

# **EXHIBIT BB 12**

## **STATEMENT & ANNEXURE**

**OF**

**SHIWA ELIJAH  
MAZIBUKO**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**IN THE JUDICIAL COMMISSION OF INQUIRY  
INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD  
IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**STATEMENT BY  
SHIWA ELIJAH MAZIBUKO  
REGARDING EXCHANGE CONTROL AND HOMIX (PTY) LTD**

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## INTRODUCTION

1. I am the Head of Department: Financial Surveillance (**"the FinSurv Department"**) of the South African Reserve Bank (**"the SARB"**), employed at its head office located at 370 Helen Joseph Street, Pretoria, Gauteng.
2. This statement has been prepared in response to a summons received from the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector (**"the Commission"**).
3. That summons sought information from the SARB as follows:
  - 3.1. *"Reports and all supporting documentation of the inspections and/or investigations conducted by the South Africa Reserve Bank ("SARB") in terms of the Currency and Exchanges Act, Act No.9 of 1933, read with the Exchange Control Regulations in respect of the company Homix (Pty) Ltd (company Registration Number: 2012/176951/07) ("Homix") and its directors namely, Mr Taufique Shaukat Hasware (Identity Number: #####); Mr Yakub Ahmed Suleman Bhikhu (Identity Number: #####); and Mr Mugamat Shafik Adams (Identity Number: #####)", and*
  - 3.2. *"The South African Reserve Banks' analyses of the flow of funds on bank accounts held by Homix and/or its directors and all related parties, both domestically and internationally, (including any suspicious and irregular domestic and cross-border transactions)."*
4. In addition to the information responsive to the summons, I have been asked by the Commission to focus in this statement on the foreign exchange transactions

involving Homix (Pty) Ltd ("**Homix**"), since this relates to the evidence expected to be presented to the Commission regarding Transnet SOC Ltd. This statement therefore is limited in its scope to the requested information. I do, however, first provide some context to that information, by explaining the statutory and regulatory framework governing foreign exchange transactions and the role of the SARB, and the FinSurv Department, within that context.

5. This statement addresses, in turn below, the following topics:

- 5.1. The SARB, exchange control policy and the FinSurv Department;
- 5.2. Exchange control requirements relevant to payments for imports;
- 5.3. Investigations into irregular foreign exchange transactions effected by Homix;
- 5.4. Enforcement action taken against Homix; and
- 5.5. Transactions of interest utilising the bank accounts of Homix.

## THE SARB, EXCHANGE CONTROL AND THE FINSURV DEPARTMENT

6. At the outset, it is necessary to briefly set out the functions of the FinSurv Department with regard to its mandate to regulate, monitor and enforce the regulatory system of the Republic of South Africa concerning exchange control, the manner in which investigations are conducted by the FinSurv Department and its powers to take enforcement and other actions when contraventions of the exchange control provisions are attempted or occur.
7. The SARB is the central bank of the Republic of South Africa ("**the Republic**"), as confirmed by section 223 of the Constitution of the Republic of South Africa, 1996 ("**the Constitution**"). It was established by the Currency and Banking Act, 1920 (Act No.31 of 1920). Sections 224 and 225 of the Constitution set the SARB's mandate and require its independence. It is then governed by the South African Reserve Bank Act, 89 of 1990 ("**the SARB Act**"). A copy of sections 223 to 225 of the Constitution are attached as Annexure "**SEM 1**" and a copy of the SARB Act is attached as Annexure "**SEM 2**".
8. The primary objective of the SARB is to protect the value of the South African currency in the interest of balanced and sustainable economic growth in the Republic. The powers and functions of the SARB are those customarily exercised and performed by central banks, as contemplated in section 225 of the Constitution.
9. Exchange Control, in turn, is primarily governed by section 9 of the Currency and Exchanges Act, 9 of 1933, read with the Exchange Control Regulations, promulgated on 1 December 1961 in Government Notice R.1111 ("**Exchange Control Regulations**") as amended. A copy of the Act and Exchange Control Regulations are attached as Annexures "**SEM 3**" and "**SEM 4**".

10. The Exchange Control Regulations prohibit various transactions, which may only be entered into with the permission of the Treasury of the Republic ("**Treasury**") or persons authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose.
- 10.1. For example, no person may without the requisite permission take out or transfer money from the Republic to a person resident outside the Republic or enter into a transaction whereby capital or any right to capital is directly or indirectly exported from the Republic (see regulations 3 and 10(1)(c)).
- 10.2. No person may use or apply foreign currency acquired from an Authorised Dealer for any purpose other than that stated in his/her application to be the purpose for which it was required (see Regulation 2(4)(a)). This means, for example, that foreign currency acquired to purchase goods for import into and resale in the Republic must be used for that purpose and no other.
11. The Minister of Finance has, by virtue of the provisions of regulation 22E of the Exchange Control Regulations, delegated the powers and/or functions conferred upon the Treasury by the provisions of certain regulations and assigned duties imposed thereunder on the Treasury to the Governor of the SARB, Deputy Governor, the Head of the FinSurv Department and/or Deputy General Manager and/or Assistant General Manager (now known as "Divisional Heads"), and/or any official of the SARB who, in terms of the internal rules and regulations of the FinSurv Department, is authorised to exercise those powers.
12. The FinSurv Department, which I head, is the department in the SARB responsible for the day-to-day administration of exchange controls in South Africa. The Compliance and Enforcement Division of the FinSurv Department is one of six divisions in the department. This statement focuses on the Compliance and

Enforcement Division which investigates alleged contraventions of the Exchange Control Regulations and its primary purpose is to detect, deter and disrupt illicit financial flows and, where possible, recoup capital exported illegally at the expense of the country's foreign currency reserves.

13. The vast majority of foreign exchange transactions are dealt with by Authorised Dealers, appointed to act as such in terms of the Exchange Control Regulations.

- 13.1. The Authorised Dealers administer exchange control transactions within the parameters provided for in the Currency and Exchanges Manual for Authorised Dealers ("**Manual**") (previously referred to as the Exchange Control Rulings).

- 13.2. If a transaction falls within the ambit of the Manual, the Authorised Dealer may proceed with the transaction without involving the FinSurv Department.

- 13.3. Conversely, in those exceptional cases where transactions fall outside of the ambit of the Manual, such transactions have to be referred by Authorised Dealers to the FinSurv Department for prior approval.

- 13.4. Essentially therefore, the Manual comprises a collection of pre-approved transactions which Authorised Dealers in foreign exchange may execute on behalf of their clients without prior approval, but subject to any conditions that may be applicable to the particular type of transaction.

- 13.5. The Manual places an obligation on Authorised Dealers to ensure that foreign currency is made available for legitimate purposes only and to refer any doubtful transactions to the FinSurv Department for consideration.

- 13.6. The Authorised Dealers therefore play the primary role in ensuring compliance with the regulatory framework for exchange control. Their vigilance and diligence are essential to the effective operation of exchange controls.
- 13.7. The relevant part of the Manual for present purposes is section B1 (payment for imports), a copy of that section is annexed marked "**SEM 5**".
14. The Compliance and Enforcement Division of the FinSurv Department conducts or facilitates investigations into alleged contraventions of the Exchange Control Regulations brought to its attention. Following investigations, the SARB is empowered to attach, and even forfeit to the State, funds involved in a contravention of the Exchange Control Regulations.
15. In terms of regulation 19 of the Exchange Control Regulations, the FinSurv Department (as the delegated and authorised functionary of the Treasury) is empowered to order any person to submit information at its disposal (deemed necessary for an investigation) to the FinSurv Department.
16. The FinSurv Department regularly receives information of alleged contraventions of the Exchange Control Regulations.
- 16.1. This information is of a confidential nature and in principle protected from disclosure in terms of section 33 of the SARB Act.
- 16.2. On receipt of information, such information is referred to an official in the FinSurv Department. The official first ascertains whether any authority or permission for the transaction (either generally, or in relation to the specific transaction) has been granted by the FinSurv Department. This is done by

researching its records and related exchange control information databases and with reference to the Manual.

- 16.3. If there is an existing authority or permission, the matter may be closed without further investigation.
- 16.4. If no exchange control authority or permission was granted, an investigation file is opened, and an investigation is then formally initiated.
17. Upon initiation of an investigation, the following steps are typically undertaken –
  - 17.1. the records of the FinSurv Department will be researched regarding the parties to the transaction or other relevant features of the transaction;
  - 17.2. full particulars of the transaction and any available relevant documentation will be obtained from the Authorised Dealer/s concerned;
  - 17.3. relevant parties and/or potential witnesses may be approached to obtain further information through statements or substantiating documentation;
  - 17.4. the alleged perpetrator may be questioned and be requested to furnish information and to produce further information and/or documentation if necessary; and
  - 17.5. In exceptional cases, a forensic auditor may be instructed to compile a report (especially where the contravention concerns intricate financial transactions).
18. Where a designated functionary of the FinSurv Department, on reasonable grounds, suspects a person to be involved in a contravention of the Exchange Control Regulations, the functionary is empowered to issue “blocking orders” in

respect of bank accounts in which money is held, in terms of Regulations 22A and/or 22C of the Exchange Control Regulations. An order issued in terms of Regulation 22A and/or 22C effectively prohibits the withdrawal of funds standing to the credit of a particular person in a particular bank account.

19. If an account has been “blocked” in terms of Regulation 22A and/or 22C and upon the finalization of an investigation it is found that the relevant involved party had, in fact, contravened the Regulations, the affected party is, in compliance with the *audi alteram partem* principle, invited to make representations as to why the “blocked” funds should not be declared forfeit to the State in terms of Regulation 22B.
20. The Governor or a Deputy Governor of the SARB may also be requested to consider the forfeiture of money or goods or of money standing to the credit of “blocked accounts”. Should the Governor or Deputy Governor then be satisfied that the contraventions have indeed occurred, and that a recovery of the amount involved in the contravention is justified, the money standing to the credit of a “blocked account”, may be forfeited to the State in terms of Regulation 22B of the Exchange Control Regulations.
21. The jurisdictional prerequisite for the issue of a forfeiture order is that there must be reasonable grounds to believe that there has been a contravention of the Exchange Control Regulations. This ensures effective enforcement, and enhances the deterrent power, of the Exchange Control Regulations.



## EXCHANGE CONTROL REQUIREMENTS RELEVANT TO PAYMENTS FOR IMPORTS

22. Imports are an obvious subject of exchange control regulation. The arrival of goods within the Republic, the verification of the legality and legitimacy of the underlying transaction that gives rise to the import, and the satisfaction of the statutory and regulatory requirements to establish the value and purpose of such a transaction are all regulated by the exchange control system.
23. Imports necessarily involve the cross-border movement of funds and goods, usually between different jurisdictions, and, as a result, fall within the SARB's exchange control functions.
24. The exchange control system requires close cooperation with other agencies within the state, most importantly the Customs department of the South African Revenue Service ("**SARS**"). It bears the responsibility to ensure that all applicable taxes, duties or tariffs are paid by the importer.
25. Falsification of import transactions enables illicit financial flows. For example, the value of goods actually imported could be vastly overstated to enable the outward payment of funds from South Africa with no legal or legitimate rationale.
26. It is important to note that foreign exchange transactions involving imports may only be effected in terms of the provisions of section B1 of the Manual. This process is to ensure that the exchange control requirements are being complied with prior to funds leaving the Republic. The pre-emptive nature of the regulatory regime in this regard enables immediate intervention in transactions that occur cross-border.
27. However, this intervention should not interfere with legitimate business and trade with commercial partners located outside of South Africa. Exchange controls serve two purposes. The one is the monitoring of cross border transactions, and the other

is the combating of illicit financial flows. These two purposes are equally important and balanced. Legitimate business should not be stymied with burdensome “red tape” and delays by exchange controls. Effective and timeous monitoring and enforcement of the exchange control requirements contained in the Manual, and applicable to payments for imports by Authorised Dealers and the like is, however, crucial to prevent illicit financial flows out of the Republic.

28. The specific exchange control requirements applicable to payments for imports are set out in Section B.1 of the Manual, which provides:

*“(B) Requisite documentation*

- (i) Authorised Dealers may only effect foreign currency payments for imports against the following documentation:*
  - (a) commercial invoices issued by the supplier;*
  - (b) any one of the transport documents as prescribed by the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits (UCP 600) and its supplement for electronic presentation, the eUCP, evidencing transport of the relative goods to South Africa; or*
  - (c) Freight Forwarders Certificate of Receipt or Freight Forwarders Certificate of Transport; and*
  - (d) consignee’s copy of the prescribed SARS Customs Declaration.*
- (ii) In lieu of the documents referred to in (i)(b) and (c) above, arrival notifications issued by shipping companies may be tendered.”*

*“(C) Payment for imports*

- (i) Import payments*

*Foreign currency may be provided to pay for the following:*

- (a) *the actual price of imported goods;*
- (b) *bona fide freight charges;*
- (c) *insurance cover;*
- (d) *buying commissions and retainer fees due to agents, provided that the rate of commission or fee is normal in the particular trade concerned;*
- (e) *other incidental charges incurred in the purchase and shipment of the goods and/or cancellation of orders, but not included in the actual price; and/or*
- (f) *interest payments of up to the applicable base rate plus 3 per cent for credit extended shorter than one year"*

**"(F) Evidence of importation**

- (i) *Authorised Dealers must insist upon the presentation to them of the prescribed SARS Customs Declaration bearing the MRN as evidence that goods in respect of which transfers have been effected in terms of subsection (C) above have been cleared by Customs. These documents must be presented at the time foreign currency payments for imports are made where the goods have already been cleared by Customs, or in the case of advance payments in excess of R50 000 within four months of the date of payment. The detailed information shown on these documents must be checked against the information obtained at the time payment for the relative import was made in order to verify that the payment made relates to the goods that have been cleared."*

29. The "MRN" mentioned in the quoted section, is a reference to a Movement Reference Number ("MRN"), a unique number generated by the Customs division of the SARS in response to a Customs Clearance Declaration lodged by or on behalf of an importer of goods in the Republic.

30. A detailed explanation of the Customs clearance processes is set out in a document compiled by SARS, titled "Customs External Policy Clearance Declaration", a copy of which is annexed hereto and marked Annexure "**SEM 6**".
31. Insofar as it is relevant to the remainder of this statement, the gist of the process involved is that:
- 31.1. All importers and exporters, and their clearing or registered agents must first be registered as such with SARS before submitting a Customs Clearance Declaration.
- 31.2. Every importer or his/her agent is required to, before goods are imported into the Republic, lodge a Customs Clearance Declaration for processing and release by Customs. This Customs Clearance Declaration must, inter alia, contain the full particulars of the nature of the goods, its origin and value.
- 31.3. The Customs Clearance Declaration is submitted to SARS via an Electronic Data Interchange ("**EDI**") system which will perform certain validations to verify the correctness of key fields, the completion of mandatory fields etc.
- 31.4. If the submitted Customs Clearance Declaration is found to be valid, the EDI system will allocate a unique MRN to the transaction and annotate same on an electronically generated Customs Notification with a Release Status (also known as an EDI Release Notification), indicating that the goods may be released to the consignee.

