer may be liable to an administrative fine, if the employer fails to comply with the New Regulations. It must be noted, however, a contravention or failure in terms of section 91(1) and 91(1B) of the MHSA to comply with a regulation, requires negligence as an element of the contravention or failure.

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