- 31.5. A Customs Notification (Release Status) will, *inter alia*, state goods declared, the name of the importer, container numbers, value of the goods, duties payable and the name of the clearing agent.
- 31.6. In practice, the clearing agent would print out a copy of the EDI Release Notification for the client who will then present same to his bankers when he needs to make payment to the supplier abroad.
32. The validity of an MRN can be verified via a system known as the Imports Verification System ("**the IVS system**").
- 32.1. Practically, the verification process entails entering the MRN on the IVS system, which system will then confirm whether or not the MRN is valid and, if so, provides certain information relating to the specific clearance, which information includes the value declared to Customs as well as the name of the importer.
- 32.2. The IVS system therefore enables Authorised Dealers and the FinSurv Department to compare the value paid to a specific foreign supplier to the value of the goods cleared through Customs.
33. On average, more than 500,000 foreign exchange transactions occur daily within South Africa. The sheer volume of these transactions requires that Authorised Dealers diligently ensure compliance with the system described above. The expeditious monitoring and approval of foreign exchange transactions is essential for the free flow of commerce into and out of South Africa. When their suspicions are aroused, however, they must refer transactions to the SARB for investigation.
34. Against this backdrop, I turn to setting out the facts relating to the SARB's investigation of irregular foreign exchange transactions entered into by an entity

known as Homix, which is the particular subject of the summons received from the Commission. This information is drawn from SARB documents provided to the Commission in response to its summons. I point out that I am not one of the investigators in the FinSurv Department, and I have received this information from those investigators in the course of the usual reporting process within the Department.



## INVESTIGATION INTO IRREGULAR FOREIGN EXCHANGE TRANSACTIONS EFFECTED BY HOMIX

35. During or about May 2015, Mercantile Bank Limited ("**Mercantile**"), as an Authorised Dealer, referred certain suspicious foreign exchange transactions involving Homix to the FinSurv Department for investigation.
36. During the period 21 to 28 May 2015, Homix had effected 13 cross-border foreign exchange transactions via Mercantile, with an aggregate value of some R51,8 million at the relevant time. Details of these cross-border foreign exchange transaction records are set out in a spreadsheet annexed marked Annexure "**SEM 7**".
37. The next day, on 29 May 2015, Homix attempted to effect a further three transactions, to the value of an additional R14,4 million, but was prevented from doing so as a result of an intervention by the FinSurv Department.
38. Copies of the application forms as well as the relevant invoice and SARS EDI Release Notification pertaining to these transactions submitted to Mercantile are annexed marked Annexure "**SEM 8**" to "**SEM 12**", respectively.
39. The documentation provided revealed that Homix declared the purpose of the above-mentioned 16 transactions (i.e. 13 previous transactions plus 3 attempted transactions) as being to effect payment in favour of only two beneficiaries domiciled in Hong Kong, being Morningstar International Trade Limited ("**Morningstar**") and YKA International Trading Company ("**YKA**"). Of the 16 transactions, 14 were in favour of Morningstar and the remaining 2 in favour of YKA.

40. In ordinary commercial practice, it is unusual to see two beneficiaries paid in this way. It is more usual to see payments aggregated and effected once to an entity – typically, this is done to save on the foreign exchange costs and fees associated with such payments.
41. A further red flag was raised when the two entities were scrutinised, and it was revealed that they had little online or other commercial presence.
42. In addition, three movement reference numbers (MRNs) were supplied by Homix to justify the 16 transactions mentioned above. Validation of these MRNs on the IVS System, however, revealed that, while the MRNs were valid, the total value of goods cleared amounted to less than R50,000. The significance of this discrepancy is that the value of the payments made out of South Africa did not match the value of the goods claimed to be imported. Authorisation was sought for R51.8 million to leave the country, while only R50,000-worth of goods were to be imported.
43. It should be noted that an MRN may be used more than once so as to permit part-payments of a larger amount or advance payments on goods to be imported at a later stage (such as following their manufacture). Careful consideration of the invoices and other documentation provided to explain any transaction should support a valid business purpose for a given transaction and accord with routine commercial practice in similar transactions. Anomalies, contradictions and discrepancies should be identified and interrogated by asking for a further explanation from the parties involved in the transaction.
44. As stated above, the value of an import payment to a supplier abroad should roughly correspond with the value stated on the relevant EDI Release Notification issued by SARS.



45. In Homix's case, however, some R51,8 million was paid to the foreign entities concerned, purportedly for imports, compared to a combined value of less than R50,000 in goods cleared through Customs.
46. All of the relevant transactions were 'booked' with Mercantile via Peritus Forex Solutions (Pty) Limited ("**Peritus**"). Peritus is a so-called treasury outsourcing company which entails acting as intermediary between an Authorised Dealer and a client and attending to foreign exchange transactions on behalf of the client concerned. These entities typically shop around for the best foreign exchange rates for their clients and arrange discounts on fees.
47. In some instances treasury outsourcing companies can raise concerns when combatting money laundering and illicit financial flows since they may introduce a layer of opacity into a transaction.
48. In Homix's case, a "trading account" was opened for it at Mercantile Bank and a mandate provided to Peritus to transact on its behalf.
49. According to Mr Conrad Kriel of Peritus, it received instructions for the relevant foreign exchange transactions for Homix from Mr Bhikhu (about whom more below) and that he gave these either telephonically or by e-mail from an e-mail address identified as homix786@gmail.com. Relevant correspondence between the FinSurv Department and Mr Kriel in this regard is annexed hereto and marked Annexure "**SEM 13**".
50. The EDI Releases which were provided to Mercantile Bank (by Homix via Peritus) in support of the relevant foreign exchange transactions also indicate that Thuthuka Sizwe Close Corporation ("**Thuthuka**") had acted as the clearing agent on behalf of Homix.

51. Therefore, Homix would have provided Thuthuka with the necessary information for loading on to the EDI and instructed Thuthuka to attend to the specific Customs clearances.
52. In the course of the SARB's investigation copies of these EDI Releases were provided to Thuthuka for comment, in response to which Thuthuka advised that it had not attended to the purported transactions on behalf of Homix and that the documents in question did not originate from Thuthuka. In support hereof an example of one authentic SARS EDI release notification obtained from Thuthuka is attached hereto and marked Annexure **"SEM 14"**.
53. It is evident from the documents provided that Annexure **"SEM 12"** and Annexure **"SEM 14"** appear different at face value and that Annexure **"SEM 12"** appears to be an altered version of Annexure **"SEM 14"**, given that it reflects the same reference number. Notably, the exporter/supplier, customs values and duties payable differ. This was found to be the case on more than one occasion. It follows that, on a balance of probabilities, the EDI Releases provided to Mercantile by Homix were falsified.

**ENFORCEMENT ACTION TAKEN AGAINST HOMIX**

54. After the finalisation of the Department's investigation into the irregular foreign exchange transactions effected by Homix, a letter was addressed and despatched both by email and registered mail to Homix inviting its director to make representations as to why the funds 'blocked' in the mentioned Mercantile Bank account should not be declared forfeit to the State in terms of Exchange Control Regulation 22B. A copy is attached as Annexure "**SEM 15**".
55. The FinSurv Department never received a response to this letter, nor did any person contact it in regard to the contents thereof.
56. On 30 December 2016 a Notice and Order of Forfeiture, declaring the amount of R14 472 075.00, standing to the credit of Homix in its Mercantile Bank account, forfeit to the State in terms of Exchange Control Regulation 22B was published in the Government Gazette.
57. At face value there seems to be no commercial rationale for the transactional activity over the accounts of Homix. It is also apparent that Homix had on numerous occasions issued invoices for services it had not rendered. A negative inference can also be drawn from the fact that no attempt whatsoever was made by Homix to engage with the FinSurv Department or to challenge the forfeiture of the relevant funds and its inaction in this regard is atypical of the behaviour to be expected from a legitimate business.
58. Pursuant to the above, it is submitted that the transactions over the accounts of Homix displayed all the hallmarks of a scheme aimed at disguising the origin, true nature and ultimate destination of funds. In other words, a money laundering scheme.

59. Further, there appears to be a link between these Homix transactions and two other entities that were previously under investigation by this Department being Viper Wholesalers (Pty) Ltd ("**Viper**") and FGC Commodities (Pty) Ltd ("**FGC Commodities**"). In this regard, it appears that Morningstar, Viper and FGC Commodities share the same sole director, being Mr Mahashveran Govender.
60. An ICRIS CSC Hong Kong Companies Registry search revealed that Mr Mahashveran Govender ("**Mr Govender**"), with passport number **#####**, was the sole director of Morningstar (i.e. one of the beneficiaries to whom Homix had transferred funds abroad). A copy of the search results is annexed hereto as Annexure "**SEM 16**".
61. In terms of results drawn from the website of CIPC in respect of Viper and FGC Commodities, copies of which are attached hereto and marked Annexures "**SEM 17**" and "**SEM 18**", respectively, Mr Govender with identity number **#####** is the sole director for both.
62. During the investigation into the affairs of Viper and FGC Commodities, a copy of Mr Govender's passport was obtained and is attached hereto marked Annexure "**SEM 19**". Notably, the passport number is the same as the number reflected on Annexure "**SEM 16**" confirming that the director of Morningstar, Viper and FGC Commodities is one and the same person.
63. During August 2016 (i.e. subsequent to the Department's interventions in the Homix transactions), a further four transfers were effected to Morningstar, ostensibly by four private individuals investing in Morningstar. An investigation into these transactions revealed that false documentation was presented to the relevant bank in support of these transactions and that Mr Sheldon Jared Breet had played a pivotal role in supplying same.

64. On 11 May 2017, this Department issued an order, in terms of Exchange Control Regulation 22A and 22C, effectively freezing a bank account in the name of Mr Breet held with FirstRand Bank Limited. The finalisation of this investigation was, however, delayed as a result of the arrest of Mr Breet and his brother, Matthew Breet, during late 2017, on charges of murder.
65. The transactions involving Mr Govender, FGC Commodities and Viper also formed the subject of a previous report to the Directorate for Priority Crime Investigations of the South African Police Service in Johannesburg during November 2015.
66. In sum, the investigation into these various foreign exchange transactions attempted by Homix revealed likely non-compliance with, and contravention of, the applicable Exchange Control Regulations.

## TRANSACTIONS OF INTEREST UTILISING THE BANK ACCOUNTS OF HOMIX

67. In addition, several other transactions utilising the bank accounts of Homix may be of interest to the Commission.
68. The bulk of funds received by Homix originated from SOE's or persons who were providing services to SOE's, including Transnet.
69. It was alleged in media reports, dating from July 2015, that Homix was involved in irregular payments received from Neotel (Pty) Ltd ("**Neotel**") relating to a deal worth R2 billion between the latter company and Transnet, and that Mr Ashok Narayan ("**Mr Narayan**") claimed to be Homix's chief executive at the time in question. I return to the group of individuals who may be of interest to the Commission below.
70. Homix operated, inter alia, a business cheque and a call account at the Standard Bank of South Africa Limited ("**Standard Bank**"). The authorised signatories from time to time included:
- 70.1. Mr Taufique Shaukat Hasware (ID #####);
  - 70.2. Mr Yakub Ahmed Suleman Bhikhu (ID #####); and
  - 70.3. Mr Mugamat Shafik Adams (ID #####).
71. The Standard Bank accounts remained largely inactive until 28 March 2014, from which date there was a dramatic increase in account activity. During this period the cheque account received several large deposits and the call account was used only to receive and pay funds from and to the cheque account. From approximately 30 June 2015, there was almost no transactional activity in the accounts, save for bank fees etcetera. This is an unusual and suspicious pattern of transactions.

72. A cash flow analysis of the cheque account for the period 28 March 2014 to 3 December 2015 is annexed hereto as Annexure “**SEM 20**”. In summary, it reflects the following:

72.1. **Debits**

Nature of transactions	Total amount
Bapu Trading Close Corporation	(R327,806,895.79)
Inter-account transfers	(R240,750,000.00)
To Mercantile Bank - foreign exchange	(R66,999,001.00)
Ballatore Brands (Pty) Limited	(R24,311,950.00)
Unidentified	(R50,840.00)
SARS	(R496,689.70)
Mr T. Hasware	(R180,415.46)
Mr M.S. Adam	(R60,402.82)
Peritus Forex Solutions (Pty) Limited	(R37,805.11)
Bank Fees/Interest	(R16,301.08)
Vodacom	(R15,268.52)
Edge Media	(R14,999.99)
Debit card purchases	(R12,807.00)
First Property	(R5,002.02)
Miscellaneous	(R4,562.30)
<b>TOTAL DEBITS</b>	<b>(R660,762,940.79)</b>

## 72.2. Credits

Nature of transactions	Total amount
Inter-account payments	R233,460,000.00
Regiments Capital (Pty) Limited	R179,506,583.48
Neotel (Pty) Ltd	R75,573,519.88
Technology and Procurement Holdings (Pty) Limited	R68,400,000.00
Central High Trading 275 (Pty) Limited	R51,300,000.00
Combined Private Investigations Close Corporation	R17,510,400.00
Innova Management Services (Pty) Limited	R6,384,000.00
Cutting Edge Commerce (Pty) Limited	R6,269,153.16
Bapu Trading Close Corporation	R4,700,000.00
Albatime (Pty) Limited	R3,990,000.00
Sechaba Computer Services (Pty) Limited	R2,725,937.01
Burlington Strategy Advisors (Pty) Limited	R1,800,000.00
Unidentified	R1,341,128.17
SARS	R78,018.75
Miscellaneous	R42.41
<b>TOTAL CREDITS</b>	<b>R660,838,782.86</b>

73. The bank account statements of Homix reflect regular large transfers to the accounts of two local entities, Ballatore Brands (Pty) Limited (“**Ballatore Brands**”)



(registration number 2011/103023/07) and Bapu Trading Close Corporation ("**Bapu Trading**") (registration number 2008/008434/23), respectively.

74. Notably, during April 2014, an amount of R34 533 519-88 appears to have been transferred from Neotel to Homix's cheque account held with the Standard Bank, after which the entire amount was depleted by means of electronic transfers to Ballatore Brands and Bapu Trading.
75. It is pertinent to mention that, at the time in question, the sole director of Ballatore Brands was Mr Mohamed Akram Khan ("**Mr Khan**") with identity number ~~#####~~ and that this Department had previously reported a matter to the South African Police Service, Pretoria Central, CAS 97/05/2015 involving another company of which Mr Khan was the sole director, being Syngen Distribution (Pty) Ltd ("**Syngen**") (registration number 2011/103022/07).
76. It would appear, from the statements of Bapu Trading's bank account held with Standard Bank, that funds received from Homix were mainly transferred to Syngen's bank accounts.
77. It also appears that regular transfers were, in turn, made from the accounts of Bapu Trading to FGC Commodities as well as Komodo Wholesalers (Pty) Limited ("**Komodo**") (registration number 2013/15187/907). Komodo has also been the subject of investigation by this Department which investigation related to the purchase of large quantities of foreign currency in cash under suspicious circumstances.
78. It furthermore appears that regular transfers were made from the accounts of Bapu Trading to another entity styled Chivita Trading (Pty) Limited ("**Chivita Trading**") (registration number 2010/001905/07). In this regard it would appear, from account

opening documentation in respect of an account held at FirstRand Bank Limited in the name of Mr Bhikhu (the sole director of Homix who instructed Peritus as explained above), that he was employed by Chivita Trading at some point.

79. Homix also received funds into its Standard Bank accounts from an account held at Absa Bank Limited in the name of Albatime (Pty) Limited ("**Albatime**") (registration number 2009/021474/07). At all relevant times, the sole director of Albatime was Mr Kubentheran Moodley ("**Mr Moodley**"), with identity number #####.
80. Several large transfers were made into the accounts of Homix from accounts held with Standard Bank in the name of Regiments Capital (Pty) Limited ("**Regiments**") (registration number 2004/023761/07).
81. These transfers, which total in excess of R179 million for the period March 2014 to May 2015, appear to have partially funded the irregular foreign exchange transactions effected by Homix via Mercantile.
82. Regiments provided an explanation as to the relationship with Homix and others in a letter dated 12 October 2018, a copy of which is annexed hereto and marked Annexure "**SEM 21**". In summary the explanation was as follows:
  - 82.1. McKinsey and Company Africa (Pty) Limited ("**McKinsey**") appointed Regiments as a development partner and Regiments' introduction to McKinsey was facilitated by Mr Moodley and Mr Salim Essa ("**Mr Essa**").
  - 82.2. In terms of the agreement with Messrs Moodley and Essa, they or their nominees, would be entitled to a business development fee for all revenue received by Regiments as a result of its relationship with McKinsey. The fee agreed at the time, amounted to 35% of all revenue earned - 5% to Mr Moodley and 30% to Mr Essa, or their respective nominees.

- 82.3. The initial entity nominated by Messrs Moodley and Essa jointly, was Chivita Trading. Chivita Trading was later replaced by Albatime, nominated by Mr Moodley, and Homix, nominated by Mr Essa.
- 82.4. At all relevant times the directors of Regiments were Mr Litha Nyhonyha ("**Mr Nyhonyha**"), Mr Niven Pillay ("**Mr Pillay**") and Dr Eric Wood ("**Dr Wood**").
- 82.5. Dr Wood later informed his co-directors that the above-mentioned business development fee had been increased from 35% to 50%. Messrs Nyhonyha and Pillay were not party to these negotiations and considered the revised fee to be unacceptable and unsustainable.
- 82.6. During March 2016, Dr Wood left Regiments and joined Trillian Capital Partners (Pty) Limited ("**Trillian**") and was removed as director of Regiments during October 2016.
83. It appears from the transactions utilising Homix's Standard Bank cheque account (no. 011863897) that, on several occasions, specific amounts were credited to it. Thereafter, the exact amount, less almost 1% thereof, would be transferred elsewhere. For example:
- 83.1. On 27 June 2014 an amount of R1 824 000.00 was credited to Homix's account and on 30 June 2014 an amount of R1 805 940.58 was transferred to Bapu Trading.
- 83.2. On 1 July 2014 an amount of R1 459 200 was credited to Homix's account and on 7 July 2014 an amount of R1 444 752.48 was transferred from this account to Bapu Trading.

84. In several instances when Regiments transferred funds to Homix, it also transferred an amount equal to 10% of such transfers to Albatime. For example:

84.1. On 14 November 2014 an amount of R13 786 874.94 was transferred from Regiments to Homix after which, on 18 November 2014, R1 378 687.50 was transferred from Regiments to Albatime.

84.2. On 5 February 2015 an amount of R5 966 588.43 was transferred from Regiments to Homix and on the same day R596 658.84 was transferred from Regiments to Albatime.

84.3. On 12 February 2015 an amount of R2 767 301.56 was transferred from Regiments to Homix after which, on 18 February 2015 R276 730.16 was transferred from Regiments to Albatime.

## CONCLUSION

85. In light of the above, it is clear that there is an ongoing need to ensure that the SARB, specifically the FinSurv Department in this context, its related agencies (the SARS and the FIC), other law enforcement agencies and the primary network of Authorised Dealers is continuously strengthened with the technology, resources and skills needed to combat illicit financial flows.



A handwritten signature in black ink, appearing to read "S E Mazibuko", is written over the watermark.

**S E MAZIBUKO**

Date: 20/9-05-06

**IN THE JUDICIAL COMMISSION OF INQUIRY  
INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD  
IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

**INDEX TO THE STATEMENT BY  
SHIWA ELIJAH MAZIBUKO  
REGARDING EXCHANGE CONTROL AND HOMIX (PTY) LTD**

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## Annexure “SEM1”



**223. Establishment.**—The South African Reserve Bank is the central bank of the Republic and is regulated in terms of an Act of Parliament.

**"SEM 1"**

**224. Primary object.**—(1) The primary object of the South African Reserve Bank is to protect the value of the currency in the interest of balanced and sustainable economic growth in the Republic.

(2) The South African Reserve Bank, in pursuit of its primary object, must perform its functions independently and without fear, favour or prejudice, but there must be regular consultation between the Bank and the Cabinet member responsible for national financial matters.

**225. Powers and functions.**—The powers and functions of the South African Reserve Bank are those customarily exercised and performed by central banks, which powers and functions must be determined by an Act of Parliament and must be exercised or performed subject to the conditions prescribed in terms of that Act.

PROVINCIAL AND LOCAL FINANCIAL MATTERS



## Annexure “SEM2”



**SOUTH AFRICAN RESERVE BANK ACT  
NO. 90 OF 1989**

[\[View Regulation\]](#)

[ASSENTED TO 1 JUNE, 1989]  
[DATE OF COMMENCEMENT: 1 AUGUST, 1989]  
(Afrikaans text signed by the State President)

This Act has been updated to *Government Gazette* 42359 dated 29 March, 2019.

**as amended by**

Transfer of Powers and Duties of the State President Act, No. 51 of 1991  
[with effect from 29 April, 1991]

Safe Deposit of Securities Act, No. 85 of 1992  
[with effect from 14 May, 1993]

South African Reserve Bank Amendment Act, No. 10 of 1993

General Law Third Amendment Act, No. 129 of 1993  
[with effect from 1 September, 1993]

South African Reserve Bank Amendment Act, No. 2 of 1996

South African Reserve Bank Amendment Act, No. 39 of 1997

South African Reserve Bank Amendment Act, No. 57 of 2000

Exchange Control Amnesty and Amendment of Taxation Laws Act, No. 12 of 2003  
[with effect from 31 May, 2003, unless otherwise indicated]

South African Reserve Bank Amendment Act, No. 4 of 2010

Financial Services Laws General Amendment Act, No. 45 of 2013  
[with effect from 28 February, 2014, unless otherwise indicated]

Financial Sector Regulation Act, No. 9 of 2017  
[with effect from 1 April, 2018]

**ACT**

**To consolidate the laws relating to the South African Reserve Bank and the monetary system of the Republic; and to provide for matters connected therewith.**

**ARRANGEMENT OF SECTIONS**

- |             |   |
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| <u>2.</u>   | South African Reserve Bank a juristic person  |
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**1. Definitions.**-In this Act, unless the context otherwise indicates-

"**associate**", in relation to a shareholder-

- (a) if the shareholder is a natural person, means-
  - (i) a close relative of the shareholder; or
  - (ii) any person who has entered into an agreement or arrangement with the shareholder, relating to the acquisition, holding or disposal of, or the exercising of voting rights in respect of, shares of the Bank;
- (b) if the shareholder is a juristic person-
  - (i) which is a company, means any subsidiary or holding company of that company, any other subsidiary of that holding company and any other company of which that holding company is a subsidiary;
  - (ii) which is a close corporation registered under the Close Corporations Act, 1984 (Act No. 69 of 1984), means any member thereof as defined in section 1 of that Act;
  - (iii) which is not a company or a close corporation as contemplated in this paragraph, means another juristic person which would have been a subsidiary of the first-mentioned juristic person-
    - (aa) had such first-mentioned juristic person been a company; or
    - (bb) in the case where that other juristic person, too, is not a company, had both the first-mentioned juristic person and that other juristic person been a company;
  - (iv) means any person in accordance with whose directions or instructions the board of directors of or, in the case where the juristic person is not a company, the governing body of the juristic person is accustomed to act; and
- (c) in respect of all shareholders, being either natural or legal persons-
  - (i) means any juristic person of which the board of directors or, in the case where such juristic person is not a company, of which the governing body is accustomed to act in accordance with the directions or instructions of the shareholder; and
  - (ii) includes any trust controlled or administered by the share- holder;

[Definition of "associate" inserted by s. 1 (a) of Act No. 4 of 2010.]

**"Bank"** means the South African Reserve Bank established by section 9 of the Currency and Banking Act;

**"bank"** means a bank as defined in section 1 (1) of the Banks Act, 1990 (Act No. 94 of 1990), and, for the purposes of section 10A, includes a mutual bank;

[Definition of "bank" inserted by s. 1 (a) of Act No. 10 of 1993 and substituted by s. 1 (a) of Act No. 2 of 1996.]

Wording of Sections

**"banking institution" . . . . .**

[Definition of "banking institution" deleted by s. 1 (b) of Act No. 10 of 1993.]

Wording of Sections

**"Board"** means the board of directors referred to in section 4 (1);

**"building society" . . . . .**

[Definition of "building society" deleted by s. 1 (c) of Act No. 10 of 1993.]

Wording of Sections

**"close relative"**, in relation to a shareholder, means-

- (a) a spouse, including a domestic or life partner or a party to any recognised union in terms of custom or the tenets of any religion-
  - (i) of the shareholder; or
  - (ii) of a person mentioned in paragraph (b) below; and
- (b) a child, sibling, step-child, parent or step-parent of the shareholder;

[Definition of "close relative" inserted by s. 1 (b) of Act No. 4 of 2010.]

**"Currency and Banking Act"** means the Currency and Banking Act, 1920 (Act No. 31 of 1920);

**"Department of Finance"** includes the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to that Department in this Act;

**"Deputy Governor"** means a person appointed under section 4 or 6 (1) (a) as a Deputy Governor of the Bank;

**"elected director"** means a member of the Board elected by shareholders;

[Definition of "elected director" inserted by s. 1 (c) of Act No. 4 of 2010.]

**"employee of Government"** means any person who is employed by or works for Government and who either receives or is entitled to receive a salary in respect of such employment or work, or derives the major part of his or her income from such employment or work;

[Definition of "employee of Government" inserted by s. 1 (c) of Act No. 4 of 2010.]

**"financial instrument"** means-

- (a) any security as referred to in the definition of "securities" in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);
- (b) any financial instrument as defined in section 1 of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), irrespective, in the case of such instrument that is an instrument creating or acknowledging indebtedness, of the term for which it has been issued;
- (c) any right or other benefit in respect of or accruing to a security referred to in paragraph (a) or a financial instrument referred to in paragraph (b); and
- (d) any other instrument, right or benefit declared by the Minister by notice in the *Gazette* to be a financial instrument for the purposes of section 10 (1) (h);

[Definition of "financial instrument" inserted by s. 1 (b) of Act No. 2 of 1996.]

**"Government"** means the national, provincial and local spheres of government in the Republic, as envisaged in section 40 (1) of the *Constitution* of the Republic of South Africa, 1996;

[Definition of "Government" inserted by s. 1 (d) of Act No. 4 of 2010.]

**"Government representative"** means a member of the Board appointed under section 4 or 6 (1) (a), but does not include the Governor or a Deputy Governor;

**"Governor"** means the person appointed under section 4 or 6 (1) (a) as the Governor of the Bank;

**"Minister"** means the Minister of Finance;

**"mutual bank"** means a mutual bank as defined in section 1 (1) of the Mutual Banks Act, 1993 (Act No. 124 of 1993);

[Definition of "mutual bank" inserted by s. 1 (c) of Act No. 2 of 1996.]

**"NEDLAC"** means the National Economic, Development and Labour Council, established in terms of section 2 of the National Economic, Development and Labour Council Act, 1994 (Act No. 35 of 1994);

[Definition of "NEDLAC" inserted by s. 1 (e) of Act No. 4 of 2010.]

**"mutual building society"** . . . . .

[Definition of "mutual building society" deleted by s. 1 (d) of Act No. 2 of 1996.]

#### Wording of Sections

**"Panel"** means a panel as referred to in section 4 (1C);

[Definition of "Panel" inserted by s. 1 (f) of Act No. 4 of 2010.]

**"prescribed"** means prescribed by regulation;

[Definition of "prescribed" inserted by s. 1 (d) of Act No. 10 of 1993.]

**"Republic"** . . . . .

[Definition of "Republic" deleted by s. 1 (e) of Act No. 2 of 1996.]

#### Wording of Sections

**"shareholder"** means any holder of shares in the Bank;

**"shareholders' representative"** . . . . .

[Definition of "shareholders' representative" deleted by s. 1 (g) of Act No. 4 of 2010.]

#### Wording of Sections

**"special drawing right"** means a unit of an international reserve asset provided for in the Articles of Agreement of the International Monetary Fund;

**"territory"** . . . . .

[Definition of "territory" deleted by s. 1 (f) of Act No. 2 of 1996.]

#### Wording of Sections

**"Treasury"** includes the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to the Treasury in this Act.

**2. South African Reserve Bank a juristic person.**—The Bank shall be a juristic person.

**3. Primary objective of Bank.**—(1) The primary objective of the Bank shall be to protect the value of the currency of the Republic in the interest of balanced and sustainable economic growth in the Republic.

[Sub-s. (1), previously s. 3, renumbered by s. 290 read with Sch. 4 of Act No. 9 of 2017 with effect from a date determined by the Minister by notice in the *Gazette*: 1 April, 2018 (Government Notice No. 169 in *Government Gazette* 41549 of 29 March, 2018.).]

#### Wording of Sections

(2) In addition, the Bank is responsible for protecting and maintaining financial stability as envisaged in the Financial Sector Regulation Act, 2017.

[S. 3 substituted by s. 2 of Act No. 2 of 1996. Sub-s. (2) added by s. 290 read with Sch. 4 of Act No. 9 of 2017 with effect from a date determined by the Minister by notice in the *Gazette*: 1 April, 2018 (Government Notice No. 169 in *Government Gazette* 41549 of 29 March, 2018.).]

#### Wording of Sections

**4. Board of directors.**—(1) The Bank shall have a board of fifteen directors, consisting of—

- (a) a Governor and three Deputy Governors (of whom one shall be designated by the President of the Republic as Senior Deputy Governor) who shall be appointed by the President of the Republic, after consultation with the Minister and the Board, as well as four other directors appointed by the President after consultation with the Minister; and

[Para. (a) substituted by s. 2 (b) of Act No. 4 of 2010.]

#### Wording of Sections

- (b) seven directors elected by the shareholders from candidates confirmed by the Panel.

[Sub-s. (1) amended by s. 9 of Act No. 51 of 1991, substituted by s. 3 (a) of Act No. 2 of 1996 and amended by s. 2 (a) of Act No. 4 of 2010. Para. (b) substituted by s. 2 (c) of Act No. 4 of 2010.]

Wording of Sections

(1A) Any shareholder, current director of the Bank or any member of the general public may nominate persons to serve as elected directors of the Bank in the manner as may be prescribed.

[Sub-s. (1A) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1B) Nominations in terms of subsection (1A) must be made in writing to the Panel and shall include a comprehensive *curriculum vitae* of the person nominated as well as a motivation for his or her nomination, and be submitted at least three calendar months before the ordinary general meeting of shareholders at which directors are due for election.

[Sub-s. (1B) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1C) A Panel shall be-

- (a) established by the Governor at least three months before; and
- (b) convened by the Governor at least two months before,

the relevant ordinary general meeting of shareholders at which an election of directors is due to take place.

[Sub-s. (1C) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1D) The Panel shall comprise of-

- (a) the Governor as chairperson;
- (b) a retired judge and one other person, both nominated by the Minister; and
- (c) three persons nominated by NEDLAC.

[Sub-s. (1D) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1E) The members of the Panel referred to in subsection (1D) (b) and (c) shall be appointed by the Governor from time to time.

[Sub-s. (1E) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1F) In the performance by the Panel of the functions described under subsection (1G)-

- (a) the Governor shall have a deliberative vote and, in the event of an equality of votes, a casting vote; and
- (b) a quorum shall comprise of the Governor and three other members of the Panel.

[Sub-s. (1F) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1G) Subject to subsection (1F) (b), the Panel shall consider all nominations duly received in a manner as may be prescribed, and-

- (a) in respect of each candidate-
  - (i) verify eligibility in terms of this Act and recognised central banking standards; and
  - (ii) determine, in its discretion, whether the candidate is fit and proper to serve as a director of the Bank in terms of this Act;
- (b) subject to subsection (1H), compile a list of all the candidates confirmed as suitable for possible election to the Board; and
- (c) cause a copy of the list of candidates to be sent to shareholders no later than 30 days before the date of the relevant ordinary general meeting of shareholders.

[Sub-s. (1G) inserted by s. 2 (d) of Act No. 4 of 2010.]

(1H) If, in relation to any vacancy on the Board to be filled, more than three nominees meet the criteria listed in subsection (1G) (a), only the three candidates deemed most suitable by the Panel in relation to the vacancy, shall be confirmed.

[Sub-s. (1H) inserted by s. 2 (d) of Act No. 4 of 2010.]

(2) (a) The Governor shall be a person of tested banking experience.

(aA) Each director of the Bank shall be a fit and proper person with appropriate skills and experience, who shall at all relevant times-

- (i) act *bona fide* for the benefit of and in the interest of the Bank;
- (ii) avoid any conflict of interest between his or her interests and the interests of the Bank;
- (iii) possess and maintain the knowledge and skill that may reasonably be expected of a person holding the same appointment and carrying out the same functions as are carried out by the director in question in relation to the Bank; and
- (iv) exercise such care in the carrying out of his or her functions in relation to the Bank as may be reasonably expected of a diligent person holding the same appointment under similar circumstances



and who possesses both the knowledge and skill mentioned in subparagraph (iii), and any such additional knowledge and skill as the director in question may have.

[Para. (aA) inserted by s. 4 (e) of Act No. 4 of 2010.]

(b) . . . . .

[Para. (b) substituted by s. 2 (a) of Act No. 10 of 1993 and deleted by s. 3 (b) of Act No. 2 of 1996.]

#### Wording of Sections

(3) Of the directors elected by the shareholders-

- (a) two shall be persons with knowledge and skill in commerce or finance;
- (b) one shall be a person with knowledge and skill in agriculture;
- (c) two shall be persons with knowledge and skill in industry;
- (d) one shall be a person with knowledge and skill in labour; and
- (e) one shall be a person with knowledge and skill in mining.

[Sub-s. (3) substituted by s. 4 (f) of Act No. 4 of 2010.]

#### Wording of Sections

(4) No person shall be appointed or elected as or remain a director, if that person-

- (a) is not resident in the Republic; or
- (b) is a director, officer or employee of a bank, bank controlling company, mutual bank; or cooperative bank; or
- (bA) is a Minister or a Deputy Minister in the Government of the Republic; or
- (c) is a member of Parliament, a provincial legislature or a Municipal Council; or
- (d) is an unrehabilitated insolvent; or
- (e) was dismissed from a position of trust as a result of his or her misconduct or has been disqualified or suspended from practising any profession on the grounds of his or her professional misconduct; or
- (f) was convicted of an offence listed in Part 1 or 2 of Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), an offence under this Act, the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), the Prevention of Counterfeiting of Currency Act, 1965 (Act No. 16 of 1965), perjury, or any other offence involving an element of dishonesty in respect of which he or she has been sentenced to imprisonment without the option of a fine or to a fine exceeding R1 000; or
- (g) is mentally or physically incapable of performing the duties of a director; or
- (h) is contractually incapacitated; or
- (i) is an employee of Government.

[Sub-s. (4) amended by s. 2 (b) of Act No. 10 of 1993 and by s. 72 of Act No. 129 of 1993 and substituted by s. 3 (c) of Act No. 2 of 1996 and by s. 2 (q) of Act No. 4 of 2010.]

#### Wording of Sections

(5) The tenure of a director shall, unless otherwise indicated or agreed by the Board, automatically terminate forthwith-

- (a) if the director gives notice in writing to the secretary of the Bank of his or her resignation as a director;
- (b) if the director, without reasonable cause, absents himself or herself from three consecutive meetings of the Board without leave of absence granted by the chairperson: Provided that the chairperson may not grant leave of absence from more than three consecutive meetings of the Board;
- (c) if the director fails to declare to the Bank any direct or indirect interest in any agreement or proposed agreement with the Bank;
- (d) if the director unlawfully discloses to any person any information described in section 33 of this Act; or
- (e) if the director is disqualified on the grounds described in subsection (4).

[Sub-s. (5) inserted by s. 2 (h) of Act No. 4 of 2010.]

**4A. Functions and powers of Board.**-(1) The Board shall be responsible for the corporate governance of the Bank by-

- (a) ensuring compliance with principles of good corporate governance;

- (b) adopting rules and determining policies for the sound accounting, administration and functioning of the Bank;
  - (c) approving the-
    - (i) budget of the Bank;
    - (ii) annual reports and financial statements of the Bank required for submission to the meeting of shareholders, the Minister and Parliament;
    - (iii) appointment or the termination of service of a secretary and an assistant secretary of the Bank;
    - (iv) general remuneration policy of the Bank; and
    - (v) allocation of funds to the retirement fund of the Bank for purposes of making good any actuarial shortfall as well as the appointment of any employees' trustee in respect of such fund;
  - (d) authorising-
    - (i) any actions and procedures by the Bank as contemplated in sections 10 (1) (c) (ii), (d), (u) and 24;
    - (ii) the establishment or closing of any branch of the Bank within or outside the Republic; and
    - (iii) the acquisition of any building or the causing of any building to be erected by the Bank;
  - (e) making recommendations to the Minister in respect of regulations as contemplated under section 36 and in connection with any possible liquidation of the Bank in terms of section 38; and
  - (f) performing any other function specifically assigned to the Board in terms of this Act.
- (2) All other powers and duties of the Bank under this Act shall vest in and be exercised by the Governor and Deputy Governors.

[S. 4A inserted by s. 3 of Act No. 4 of 2010.]

**5. Tenure and conditions of office of directors.**-(1) The terms of office of directors of the Bank shall be as follows:

- (a) The Governor and Deputy Governors shall hold office for a period of five years: Provided that the President of the Republic may, after consultation with the Minister and the Board, on any re-appointment of a Governor or Deputy Governor at the end of his or her term of office, appoint such officer for a term not exceeding five years.
- (b) The directors who are Government representatives shall hold office for a period of three years.
- (c) Elected directors shall hold office for a period commencing on the first day after the date of their election as such at an ordinary general meeting of shareholders held during a specific calendar year and terminating on the date of the ordinary general meeting of the shareholders held during the third calendar year following upon the ordinary general meeting at which the director was elected.

[Sub-s. (1) substituted by s. 1 (a) of Act No. 39 of 1997 and by s. 4 (a) of Act No. 4 of 2010.]

Wording of Sections

(1A) .....

[Sub-s. (1A) inserted by s. 1 (b) of Act No. 39 of 1997 and deleted by s. 4 (b) of Act No. 4 of 2010.]

Wording of Sections

(1B) .....

[Sub-s. (1B) inserted by s. 1 (b) of Act No. 39 of 1997 and deleted by s. 4 (c) of Act No. 4 of 2010.]

Wording of Sections

(2) A director shall be eligible for re-appointment or re-election, as the case may be, after expiration of his or her term of office: Provided that in the case of an elected director, such person has been confirmed by the Panel as a candidate as contemplated in this Act.

[Sub-s. (2) substituted by s. 4 (d) of Act No. 4 of 2010.]

Wording of Sections

(3) Directors (including the Governor and Deputy Governors) shall hold office upon such conditions as to remuneration (including allowances) as may be determined by the Board, and upon such other conditions as may be prescribed by regulation.

(4) The Governor and the Deputy Governors shall devote the whole of their time to the business of the Bank: Provided that the provisions of this subsection shall not be construed as prohibiting the Governor or a Deputy Governor from accepting or holding any office to which he may be appointed by or with the approval of the State President or the Minister.

**6. Casual vacancies.**-(1) A casual vacancy on the Board shall be filled-

- (a) in the case of the Governor or a Deputy Governor through the appointment by the President of the Republic of another person, after consultation with the Minister and the Board, in an acting capacity for a temporary period until such time as the position is filled in accordance with the applicable provisions of section 5;

[Para. (a) amended by s. 9 of Act No. 51 of 1991 and substituted by s. 4 of Act No. 2 of 1996 and by s. 5 (a) of Act No. 4 of 2010.]

Wording of Sections

- (aA) in the case of a Government representative, through the appointment by the President of the Republic, after consultation with the Minister, of another person; and

[Para. (aA) inserted by s. 5 (b) of Act No. 4 of 2010.]

- (b) in the case of an elected director, by the election by the shareholders at an ordinary general meeting of shareholders of a person, confirmed by the Panel as a candidate as contemplated in this Act, in the place of the director whose office has become vacant, or by the appointment by the Board, subject to his or her subsequent election by shareholders at the next ordinary general meeting of the shareholders, of a person confirmed by the Panel as a person suitable for possible election to the Board.

[Para. (b) substituted by s. 5 (c) of Act No. 4 of 2010.]

Wording of Sections

- (2) Any person appointed or elected under subsection (1) shall hold office-

- (a) in the case of a person temporarily acting as Governor or Deputy Governor, for such a term, but not exceeding five years, as the President of the Republic, after consultation with the Minister and the Board, may determine; and
- (b) in the case of any other director, in accordance with the applicable provisions of section 5: Provided that the term of office of a director appointed by the Board, and who is not subsequently elected by shareholders at the next ordinary general meeting of shareholders, shall expire on the day of such ordinary general meeting..

[Sub-s. (2) substituted by s. 5 (d) of Act No. 4 of 2010.]

Wording of Sections

**7. Procedure and quorum.**-(1) The Governor shall preside at the meetings of the Board, and in his absence from any meeting, the Deputy Governor designated by the Governor shall preside: Provided that the Minister may designate any other director to act as chairman of the Board during the Minister's pleasure and that such director shall in that capacity preside at such meetings as he may be present at.

(2) If the other director who is by virtue of the proviso to subsection (1) required to preside at a meeting of the Board is absent from that meeting, the Governor or, in his absence, a Deputy Governor designated by him, shall preside at that meeting, and if the said other director as well as the Governor and the said designated Deputy Governor are absent from that meeting, the directors who are present may elect one of their number to preside at that meeting.

(3) The quorum for a meeting of the Board shall be seven directors.

(4) The decision of the majority of directors present at any meeting shall constitute the decision of the Board.

(5) The person presiding at any meeting shall have a deliberative vote and, in addition, in the event of an equality of votes, a casting vote.

**8. Delegation of powers.**-(1) The Board may from time to time delegate to the Governor or any Deputy Governor or any officer of the Bank any of its powers for such period and purposes and subject to such terms, conditions or restrictions as it may deem fit.

(2) The Governor or any Deputy Governor may delegate the exercise of any power delegated to him or her by the Board under subsection (1) or any of his or her original powers, to a Deputy Governor or an officer of the Bank for a particular period or purpose, and any power the exercise of which has been so delegated, shall be exercised subject to the same terms, conditions or restrictions imposed by the Board when delegating the power to the Governor or Deputy Governor or, in the case of original powers of the Governor or Deputy Governor, on such terms, conditions or restrictions as he or she may determine.

[Sub-s. (2) substituted by s. 6 of Act No. 4 of 2010.]

Wording of Sections

**9. Validity of Board's decisions and acts.**-No decision or act of the Board or act performed under the authority of the Board shall be invalid by reason only of the fact that-

- (a) the Board did not consist of the full number of directors prescribed in section 4 (1); or
- (b) a disqualified person or a person with respect to whose election as director the provisions of the regulations had not been observed, sat or acted as a director,

at the time when the decision was taken or the act was performed or authorized, provided, in the case where such disqualified or invalidly elected person sat or acted as a director, the directors who were present at the time and who were in fact entitled to sit or act as directors constituted a quorum, and a majority of the last-mentioned directors voted in favour of the decision taken or the act performed or authorized.

**10. Powers and duties of Bank.**-(1) The Bank may, subject to the provisions of section 13-

- (a)
  - (i) make banknotes or cause banknotes to be made;
  - (ii) coin coins or cause coins to be coined;
  - (iii) issue banknotes and coins, or cause banknotes and coins to be issued, for use in the Republic;
  - (iv) make, or cause to be made, banknotes to be issued for use in another State, and coin, or cause to be coined, coins to be so issued; and
  - (v) destroy banknotes and coins or cause them to be destroyed;
- (b) with the object of making banknotes or coining coins, and with any object incidental thereto, form companies in accordance with the provisions of the Companies Act, 1973 (Act No. 61 of 1973), and take up shares in such companies;
- (c)
  - (i) perform such functions, implement such rules and procedures and, in general, take such steps as may be necessary to establish, conduct, monitor, regulate and supervise payment, clearing or settlement systems;
  - (ii) form, or take up shares or acquire an interest in, any company or other juristic person that provides-
    - (aa) a service for the purpose of or associated with; or
    - (bb) any facility for or associated with,
 the utilization of any such payment, clearing or settlement systems;
  - (iii) perform the functions assigned to the Bank by or under any law for the regulation of such payment, clearing or settlement systems; and
  - (iv) participate in any such payment, clearing or settlement systems;

[Para. (c) substituted by s. 2 of Act No. 39 of 1997.]

Wording of Sections

- (d) acquire shares in a limited company formed and registered in accordance with the provisions of the Companies Act, 1973, if the Board is of the opinion that any such acquisition will be conducive to the attainment of any of the objects of this Act;
- (e) accept money on deposit, allow interest on any deposit or on a portion of a deposit and collect money for other persons;
- (f) grant loans and advances: Provided that unsecured loans and advances may be granted only in the following cases, namely-
  - (i) an unsecured loan to the Government of the Republic or to a company referred to in paragraph (b) or, with the approval of the Board, to any company in which the Bank has acquired shares in accordance with the provisions of paragraph (d);
  - (ii) an unsecured loan or advance, at such rate of interest as the Board may from time to time determine, to an officer or employee of the Bank-
    - (aa) in order to enable such officer or employee to acquire a dwelling for his own use, in a case where, owing to the nature of the rights of the officer or employee in respect of the property in question, such property cannot in law be mortgaged in favour of the Bank; or
    - (bb) for the purposes of the implementation of a motor-car scheme which, in terms of the rules made by the Board under section 35, forms part of the conditions of service of the officer or employee;
- (g) buy, sell, discount or re-discount bills of exchange drawn or promissory notes issued for commercial, industrial or agricultural purposes, or exchequer bills of the Government of the Republic or of the government of any other country, or securities of a local authority in the Republic;
- (h) buy, sell or deal in financial instruments and, in accordance with the provisions of any law regulating the safe deposit of securities, hold such financial instruments in safe custody, or cause such financial

instruments to be held in safe custody, for other persons;

[Para. (h) substituted by s. 5 (a) of Act No. 2 of 1996.]

Wording of Sections

- (i) issue its own interest-bearing securities for purposes of monetary policy and buy, sell, discount or re-discount, or grant loans or advances against, such securities;
- (j) subject to the provisions of section 13 (a) and (b), enter into repurchase agreements with any institution in respect of interest-bearing securities or such other securities as the Bank may determine;
- (k) buy, sell or deal in precious metals and hold in safe custody for other persons gold, securities or other articles of value;
- (l) buy and sell foreign currencies;
- (m) buy, sell, accept or deal in special drawing rights;
- (n) open credits and issue guarantees;
- (o) effect transfers in accordance with generally accepted banking practice, and sell drafts drawn on its branches and correspondents;
- (p) establish branches or appoint agents and correspondents in or outside the Republic;
- (q) open accounts in foreign countries and act as agent or correspondent of any bank carrying on business in or outside the Republic;
- (r) make arrangements or enter into agreements with any institution in a foreign country to borrow, in such manner, at such rate of interest and subject to such other terms and conditions as the Bank may deem fit, any foreign currency which the Bank may consider it expedient to acquire;
- (s) perform such other functions of bankers and financial agents as central banks customarily may perform;
- (t) lend or advance money on security of a mortgage of immovable property or of a notarial or other bond or a cession thereof, to any officer or employee or former officer or employee of the Bank for the purpose of enabling any such officer or employee to acquire a dwelling for his own use: Provided that-
  - (i) if the Board is of the opinion that the value of any security held against any loan or advance is insufficient, the Bank may accept as additional security a mortgage bond on immovable property or any other security approved by the Board; and
  - (ii) if any immovable property so mortgaged is sold for the purpose of satisfying the mortgage debt and the purchase price obtainable is insufficient to cover the whole of the Bank's claim in connection with the mortgage, the Bank may buy in that property and realize it at such time and in such manner as the Board may determine;
- (u) acquire immovable property required by the Bank for business purposes or for the purpose of providing a dwelling for any officer of the Bank, and sell, dispose of, donate or otherwise alienate any such immovable property: Provided that a donation of such immovable property may only be made with the approval of the Board;
- (v) perform the functions assigned to the Bank by the Banks Act, 1990 (Act No. 94 of 1990), the Mutual Banks Act, 1993 (Act No. 124 of 1993), the Financial Sector Regulation Act, 2017 and other financial sector laws as defined in section 1 (1) of the Financial Sector Regulation Act, 2017.

[Para. (v) substituted by s. 3 of Act No. 10 of 1993, by s. 5 (b) of Act No. 2 of 1996 and by s. 290 read with Sch. 4 of Act No. 9 of 2017 with effect from a date determined by the Minister by notice in the *Gazette*: 1 April, 2018 (Government Notice No. 169 in *Government Gazette* 41549 of 29 March, 2018).]

Wording of Sections

(2) The rates at which the Bank will discount or re-discount the various classes of bills, promissory notes and other securities, shall be determined and announced by the Bank from time to time.

**10A. Maintenance by banks of minimum reserve balances in accounts with Bank.**-(1) Subject to the provisions of subsection (3), a bank shall maintain an account with the Bank into which account that bank shall from time to time deposit at least such amounts as may be necessary to comply with the requirements of subsection (2) and from which it may, subject to that subsection, from time to time withdraw amounts.

(2) (a) The Governor shall, for the purposes of paragraph (b) and in accordance with subsection (4), determine-

- (i) the percentage of the average daily amount of a bank's Reserve Bank notes and subsidiary coin, calculated according to the total amounts of those assets held by the bank on all the days of the last month in respect of which that bank furnished a return in terms of subsection (11) to the Registrar of Banks designated under section 4 of the Banks Act, 1990 (Act No. 94 of 1990); and



- (ii) percentages of the amounts of such different categories of the bank's liabilities as may be specified by the Governor by notice in the *Gazette* with reference to the time when such liabilities fall due or with reference to any other aspect pertaining to such liabilities.

(b) The monthly average credit balance in an account maintained in terms of subsection (1) by a bank, together with the amount representing the percentage referred to in paragraph (a) (i) shall not be less than the total of the amounts representing the percentages referred to in paragraph (a) (ii).

[Sub-s. (2) substituted by s. 1 (a) of Act No. 57 of 2000.]

#### Wording of Sections

(3) (a) A bank shall, when required to do so by virtue of a determination contemplated in paragraph (b), in addition to the account referred to in subsection (1) maintain an account with the Bank (hereinafter in this subsection referred to as a special deposit account) into which account that bank shall from time to time deposit at least such amounts as may be necessary to comply with the requirements of paragraph (b).

(b) For the purposes of the maintenance by a bank of a credit balance in a special deposit account referred to in paragraph (a), the Governor may from time to time determine further percentages, in addition to percentages determined by him in terms of subsection (2), of the bank's liabilities as contemplated in subsection (2).

(c) When making a determination in terms of paragraph (b), the Governor may at his discretion direct that interest at a rate determined by him shall be payable to a bank on the daily credit balances in a special deposit account maintained by such bank in terms of paragraph (a): Provided that the provisions of this paragraph shall not derogate from the power conferred by section 10 (1) (e) upon the Bank to allow interest on any deposit or on a portion of a deposit.

(4) (a) The percentages determined by the Governor in terms of subsection (2) (a) or (3) (b) shall be such percentages as the Governor may, having regard to the national economic interest, deem desirable to determine from time to time.

[Para. (a) substituted by s. 1 (b) of Act No. 57 of 2000.]

#### Wording of Sections

(b) Whenever the Governor has made a determination under paragraph (a), he shall in writing inform the Registrar of Banks referred to in subsection (2) of such a determination, and the said Registrar shall as soon as is practicable give written notice of the determination to every bank and cause the determination to be published by notice in the *Gazette*.

(c) Any such determination shall take effect on a date mentioned in the notice whereby the determination is published in the *Gazette* in terms of paragraph (b).

(5) A bank's liabilities referred to in subsection (2) shall be calculated in such manner and determined at such times as may be determined by the Governor by notice in the *Gazette*.

(6) Any person who contravenes or fails to comply with a provision of subsection (1), (2), (3) (a) or (5) shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

(7) If a bank fails to comply with a provision of this section, or is unable to comply with any such provision, it shall forthwith in writing report its failure or inability to the Governor, stating the reasons for such failure or inability.

(8) The Governor may summarily bring a charge in terms of subsection (6) against a bank referred to in subsection (7) or, if in the circumstances he deems it fit to do so, condone the failure or inability and afford the bank concerned an opportunity, subject to such conditions as the Governor may determine, to comply with the relevant provision within a specified period.

(9) Irrespective of whether criminal proceedings in terms of subsection (6) have been or may be instituted against a bank in respect of any failure or inability referred to in subsection (7), the Governor may, subject to any condonation granted under subsection (8), by way of a written notice impose upon that bank, in respect of such failure or inability, a fine not exceeding one-tenth of one per cent of the amount of the shortfall for each day on which such failure or inability continues.

(10) A fine imposed under subsection (9) shall be paid to the Governor within such period as may be specified in the relevant notice, and if the bank concerned fails to pay the fine within the specified period, the Governor may by way of civil action in a competent court recover from that bank the amount of the fine or any portion thereof which he may in the circumstances consider justified.

(11) A bank shall, in order to enable the Governor to determine whether the bank is complying with the provisions of this section, furnish the Registrar of Banks referred to in subsection (2), subject to the provisions of subsection (12), with a return on the prescribed form and in respect of the prescribed period.

(12) A return referred to in subsection (11) shall be prepared in conformity with generally accepted accounting practice and shall be furnished to the Registrar of Banks referred to in subsection (2) not later than the fifteenth business day following upon the last business day of the period to which the return relates.

[S. 10A inserted by s. 4 of Act No. 10 of 1993.]

**11. Appointment of inspectors.**-(1) The Bank may appoint inspectors (in either a permanent or a temporary capacity) to carry out inspections of the affairs, or of any part thereof, of a bank or a mutual bank,

[Sub-s. (1) substituted by s. 5 of Act No. 10 of 1993 and by s. 6 of Act No. 2 of 1996.]

Wording of Sections

(2) (a) The provisions of Part 4 of Chapter 9 of the Financial Sector Regulation Act, 2017 except section 134, shall apply with the changes necessary in the context in respect of an inspection carried out in terms of subsection (1).

(b) Section 130 of the Financial Sector Regulation Act, 2017 does not apply in respect of an inspection carried out in terms of subsection (1).

[Sub-s. (2) substituted by s. 290 read with Sch. 4 of Act No. 9 of 2017 with effect from a date determined by the Minister by notice in the Gazette: 1 April, 2018 (Government Notice No. 169 in Government Gazette 41549 of 29 March, 2018.).]

Wording of Sections

(3) Every inspector so appointed shall be furnished with a certificate stating that he has been appointed as an inspector under this Act.

**12. Inspection of affairs of person, partnership, close corporation, company or other juristic person not registered as bank or mutual bank.**-(1) If the Governor or a Deputy Governor has reason to suspect that any person, partnership, close corporation, company or other juristic person who or which is not registered in terms of the Banks Act, 1990 (Act No. 94 of 1990), as a bank or in terms of the Mutual Banks Act, 1993 (Act No. 124 of 1993), as a mutual bank, is carrying on the business of a bank or a mutual bank, he or she may direct the Registrar of Banks referred to in section 4 of the Banks Act, 1990, to cause the affairs or any part of the affairs of such person, partnership, close corporation, company or other juristic person to be inspected by an inspector appointed under section 11 (1), in order to establish whether or not the business of a bank or mutual bank, as the case may be, is being carried on by that person, partnership, close corporation, company or other juristic person.

(2) The provisions of Part 4 of Chapter 9 of the Financial Sector Regulation Act shall apply with the necessary changes required by the context in respect of an inspection carried out in terms of subsection (1).

[S. 12 substituted by s. 6 of Act No. 10 of 1993 and by s. 7 of Act No. 2 of 1996. Sub-s. (2) substituted by s. 290 read with Sch. 4 of Act No. 9 of 2017 with effect from a date determined by the Minister by notice in the Gazette: 1 April, 2018 (Government Notice No. 169 in Government Gazette 41549 of 29 March, 2018.).]

Wording of Sections

**13. Prohibited business.**-The Bank may not-

- (a) purchase its own shares or grant loans or advances upon the security thereof;
- (b) without the consent of the Minister, purchase the shares of any bank or grant loans or advances upon the security thereof;

[Para. (b) substituted by s. 7 of Act No. 10 of 1993.]

Wording of Sections

- (c) .....

[Para. (c) deleted by s. 53 of Act No. 45 of 2013.]

Wording of Sections

- (d) buy, discount or re-discount bills of exchange or promissory notes drawn or issued for commercial and industrial purposes, which have a maturity exceeding 120 days;
- (e) buy, discount or re-discount bills of exchange or promissory notes drawn or issued for agricultural purposes, which have a maturity exceeding six months;
- (f) hold in stocks of the Government of the Republic which have been acquired directly from the Treasury by subscription to new issues, the conversion of existing issues or otherwise, a sum exceeding its paid-up capital and reserve fund plus one-third of its liabilities to the public in the Republic.

**14. Issue of banknotes and coins.**-(1) The Bank shall have the sole right to issue or cause to be issued banknotes and coins in the Republic: Provided that all coins which at the commencement of the South African Reserve Bank Amendment Act, 1989, were lawfully in circulation and legal tender in the Republic, shall as such remain in circulation until they are withdrawn from circulation in accordance with the provisions of section 19, or are no longer of the current mass prescribed in Schedule 2 in respect of the denomination in question;

(2) The Bank shall not issue or cause to be issued any banknote of a denomination, in a form or of a material not approved by the Department of Finance.

(3) The Bank shall not re-issue or cause to be re-issued any banknote which is torn or wholly or partially defaced or soiled.

(4) The Bank shall not be obliged to make any payment in respect of a torn banknote or a banknote which, in the opinion of the Bank, is mutilated and which may be tendered to it, but may, in its discretion, make a payment in

respect of such banknote.

(5) The Bank shall not issue or cause to be issued any coin made otherwise than in accordance with the prescriptions of section 16 (1): Provided that the Bank may after the commencement of the South African Reserve Bank Amendment Act, 1989, continue to issue or cause to be issued coins made in accordance with the provisions of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), as those provisions existed immediately prior to the repeal thereof by the said Amendment Act, until such time as the Minister may in writing direct the Bank to discontinue such issue.

(6) The Bank shall not re-issue or cause to be re-issued any coin which is mutilated or worn away.

(7) The Bank shall not be obliged to make any payment in respect of a coin which, in the opinion of the Bank, is mutilated or worn away and which may be tendered to it, but may, in its discretion, make a payment in respect of such coin.

**15. Monetary unit.**-(1) Subject to the provisions of section 14 (1), the monetary unit of the Republic shall be the rand (abbreviated as R), and the cent (abbreviated as c), which is one hundredth part of the rand.

(2) The respective values, in rand and cent, of coins manufactured and issued under other designations than rand and cent and which by virtue of the provisions of section 14 (1) remain in circulation, shall be as set out in the table hereunder:

TABLE

<i>Coin in circulation under the designation of-</i>	<i>Value in rand and cent:</i>
Pound/sovereign	Two rand
Half-pound/half-sovereign	One rand
Crown	Fifty cents
Half-crown	Twenty-five cents
Florin	Twenty cents
Shilling	Ten cents
Sixpence	Five cents
Threepence	Two-and-a-half cents
Penny	Ten-twelfths of a cent
Half-penny	Five-twelfths of a cent
Farthing	Five twenty-fourths of a cent.

**16. Denominations, material, standard mass and standard fineness of coins.**-(1) The Bank may make or cause to be made coins of the denominations and with the mass set out in Schedule 2, and which are made of gold, platinum, silver, nickel, copper, tin, zinc or steel, or alloys of those metals, of the standard fineness so set out: Provided that in the making of such coins a remedy (or deviation from the standard mass or standard fineness determined in Schedule 2 in respect of the coin in question) of an amount not exceeding the remedy specified in Schedule 2 shall be allowed.

(2) The Minister may from time to time amend Schedule 2 by notice in the *Gazette*.

(3) A notice issued under subsection (2) shall come into operation on a date specified therein, and the provisions thereof shall have force of law as if they were enacted in Schedule 2.

(4) The Minister shall within fourteen days after the date of publication in the *Gazette* of a notice issued under subsection (2), lay a copy thereof upon the Tables in Parliament, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

**17. Legal tender.**-(1) A tender, including a tender by the Bank itself, of a note of the Bank or of an outstanding note of another bank for which the Bank has assumed liability in terms of section 15 (3) (c) of the Currency and Banking Act or in terms of any agreement entered into with another bank before or after the commencement of this Act, shall be a legal tender of payment of an amount equal to the amount specified on the note.

(2) A tender, including a tender by the Bank itself, of an undefaced and un mutilated coin which is lawfully in circulation in the Republic and of current mass, shall be a legal tender of payment of money-



- (a) in the case of gold coins, in settlement of any amount, and the value of each gold coin so tendered shall be equal to the net amount at which the bank is prepared to purchase that gold coin on the day of such tender thereof; and
- (b) in the case of other coins, in settlement, per individual transaction, of a total amount not exceeding-
  - (i) fifty rand, where coins of the denomination of one rand or higher are so tendered;
  - (ii) five rand, where coins of denomination of ten cents up to and including fifty cents are so tendered;
  - (iii) fifty cents, where coins of the denomination of five cents or less are so tendered,
 and the value of each coin so tendered shall be equal to the amount specified on that coin.

**18. References to amounts in terms of coins issued under Coinage Act, 1922.**-Any reference in any law, deed, instrument, security for money or other document or in any contract or agreement, whether in writing or not, and any reference in any other manner whatsoever to an amount determined on the basis of the coins specified in the Schedule to the Coinage Act, 1922 (Act No. 31 of 1922), shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in subsection (1) of section 16 and in accordance with the respective values of such last-mentioned coins in comparison with the coins specified in that Schedule, as set out in subsection (2) of section 15, and any such reference to an amount determined on the basis of the coins specified in subsection (1) of section 16, shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in that Schedule and in accordance with the said respective values.

**19. Powers of Minister in respect of coins.**-(1) The Minister may from time to time by notice in the *Gazette*-

- (a) determine the dimensions of and design for any coin as well as the compilation of any series of coins; and
- (b) authorize the withdrawal from circulation of-
  - (i) so many coins as he may deem to be in excess of requirements;
  - (ii) coins of a specified date or of specified dates or of a specified denomination or of specified denominations.

(2) A notice issued under subsection (1) shall come into operation on a date specified therein, and the provisions thereof shall have force of law as if they were enacted in this Act.

**20. Bank exempt from tax on banknotes.**-The Bank shall in respect of banknotes which it manufactures, causes to be manufactured, acquires for issue, issues or causes to be issued, be exempt from any tax or duty.

**21. Share capital of Bank.**-(1) The share capital of the Bank shall be two million rand, and shall be divided into two million ordinary shares of one rand each.

(2) The liability of a shareholder shall be limited to the amount unpaid on the shares held by him.

(3) The Bank may, from time to time, with the consent of the Board, increase its share capital by the issue of shares upon such terms as the Board may approve.

(4) The premium obtained on any issue of shares shall be added to the reserve fund of the Bank.

**22. Restriction of right to hold or acquire shares in Bank.**-(1) Subject to the provisions of subsection (2)-

- (a) no shareholder shall hold, or hold in aggregate with his, her or its 25 associates, more than 10 000 shares in the Bank; and
- (b) if it appears that a shareholder holds, or holds in aggregate with his, her or its associates more than 10 000 shares in the Bank in contravention of this section or any other provision of this Act, the Bank may approach a court with jurisdiction for an appropriate order to redress the matter, which order may include, but is not limited to, an order for the disposal of shares in the Bank at a price per share and subject to such terms, conditions and restrictions as the court may determine.

[Sub-s. (1) substituted by s. 7 (a) of Act No. 4 of 2010.]

#### Wording of Sections

(2) A shareholder who holds, or holds in aggregate with his, her or its associates, more than 10 000 shares in the Bank at the commencement of the South African Reserve Bank Amendment Act, 2010, shall disclose in a manner as may be prescribed to the Bank the names of all his, her or its associates, as well as the number of

shares held by each of them.

[Sub-s. (2) substituted by s. 7 (b) of Act No. 4 of 2010.]

Wording of Sections

(2A) A shareholder who discloses information as contemplated in subsection (2) may continue to hold, or hold in aggregate with his, her or its associates, those shares: Provided that for as long as such shareholding, or aggregate shareholding, as the case may be, exceeds 10 000 shares, neither the shareholder nor his, her or its associates, as the case may be, shall acquire any further shares in the Bank.

[Sub-s. (2A) inserted by s. 7 (c) of Act No. 4 of 2010.]

(3) If at any time the number of shares in the Bank held by a shareholder referred to in subsection (2), or held by that shareholder in aggregate with his, her or its associates, as the case may be, is reduced to 10 000 or less, the restriction laid down in subsection (1) shall apply also to that shareholder.

[Sub-s. (3) substituted by s. 7 (d) of Act No. 4 of 2010.]

Wording of Sections

(4) No shares in the Bank shall be held in the name of or transferred to a nominee unless that nominee is a central securities depository as defined in section 1 of the Safe Deposit of Securities Act, 1992.

[Sub-s. (4) amended by s. 16 of Act No. 85 of 1992.]

Wording of Sections

(5) If at the commencement of the South African Reserve Bank Amendment Act, 1989, shares are registered contrary to the provisions of subsection (4), the Bank shall forthwith take steps to register those shares in the name of the beneficial owner thereof.

(6) If the number of shares held by a shareholder in the Bank increases to more than 10 000 shares, he or she shall as soon as practicable dispose of the number of shares held by him or her in excess of 10 000.

[Sub-s. (6) added by s. 8 of Act No. 2 of 1996.]

**23. Votes.**-(1) Subject to the provisions of subsections (2) and (3), a shareholder shall, at a meeting of shareholders, be entitled to one vote in respect of every 200 shares of which he has been the registered holder for not less than six months prior to the date of the meeting.

(2) No shareholder, or his, her or its associates, referred to in subsection (2), (6) or (2A) of section 22 shall either directly or indirectly exercise any vote as a shareholder in respect of the number of shares in the Bank held by him, her or it, either alone, or in aggregate with his, her or its associates, in excess of 10 000, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as shareholders in respect of the total number of shares in the Bank held by those companies in excess of 10 000.

[Sub-s. (2) substituted by s. 9 of Act No. 2 of 1996 and by s. 8 of Act No. 4 of 2010.]

Wording of Sections

(3) A shareholder who is not ordinarily resident in the Republic shall not be entitled to any vote at any meeting of shareholders.

**24. Allocation of surplus.**-Of the surplus (if any) remaining at the end of a financial year of the Bank after provision has been made for-

- (a) bad and doubtful debts;
- (b) depreciation in assets;
- (c) gratuities or other pension benefits for its officers and employees;
- (d) all such items as are usually provided for by bankers; and
- (e) the payment to the shareholders, out of net profits, of a dividend at the rate of ten per cent per annum on the paid-up share capital of the Bank,

one tenth shall be allocated to the reserve fund of the Bank and nine tenths shall be paid to the Government.

**25. Statutory price of gold and Gold Price Adjustment Account.**-(1) All gold of the Bank shall be valued at such price per such mass of fine gold (hereinafter referred to as the statutory price) as may be determined from time to time by the Minister after consultation with the Bank, and that price shall as soon as may be practicable after such determination thereof be published in the *Gazette*.

(2) All gold of the Bank shall be traded for the profit or loss of the Government.

(3) The Bank shall establish a Gold Price Adjustment Account in which it shall account for-

- (a) any profit or loss relating to gold of the Bank as a result of a change in the statutory price;

- (b) any difference between the statutory price and the price at which the Bank buys or sells gold after due allowance for handling and realization costs.

**26. Foreign Exchange Adjustment Account.**-(1) All assets of the Bank expressed in currencies other than the currency of the Republic, including special drawing rights but excluding any dividends, discount or interest or the usual exchange margins in connection therewith, shall be for the profit or loss of the Government.

(2) The Bank shall establish a Foreign Exchange Adjustment Account in which it shall account for-

- (a) any loss suffered by the Bank on the assets referred to in subsection (1) as a result of the depreciation of the currencies in question in relation to the currency of the Republic;
- (b) any profit made by the Bank on the assets referred to in subsection (1) as a result of the appreciation of the currencies in question in relation to the currency of the Republic.

**27. Forward Exchange Contracts Adjustment Account.**-(1) Any profit or loss on-

- (a) any current or future forward exchange contract entered into by the Bank, but excluding the usual exchange margins earned or paid thereon;
- (b) any amount borrowed by the Bank in any currency other than the currency of the Republic, but excluding any interest, commission or other charges or the usual exchange margins earned or paid thereon;
- (c) any agreement entered into by the Minister of Economic Affairs and Technology under section 2 of the Export Credit and Foreign Investments Reinsurance Act, 1957 (Act No. 78 of 1957), with the Credit Guarantee Insurance Corporation of Africa Limited for the reinsurance of any contract, entered into by the said corporation with a person who exports capital goods or services from the Republic, for insuring against risks (not normally insurable) of monetary loss or monetary detriment attributable to any change in the value of the currency of the Republic in relation to the currency of the United States of America,

shall accrue to the Government.

(2) The Bank shall establish a Forward Exchange Contracts Adjustment Account in which it shall account for-

- (a) any loss suffered by the Bank on a forward exchange contract or loan referred to in subsection (1) (a) or (b);
- (b) any profit made by the Bank on a forward exchange contract or loan referred to in subsection (1) (a) or (b); and
- (c) any profit made and loss suffered on an agreement referred to in subsection (1) (c).

**28. Gold and Foreign Exchange Contingency Reserve Account.**-(1) Any credit or debit balance on the Gold Price Adjustment Account, the Foreign Exchange Adjustment Account and the Forward Exchange Contracts Adjustment Account shall, at the close of each financial year of the Bank or at such other times as the Bank and the Treasury may determine, be transferred to a Gold and Foreign Exchange Contingency Reserve Account established and managed by the Bank on behalf of the Treasury.

(2) (a) Any credit balance on the Gold and Foreign Exchange Contingency Reserve Account shall accrue to the Government as a profit and shall be for the benefit of the State Revenue Fund.

(b) Any profit referred to in paragraph (a) shall be carried forward in the Gold and Foreign Exchange Contingency Reserve Account, but any such profit, or any part thereof, may, at such times as the Treasury and the Bank may deem desirable, be credited to the State Revenue Fund.

(c) The Bank may, at the request of or with the approval of the Treasury, advance any credit balance, or part thereof, on the Gold and Foreign Exchange Contingency Reserve Account to the National Supplies Procurement Fund established by section 12 of the National Supplies Procurement Act, 1970 (Act No. 89 of 1970), and the interest, if any, on any money so advanced, shall, at such times as the Treasury may determine, be paid into the State Revenue Fund.

(3) (a) Any debit balance on the Gold and Foreign Exchange Contingency Reserve Account shall be a loss for the Government and shall be a charge against the State Revenue Fund.

(b) Any loss referred to in paragraph (a) shall be carried forward in the Gold and Foreign Exchange Contingency Reserve Account until the Treasury and the Bank deem it desirable to settle the outstanding balance.

(c) Any loss referred to in paragraph (a) shall be defrayed from money appropriated by Parliament for such purpose.

**29. Returns in connection with and auditing of certain accounts.**-(1) The Bank shall, at such times as the Treasury may determine, furnish the Treasury with returns reflecting the operations on the Gold Price Adjustment Account, the Foreign Exchange Adjustment Account and the Forward Exchange Contracts Adjustment Account.

(2) A report by the auditors of the Bank in which it is stated that any statement to which such report relates is a correct reflection of all transactions, receipts and payments by the Bank in terms of sections 25, 26, 27 and 28, may be accepted as correct by the Auditor-General.

**30. Audit and inspection.**-(1) For every financial year of the Bank, the shareholders shall at a general meeting elect two firms of public accountants, to act during that year as auditors of the Bank.

(2) The Minister may at any time cause an investigation to be made into the affairs of the Bank by one or more officers of the Department of Finance authorized thereto by him in writing.

**31. Report by Governor.**-The Governor shall annually submit to the Minister a report relating to the implementation by the Bank of monetary policy.

**32. Furnishing of information to Department of Finance and to Parliament.**-(1) The Bank shall-

- (a) from time to time make up a return in the form set out in Schedule 1, containing a statement of the liabilities and assets of the Bank as at the close of business on the last business day of every month, and shall forthwith transmit the return to the Department of Finance;
- (b) within three months after the close of its financial year, transmit to the Department of Finance two copies of its financial statements signed by the Governor or any Deputy Governor and the chief financial officer of the Bank, together with an audit report;
- (c) within sixty days after the close of its financial year, transmit to the Department of Finance two copies of a list giving the full names and addresses of shareholders and the number of shares held by each; and
- (d) when called upon to do so by the Department of Finance by notice in writing, furnish that Department, within the period specified in the notice, with such further returns as may be specified in the notice.

(2) The Department of Finance shall cause every return received in terms of paragraph (a) of subsection (1) to be published in the *Gazette* as soon as is practicable.

(3) The Minister shall within fourteen days after receipt thereof lay a copy of the report referred to in section 31 and of every financial statement or list received in terms of paragraph (b) or (c) of subsection (1) upon the Tables in Parliament, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

**33. Preservation of secrecy.**-(1) No director, officer or employee of the Bank, and no officer in the Department of Finance, shall disclose to any person, except to the Minister or the Director-General: Finance or for the purpose of the performance of his or her duties or the exercise of his or her functions or when required to do so before a court of law or under any law-

- (a) any information relating to the affairs of-
  - (i) the Bank;
  - (ii) a shareholder of the Bank; or
  - (iii) a client of the Bank,
 acquired in the performance of his or her duties or the exercise of his or her functions; or
- (b) any other information acquired by him or her in the course of his or her participation in the activities of the Bank,

except, in the case of information referred to in paragraph (a) (iii), with the written consent of the Minister and the Governor, after consultation with the client concerned.

[Sub-s. (1) substituted by s. 3 of Act No. 39 of 1997.]

#### Wording of Sections

(1A) The provisions of subsection (1) shall not be construed as preventing any director, officer or employee of the Bank who is responsible for exercising any power or performing any function or duty under the Exchange Control Regulations, 1961, issued in terms of section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), from disclosing to the Commissioner for the South African Revenue Service any information as may be



required for purposes of exercising any power or performing any function or duty in terms of any Act administered by the Commissioner.

[Sub-s. (1A) inserted by s. 46 of Act No. 12 of 2003.]

(2) No person shall disclose to any other person any information contained in any written communication which is in any manner marked as confidential or secret and which has been addressed by the Bank to any person or which has been addressed by any person to the Bank, except-

- (a) for the purposes of the performance of his duties or the exercise of his powers in terms of any law or when required to do so before a court of law; or
- (b) with the written consent of both the sender and the recipient of that communication.

**34. Offences and penalties.**-(1) Subject to the provisions of section 2 of the Prevention of Counterfeiting of Currency Act, 1965 (Act No. 16 of 1965), any person who-

- (a) forges, alters or unlawfully issues a note of the Bank or something purporting to be a note of the Bank, or any coin;
- (b) utters, tenders or accepts any such note or a coin which has been forged, altered or unlawfully issued, knowing it to be forged, altered or unlawfully issued;
- (c) without the authority of the Bank, engraves or makes upon any material whatsoever any words, figures, letters, marks, lines or devices the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or upon any note of the Bank or any coin which is legal tender;
- (d) without the authority of the Bank, uses or knowingly has in his possession any material whatsoever upon which has been engraved or made any such words, figures, letters, marks, lines or devices;
- (e) contravenes the provisions of section 33;
- (f) wilfully defaces, soils or damages any note of the Bank, or writes or places any drawing thereon or attaches thereto anything in the nature of an advertisement, or wilfully defaces or damages any coin which is legal tender;
- (g) removes from the premises where coins are manufactured under this Act, without lawful authority or excuse, any matrix, master punch, die, collar, piercing and cutting tool, pattern or mould, or any other tool, machine, engine, instrument or thing used or employed in or in connection with the coining of coins, or any useful part of the several objects aforesaid, or any coin or bullion;
- (h) is found in possession of any blank or defective coin of the size, shape and metal composition of any coin of which the coining is authorized by this Act, and is unable to account satisfactorily for such possession;
- (i) fraudulently inserts or uses in a machine that vends merchandise or services or collects fares or tolls, anything that is intended to pass for the coin or the token of value that the machine is designed to receive in exchange for the merchandise, service, fare or toll, as the case may be;
- (j) sells, exchanges or otherwise disposes of any metal reproduction of any gold coin contemplated in Schedule 2, or uses the word "Krugerrand", "Natura" or "Protea", or any derivative thereof or any combination thereof with any other word, in the furtherance of the sale, exchange or disposal in any other manner of such a reproduction or of any metal article of commerce;

[Para. (j) substituted by s. 10 of Act No. 2 of 1996.]

#### Wording of Sections

- (k) without the written approval of the Department of Finance, intentionally destroys, melts down, dissolves in any dissolvent, breaks up or damages a coin that has been issued under section 11 of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), or under section 14 of this Act, or removes any such coin out of the Republic, or causes or permits it to be so removed, with the purpose of so dealing with it or causing it to be so dealt with outside the Republic; or
- (l) sells or disposes of any coin issued as contemplated in paragraph (k), knowing or suspecting that such coin is to be dealt with in a manner constituting an offence under paragraph (k),

shall be guilty of an offence and liable on conviction-

- (i) in the case of an offence referred to in paragraph (a) or (b), to imprisonment for a period not exceeding fifteen years;
- (ii) in the case of an offence referred to in paragraph (c) or (d), to imprisonment for a period not exceeding five years;
- (iii) in the case of an offence referred to in paragraph (e), to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment;
- (iv) in the case of an offence referred to in paragraph (f), to a fine not exceeding R250;

- (v) in the case of an offence referred to in paragraph (g), (h) or (i), to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;
  - (vi) in the case of an offence referred to in paragraph (f), to a penalty which may in law be imposed for the crime of fraud;
  - (vii) in the case of an offence referred to in paragraph (k), to a fine not exceeding R50 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment; and
  - (viii) in the case of an offence referred to in paragraph (l), to a fine not exceeding R10 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.
- (2) For the purposes of subsection (1):-
- (a) "bullion" means any gold, platinum, silver, nickel, gold alloys, platinum alloys, silver alloys, nickel alloys or bronze or other minting alloys in the form of ingots, bars, strips, sheets, scissel, cuttings, granules, rejected coins, blanks, filings, sweepings, dross, scrap or wire; and
  - (b) a coin shall be regarded as defective if it has been wrongly manufactured, and would accordingly be unfit for issue as a proper coin in accordance with the standards of manufacture applied by the institution entrusted with the manufacture of coins for the purposes of this Act.

**35. Rules by Board.**-The Board may make rules, not inconsistent with the provisions of this Act or of the regulations made under section 36, for the good government of the Bank and the conduct of its business, and the appointment and conditions of service (including remuneration and gratuities or other pension benefits) of officers and employees.

**36. Regulations.**-The Minister may make regulations relating to-

- (a) the election of directors by shareholders;
- (b) the conditions (other than those relating to remuneration) of appointment of directors, and the circumstances in which a director shall vacate his office;
- (c) meetings of the Board and the procedure thereat, including the minutes to be kept thereof;
- (d) meetings of shareholders, the matters to be dealt with thereat and the procedure thereat, including the quorum necessary therefor and the minutes to be kept thereof;
- (dA) any matter which is required or permitted to be prescribed by regulation under this Act;  
[Para. (dA) inserted by s. 8 (b) of Act No. 10 of 1993.]
- (e) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

**37. Proceedings by Minister in case of non-compliance with Act or regulations by Bank.**-(1) If at any time the Minister is of the opinion that the Bank has failed to comply with any provision of this Act or of a regulation made thereunder, he may by notice in writing require the Board to make good or remedy the default within a specified time.

(2) If the Board fails to comply with a notice referred to in subsection (1), the Minister may apply to the division of the Supreme Court having jurisdiction for an order compelling the Board to make good or remedy the default, and the Court may make such order thereon as it thinks fit.

**38. Liquidation.**-(1) The Bank shall not be placed in liquidation except by an Act of Parliament.

(2) In the event of liquidation, the reserve fund and surplus assets (if any) of the Bank shall, subject to the provisions of subsection (3), be divided between the Government and shareholders in the proportion of sixty per cent and forty per cent, respectively.

(3) If the amount payable to a shareholder in terms of subsection (2) exceeds the average market price of his holdings of shares in the Bank over the period of twelve months preceding a day three months prior to the date upon which a Bill providing for such liquidation is introduced in Parliament, so much of that amount as exceeds the said average shall be paid to the Government.

(4) No writ of execution or attachment or process in the nature thereof shall be issued or proceeded with against the Bank if the Minister has certified that he has introduced or that it is his intention to introduce in Parliament a Bill placing the Bank in liquidation, and has not withdrawn the certificate.

[S. 39 repealed by s. 11 of Act No. 2 of 1996.]

**40. Repeal of laws, and savings.**—(1) Subject to the provisions of subsection (2), the laws specified in Schedule 3, are hereby repealed to the extent set out in the third column of that Schedule.

(2) The Governor and each Deputy Governor and any director of the Bank holding office at the commencement of this Act, shall, for the unexpired portion of the period for which he has been appointed or elected under the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), be deemed to hold office under the applicable provisions of this Act, and any rules and regulations made under sections 22 and 23, respectively, of the said Act, or which are deemed to have been made thereunder, shall be deemed to have been made under the corresponding provisions of this Act.

**41. Short title and commencement.**-This Act shall be called the South African Reserve Bank Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

## Statement of assets and liabilities on the day of 19

Liabilities	R	C	Assets	R	C
Share capital			Gold		
Reserve fund			Foreign assets		
Notes in circulation			Total gold and foreign assets		
Deposits:			Domestic assets:		
Government			Discounted bills		
Provincial administrations			Loans and advances:		
Banks and building societies			Government		
Other			Other		
Other liabilities			Securities:		
			Government		
			Other		
			Other assets		

[Sch. 2 amended by Government Notice No. 911 of 6 May, 1994, by Government Notice No. 500 of 29 March, 1997, by Government Notice No. 1499 of 15 December, 1999, by Government Notice No. 855 of 30 July, 2004 and by General Notice No. 195 of 29 March, 2019.]

(a) Precious Metal and Commemorative Coins

DENOMINATION AND DESCRIPTION		DIAMETER* (mm)	STANDARD MASS*2 (g)	STANDARD FINENESS*3	REMEDY ALLOWABLE*4	
Mass	Rand and Cents				STANDARD MASS*2 (g)	STANDARD FINENESS*3
22 ct. Gold Coins						
50 ct.	Krugerrand	100.00	1696.60	Au 916.67 Cu 83.33	+5.40	+0.4
5 oz.	Krugerrand	50.00	169.66		+0.270	
2 oz.	Krugerrand	40.00	67.86		+0.135	
1 oz.	Krugerrand	32.69	33.930		+0.070	
1/2 oz.	Krugerrand	27.00	16.965		+0.035	
1/4 oz.	Krugerrand	22.00	8.482		+0.020	
1/10 oz.	Krugerrand	16.50	3.393		+0.010	

1/20 oz.	Krugerrand		12.00	1.697		+0.003	
1/50 oz.	Krugerrand		8.00	0.679		+0.002	
24 ct. Gold Coins							
1 oz.	R500 R200 R100 R50 R25	Natura  Protea	32.69	31.107	Au 999.9	+0.07	+0.1
1/2 oz.	R100 R50	Natura	27.00	15.553	Au 999.9	+0.035	+0.1
1/4 oz.	R50 R20 R2	Natura	22.00	7.777	Au 999.9	+0.02	+0.1
1/10 oz.	R20 R10 R5 R1	Natura Protea	16.50	3.110	Au 999.9	+0.01	+0.1
1/20 oz.	R5	Natura	12.00	1.555	Au 999.9	+0.005	+0.1
Platinum Coins							
1 oz.	R10	Krugerrand	32.69	31.107	Pt 999.9	+0.07	+0.1
1 oz.	R20		32.69	31.107	Pt 999.5	+0.05	+0.1
Sterling-Silver Coins							
2 oz.	50 c		50.00	67.252	Ag 925 Cu 75	+0.50	+5
1 oz.	R50 R15 R10 R5 R2 20 c		38.725	33.626	Ag 925 Cu 75	+0.2	+5
-	R5		38.725	33.000	Ag 925 Cu 75 Plating Au 999.9	+0.2	+5
1/2 oz.	10 c		32.69	16.813	Ag 925 Cu 75	+0.1	+5
-	R 1	Protea	32.69	15.000	Ag 925 Cu 75	+0.1	+5
1/4 oz.	5 c		27.00	8.406	Ag 925 Cu 75	+0.1	+5
-	2 1/2 c	Tickey	15.30	1.414	Ag 925 Cu 75	+0.1	+5
Fine-Silver Coins							
1 oz.	R25 R1 R5	Natura Krugerrand	38.725	31.107	Ag 999	+0.07	+0.5
Copper Alloy Coins							
-	R50		38.725	24.450	Al Cu Ni	± 0.73	-

Note:

\*1 The Diameter is the average diameter of the coin as issued.

\*2 The Standard Mass is the minimum mass of the coin or Least Current Mass for precious metal coins and the average mass for copper alloy coins.

\*3 The Standard Fineness is the precious metal fineness in parts per thousand.

\*4 The Remedy Allowable is the deviation allowable from the Standard Mass or Standard Fineness.



(b) Circulation coins\*<sup>1</sup> issued since 1965

DENOMINATION	ISSUING YEARS	METAL COMPOSITION	DIAMETER* <sup>2</sup> (mm)	STANDARD MASS* <sup>3</sup> (g)	REMEDY ALLOWABLE* <sup>4</sup> (g)
Rands and Cents					
R 5	2004 -	Bi-metal alloy	26.00	9.5	±0.285
	1994 - 2003	Nickel plated copper	26.00	7.0	±0.210
R 2	1989 -	Nickel plated copper	23.00	5.5	±0.165
R 1	1990 -	Nickel plated copper	20.00	4.0	±0.120
	1977 -1990	Nickel	31.00	12.0	±0.360
50 c	1990 -	Bronze plated steel	22.00	5.0	±0.150
	1965 -1990	Nickel	27.84	9.5	±0.258
20 c	1990 -	Bronze plated steel	19.00	3.5	±0.105
	1965 -1990	Nickel	24.21	6.0	±0.180
10 c	2013 -	Copper plated steel	16.00	2.0	±0.060
	1990 - 2012	Bronze plated steel	16.00	2.0	±0.060
	1965 -1989	Nickel	20.70	4.0	±0.120
5 c	1990 - 2011	Copper plated steel	21.00	4.5	±0.135
	1965 -1989	Nickel	17.35	2.5	±0.075
2 c	1990 - 2001	Copper plated steel	18.00	3.0	±0.090
	1965 -1990	Bronze	22.45	4.0	±0.120
1 c	1990 - 2001	Copper plated steel	15.00	1.5	±0.045
	1965 -1989	Bronze	19.05	3.0	±0.090
1/2 c	1970 - 1983	Bronze	16.21	2.0	±0.060

Note:

\*<sup>1</sup> Circulation coins are also referred to as currency or alloy coins.\*<sup>2</sup> The Diameter is the average diameter of the coin as issued.\*<sup>3</sup> The Standard Mass is the average mass of the coin as issued.\*<sup>4</sup> The Remedy Allowable is the deviation allowable from the Standard Mass.

### Schedule 3 LAWS REPEALED

No. and Year of Law	Short Title	Extent of Repeal
<u>Act No. 29 of 1944</u>	South African Reserve Bank Act, 1944	The whole
<u>Act No. 45 of 1956</u>	South African Reserve Bank Amendment Act, 1956	The whole
<u>Act No. 24 of 1960</u>	South African Reserve Bank Amendment Act, 1960	The whole
<u>Act No. 5 of 1961</u>	South African Reserve Bank Amendment Act, 1961	The whole
<u>Act No. 16 of 1965</u>	Prevention of Counterfeiting of Currency Act, 1965	<u>Sections 8 and 9</u>
<u>Act No. 70 of 1968</u>	General Law Amendment Act, 1968	<u>Section 25</u>
<u>Act No. 87 of 1969</u>	South African Reserve Bank Amendment Act, 1969	The whole

<u>Act No. 92 of 1970</u>	General Law Further Amendment Act, 1970	<u>Section 3</u>
<u>Act No. 49 of 1973</u>	South African Reserve Bank Amendment Act, 1973	The whole
<u>Act No. 92 of 1977</u>	South African Reserve Bank Amendment Act, 1977	The whole
<u>Act No. 98 of 1981</u>	South African Reserve Bank Amendment Act, 1981	The whole
<u>Act No. 47 of 1984</u>	South African Reserve Bank Amendment Act, 1984	The whole
Act No. 6 of 1987	Financial Institutions Amendment Act, 1987	<u>Sections 1 and 2</u>
<u>Act No. 88 of 1988</u>	Finance Act, 1988	<u>Section 7</u>
<u>Act No. 96 of 1988</u>	South African Reserve Bank, Banking Institutions, Mutual Building Societies and Building Societies Amendment Act, 1988	<u>Section 1</u>
<u>Act No. 49 of 1989</u>	South African Reserve Bank Amendment Act, 1989	The whole

**GNR.808 of 13 September 2010: Regulations relating to the South African Reserve Bank  
(Government Gazette No. 33552)**

**Notice**  
GN 119

**as amended by**  
**Government Gazette**  
37337

**Date**  
21 February 2014

**NATIONAL TREASURY**

I, Pravin J. Gordhan, Minister of Finance, hereby publish regulations made in terms of section 36 of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), as set out in the Schedule.

**(Signed)**  
**P.J. GORDHAN**  
**MINISTER OF FINANCE**

**SCHEDULE**

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CHAPTER I*Interpretation***1. Definition**

1.1 In these Regulations, unless the context otherwise dictates-

**"address for electronic service"** means an address or fax number for receipt of an "electronic communication" as defined in the Electronic Communications and Transactions Act, 2002 (Act no. 25 of 2002);

**"beneficial interest"** when used in relation to a share, means the right or entitlement of a person, through ownership, agreement, relationship or otherwise, alone or together with another person to-

- (a) receive or participate in any distribution in respect of the share;
- (b) exercise or cause to be exercised, in the ordinary course, any or all of the rights attaching to the share; or
- (c) dispose or direct the disposition of the share;

**"chairperson"**, in respect of any general meeting, means-

- (a) the Governor;
- (b) in the absence of the Governor, a Deputy Governor designated by the Governor; or
- (c) any other director designated by the Minister to act as chairperson of the meeting;

**"general meeting"** means an ordinary general meeting or an extraordinary general meeting of shareholders;

**"lodged"** in relation to any legal document, means lodged with the Secretary at the Bank's head office in Pretoria, or by transmission to an address for electronic service permitted by the Secretary;

**"register"** means either the register of shareholders or the register of directors, as the context requires;

**"share"** means a share issued in terms of section 21 of the Act;

**"shareholder permitted to vote"** means a shareholder holding at least 200 shares and permitted to vote in terms of section 23 of the Act;

**"sign"** and **"signature"** include-

- (a) the reproduction of a signature by lithography, stamp or other mechanical process, and
- (b) an "electronic signature" as defined in the Electronic Communications and Transactions Act, 2002;

**"statutory information"** means all information required by the Act and these Regulations, and includes in relation to a buyer and a seller of shares-

- (a) in the case of a natural person, a valid South African identity document or any other official identification document as recognised by the Transfer Secretary;
- (b) in the case of a company, a certificate of incorporation, certificate to commence business and memorandum and articles of association;
- (c) in the case of a close corporation, a founding statement or amended founding statement;
- (d) in the case of a trust, the trustees, beneficiaries and Masters' Letters of Authority; or
- (e) any further information in respect of the Buyer or Seller, whether a legal or natural person, that the Transfer Secretary may in his or her discretion require;

**"the Secretary"** means a person appointed by the Board as a Secretary or Assistant Secretary, or any other person acting in that capacity by authority of the Board;

**"the Transfer Secretary"** means a person appointed as such by the Bank, or any other person acting in that capacity;

**"the Act"** means the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), as amended;

**"written notice"** means notice delivered or mailed to a physical address or sent to an address for electronic service.

- 1.2 The definitions in section 1 of the Act also apply in these Regulations.

## CHAPTER II

### *Registration and Transfer of Shares*

#### **2. Register of shareholders**

- 2.1 The Bank shall maintain in electronic format a register of shareholders in which the following information is recorded in respect of each shareholder-
  - (a) full name and address;
  - (b) the number of shares held; and
  - (c) the date on which the name of a shareholder was entered in the register for the first time.
- 2.2 The Bank may from time to time publish and make publicly known the information kept in the register of shareholders, in a medium and format that it deems fit.
- 2.3 If shares are registered in the name of a central securities depository as provided for in section 22 (4) of the Act-
  - (a) the register shall record the central securities depository as the "nominal shareholder" and the holders of a beneficial interest in those shares as the "beneficial shareholder";
  - (b) the restrictions imposed under sections 22 and 23 of the Act on the shareholdings and the voting rights of associates, shall apply in respect of beneficial shareholders;
  - (c) beneficial shareholders must comply with the obligation to disclose associates in terms of section 22 of the Act and as further provided for in these Regulations.
- 2.4 The Bank shall maintain the register at its head office where it may be inspected by directors, shareholders and members of the public during office hours, on prior arrangement and subject to any restrictions determined by the Secretary from time to time.

- 2.5 The Bank shall keep a further record for each shareholder of-
- (a) an address for electronic service;
  - (b) the bank account or address nominated for receipt of dividend payments;
  - (c) the full names of all other shareholders that are associates of that shareholder and their relationship;
  - (d) the certificate number of a lost or destroyed share certificate for which a replacement was issued, and a record of the indemnity held in respect of it;
  - (e) the number of shares held with the certificate numbers of share certificates issued in respect of those shares;
  - (f) the dates on which shares were transferred to the shareholder;
  - (g) the dates on which shares mentioned in (f) were disposed of; and (h) statutory information.
- 2.6 On receipt of written notice from the shareholder, the Bank shall update the information mentioned under item (a) of Regulation 2.1 and items (a) to (c) and (h) of Regulation 2.5.
- 2.7 An inspection under Regulation 2.4 shall be by prior arrangement, and subject to any reasonable restrictions determined by the Secretary from time to time.
- 2.8 The information kept in terms of Regulation 2.5 does not form part of the register and is not open for inspection.
- 2.9 The Bank may close the register for periods not exceeding an aggregate of sixty days per annum, provided that the Bank gives notice in advance to shareholders.

### 3. Disclosure of associates

- 3.1 A shareholder required in terms of section 22 (2) of the Act to make disclosure of associates, shall lodge the required information-
- (a) within 40 days of the date on which these Regulations are promulgated, or
  - (b) if the obligation to disclose arises in respect of any event that takes place after the date of promulgation mentioned in (a), within 40 days of the date of such event.
- 3.2 Any prospective buyer of shares shall be required to disclose his, her or its associates on application to purchase shares in the manner as may be required by the Bank.
- 3.3 Information in terms of Regulation 3.1 must be lodged in the format of the Schedule at the end of these Regulations.

### 4. Rectification

- 4.1 A person may apply to a court for the rectification of the register if-
- (a) the name of any person has been entered or omitted from the register without just cause; or
  - (b) the Bank has failed to record that a person has ceased to be the owner of shares.
- 4.2 On application in terms of Regulation 4.1, the Court may decide any question relating to-
- (a) the title of parties to the matter in or to those shares; and
  - (b) the rectification of the register.

### 5. Transfer of shares and share certificates

- 5.1 Shares are moveable property and are freely transferable, subject to the restrictions of section 22 of the Act and of these Regulations.
- 5.2 The Bank shall not register a transfer of shares unless the transfer is effected by the Transfer Secretary.
- 5.3 The Bank shall not register a transfer of shares into the name of a shareholder if, as a result of the transfer, that shareholder will hold, or hold in aggregate with associates, an amount of shares in excess of the amount permitted by the Act.
- 5.4 The transferor of shares must lodge-
- (a) a signed instrument of transfer;
  - (b) the certificates issued in respect of the shares to be transferred;
  - (c) when required, proof of ownership; and

- (d) when required, proof of authority to transfer.
- 5.5 The Bank may act and continue to act on the instruction of any agent who is operating in terms of a shareholder's power of attorney, until it receives a written notice of revocation from the shareholder.
- 5.6 Where the transferee of shares to be transferred is a central securities depository as provided for in section 22 (4) of the Act, the transfer shall be effected as soon as the holders of a beneficial interest in those shares are disclosed.
- 5.7 The Bank shall not transfer shares into the names of two or more persons intending to own the shares jointly. If an instrument of transfer indicates two or more persons as the transferees, the Bank shall-
- transfer an equal part of the shares to each of the persons;
  - if the number of shares are not divisible by the number of transferees, the Bank shall transfer the larger number to the first person mentioned on the instrument; or
  - if a transfer under (a) or (b) would result in any of the named persons holding more shares than permissible under the Act, the Bank shall transfer the permissible number of shares to that person, and the balance in equal parts to the other person or persons.
- 5.8 The Bank shall issue a share certificate-
- upon every registration of transfer into the name of the transferee following the cancellation of a share certificate lodged by the transferor;
  - upon the surrender and cancellation of multiple share certificates issued in the name of the same shareholder, where those shares are to be reflected in a single certificate evidencing the shareholder's aggregate holding;
  - upon the surrender and cancellation of a worn-out or illegible certificate; or
  - in place of a share certificate that has been lost or destroyed, with reasonable proof of that fact and the issuing of an indemnity as the Secretary deems adequate.
- 5.9 Share certificates must-
- contain the seal of the Bank;
  - be numbered sequentially in numerical progression;
  - be signed by one or more directors of the Bank and the Secretary; and
  - state the number of shares evidenced by it.
- 5.10 A share certificate issued on transfer shall be free of charge. The Bank may charge the shareholder the reasonable cost of issuing a replacement certificate or consolidated certificate.
- 5.11 The Board may make rules from time to time governing the transfer of shares and the issuing of share certificates.

## 6. Limitation on liability in respect of the transfer of shares

- 6.1 The person who lodges an instrument of transfer or other document related to the transfer, warrants that it is genuine and indemnifies the Bank against any loss or damage suffered by the Bank as a consequence of relying or acting on the instrument or document.
- 6.2 The Bank need not establish, and shall not be liable for the transfer of shares, resulting from-
- a lack of ostensible or delegated authority or contractual power on the part of the officer transacting for the transferee or transferor; or
  - a failure by the transferee or transferor to comply with any legal requirement pertaining to the transfer.
- 6.3 The provisions of Regulations 6.1 and 6.2 shall not apply in the case of a fraudulent act to which the Bank is knowingly a party.

## CHAPTER III

### General Meetings

## 7. Ordinary general meetings

- 7.1 The Chairperson shall convene an ordinary general meeting of shareholders after the end of each financial year.
- 7.2 The meeting shall take place on a date and time approved by the Board, being no later than 6 months after the financial year end, or on any later date that the Minister may approve on good cause shown.



7.3 The business of the ordinary general meeting shall be-

- (a) the presentation and discussion of the reports mentioned in Regulation 24.1;
- (b) the election of directors provided for in section 4 (1) (b) of the Act;
- (c) the appointment of auditors and approval of the auditors' remuneration in accordance with Regulation 22.1;
- (d) special business of which proper notice was given; and
- (e) any further business arising from the items listed above.

**8. Extraordinary general meetings**

- 8.1 The Secretary shall convene an extraordinary general meeting of shareholders within sixty days of receipt of a written instruction of the Board or any two or more of the Bank's directors.
- 8.2 The Secretary shall convene an extraordinary general meeting of shareholders within sixty days of receipt of a written instruction of shareholders permitted to vote at least 20% of votes attached to the total issued share capital of the Bank: Provided that such a meeting may be convened to conduct only business that shareholders are authorised to perform under the Act and these Regulations.
- 8.3 A written instruction in terms of this Regulation must contain sufficient information to demonstrate the authority to conduct the proposed business and to give proper notice.

**9. Proceedings at general meetings**

- 9.1 The quorum for a general meeting shall be twelve shareholders permitted to vote, who are not associates, present or represented by proxy at the meeting, and the same applies when an adjourned meeting is reconvened.
- 9.2 If a quorum is not reached within 30 minutes of the time a meeting was due to start-
  - (a) the meeting shall be dissolved if the meeting was convened in terms of Regulation 8;
  - (b) the meeting shall be postponed and reconvened within 14 days in the case of an ordinary general meeting.
- 9.3 A resolution shall be adopted by a simple majority of shareholders permitted to vote, counted on a show of hands, unless before or immediately after the result is declared, a poll is demanded by-
  - (a) the Chairperson; or
  - (b) a majority of shareholders permitted to vote, present at the meeting.
- 9.4 In a vote by show of hands-
  - (a) every shareholder permitted to vote, who is present in person or represented by proxy at the meeting, shall be counted as a single vote;
  - (b) the number of votes for or against a motion, and the margin by which a motion was carried or defeated, need not be recorded;
  - (c) the Chairperson's declaration of the outcome, as recorded in the minutes, shall be conclusive proof of the outcome of the vote.
- 9.5 In the case of a poll (which may, at the direction of the Chairperson, be conducted by electronic means), all the votes attached to the voted shares, which may be exercised in terms of the Act, shall be counted.
- 9.6 A poll-
  - (a) if demanded on the adjournment of a meeting, shall be taken immediately in a manner that the meeting agrees;
  - (b) if demanded on any other matter, may be taken at any time during that meeting in a manner directed by the Chairperson.
- 9.7 A demand for a poll-
  - (a) does not prevent the meeting from transacting other business;
  - (b) may be withdrawn by the proponents at any time prior to the poll.
- 9.8 Subject to Regulation 9.9, if the same number of votes are cast for and against a motion, the Chairperson shall have a casting vote.
- 9.9 If, in respect of the election of a director into a specific vacancy the same number of votes are cast in support of two or more nominees, then the election in the vacancy in question and in respect of the nominees who receive the same number of votes, shall immediately (and at the same meeting) be put

to the vote again, save that if the vote was not previously by poll, the retaken vote shall be by poll. Should, after the second vote, there still be the same number of votes cast for the nominees in question, the Chairperson shall have a casting vote.

- 9.10 If the meeting agrees, the Chairperson may adjourn a meeting from place to place or from time to time, provided that only the business left unfinished at the adjourned meeting shall be considered once the meeting is reconvened.
- 9.11 If a dispute arises between associates over voting rights restricted in terms of section 23 of the Act, the Secretary shall allocate to each shareholder within that group of associates a percentage of the votes that corresponds to his or her share of their aggregate holding: Provided that any shareholder holding 200 or more shares shall be allocated at least one vote.

## 10. Voting by a representative

- 10.1 A person authorised under a general or special power of attorney may participate and vote at a general meeting if authorised by a shareholder permitted to vote.
- 10.2 A power of attorney, for purposes of Regulation 10.1, shall be valid for six months from the date of signature, unless a different term is expressly stated.
- 10.3 A power of attorney, for purposes of Regulation 10.1, must be lodged at least 48 hours before the meeting at which it will be used, or delivered at any other place and by such time as the Board may determine.

## 11. Voting by proxy

- 11.1 An instrument appointing a proxy-
  - (a) shall be signed by the shareholder granting the proxy or by an agent authorised under Regulation 5.5;
  - (b) shall be counter-signed by a witness;
  - (c) if granted by a company or other corporate body, shall be duly authorised and given in a manner that binds that body;
  - (d) shall conform to a format provided by the Bank from time to time.
- 11.2 A proxy must be lodged at least 48 hours before the meeting at which it will be used, or delivered at any other place and by such time as the Board may determine.
- 11.3 Unless the Chairperson receives notice before a proxy vote is exercised, that vote shall be valid even if the shareholder granting the proxy has subsequently-
  - (a) died;
  - (b) lost legal capacity;
  - (c) revoked the proxy;
  - (d) transferred the shares in respect of which the proxy was given.

## 12. Notice of general meetings and special business

- 12.1 The Secretary shall give written notice of general meetings to shareholders and directors, stating-
  - (a) the place, day and time of the meeting;
  - (b) the business that shall be transacted;
  - (c) the effect of and reason for any proposed resolution;
  - (d) the shareholder's right to be represented at the meeting by proxy;
  - (e) the number of vacancies on the Board that need to be filled by the election of directors at that meeting, and the categories of knowledge and skill described in section 4 (3) of the Act, in which candidates need to be elected;
  - (f) the name of any person appointed by the Board to fill a casual vacancy in terms of section 6 (1) (b) of the Act, his or her category of knowledge and skill, and the fact that his or her appointment is subject to the approval of the shareholders at the meeting; and
  - (g) the candidates confirmed by the Panel in terms of section 4 of the Act who are eligible for election into the positions described in items (e) and (f).
- 12.2 A notice required in terms of Regulation 12.1 shall be signed by the Secretary and delivered or posted at least 30 days before the meeting, to-



- (a) the shareholder's or director's address as recorded in the register; or
  - (b) an address for electronic service.
- 12.3 A shareholder may by written notice to the Secretary place before a meeting any special business relating to items (a) to (c) of Regulation 7.3.
- 12.4 Written notice referred to in Regulation 12.3 must be given at least 16 days before the meeting and state full particulars of the special business and the effect of and reason for any proposed resolution.
- 12.5 The Secretary shall give notice to shareholders and directors of any special business in terms of Regulation 12.3 that will be placed before the meeting.
- 12.6 A notice required in terms of Regulation 12.5 shall be signed by the Secretary and delivered or posted at least 11 days before the meeting, to the shareholder's or director's-
- (a) address as recorded in the register; or
  - (b) address for electronic service.
- 12.7 Notice is not required when an adjourned meeting is reconvened.
- 12.8 An accidental omission to give notice, and the failure in delivery of notice to shareholders or directors, shall not affect the validity of a meeting or of any resolution passed at the meeting.

## CHAPTER IV

### *Directors*

#### **13. Nomination of and election by shareholders**

- 13.1 The Secretary shall from time to time announce vacancies that arise or are about to arise on the Board and where applicable invite nominations to be made in terms of section 4 (1A) of the Act.
- 13.2 A nomination must conform to a format provided by the Bank from time to time and be lodged for attention of the Panel.
- 13.3 In exercising its powers under section 4 (1G) of the Act, the Panel must-
- (a) consider nominees who fall within a category of knowledge and skill in which a vacancy will arise at the next ordinary general meeting;
  - (b) in respect of each person nominated for a vacancy mentioned in (a), state on record whether it found that person-
    - (i) ineligible in terms of the Act;
    - (ii) eligible for election, but not confirmed by virtue of the restriction imposed by section 4 (1 H) of the Act;
    - (iii) eligible and confirmed for possible election, and the category of skill and experience in which he or she may be elected;
  - (c) state on record the reasons for finding a nominee to be ineligible.
- 13.4 A defect in the election or appointment of a director does not invalidate acts subsequently performed in that capacity.

#### **14. Register of directors**

- 14.1 The Bank shall maintain a register of directors in which the following information is recorded in respect of each director-
- (a) full names and address;
  - (b) the area of knowledge and skill in which the director is appointed;
  - (c) the dates of first appointment and re-appointments;
  - (d) the date on which the director's term is due to expire or has expired; and
  - (e) a record of interests disclosed in terms of Regulation 15.1.
- 14.2 Directors must lodge notice within ten days of any change of particulars, and the Bank must update the register on receipt of notice.
- 14.3 The Bank shall maintain the register at its head office where directors and shareholders may inspect it during office hours, on prior arrangement and subject to any restrictions determined by the Secretary from time to time.

**15. Disclosure of interest**

- 15.1 Any director, relative of a director, or company, organisation or partnership in which the director has a material interest, wishing to contract with the Bank, must prior to entering into the contract, lodge for disclosure to the Board, as applicable-
- (a) particulars of the proposed agreement;
  - (b) the director's interest in the agreement;
  - (c) the director's interest in or association with the contracting party.
- 15.2 A director having an interest or association described in Regulation 15.1 (b) or (c), must disclose that to the Board and may not vote when the Board decides on the matter.
- 15.3 Failure to make the disclosure required by Regulation 15.1 shall render the contract voidable at the instance of the Bank.

**16. Board Meetings**

- 16.1 The Board shall meet on dates determined-
- (a) by the Board; or
  - (b) in terms of Regulation 16.2 read with 16.3.
- 16.2 The Governor or any Deputy Governor, or in case of the other directors, any three or more directors acting jointly, may request the Secretary in writing to convene a meeting of the Board, clearly stating the business to be considered: In which case the Secretary shall act on the request within 10 days and give written notice of the meeting to the directors.
- 16.3 A written notice of a meeting shall state the date, time and place of the meeting and be given to directors-
- (a) in the case of a date determined by the Board, 20 days before the meeting; or
  - (b) in the case of a meeting convened in terms of Regulation 16.2, as soon as reasonably possible before the meeting.
- 16.4 As soon as reasonably possible before every meeting the Secretary shall deliver to directors documents pertaining to the business of a meeting and draft minutes of the previous meeting.
- 16.5 A director who is present at a meeting, or who tenders apologies without noting an objection, shall be deemed to have received proper notice of the meeting.
- 16.6 The directors may meet and adjourn, or otherwise arrange their meetings as they think fit.
- 16.7 Where a meeting is reconvened after an adjournment-
- (a) only the unfinished business of the adjourned meeting shall be considered;
  - (b) notice need not be given of the reconvened meeting.
- 16.8 A written resolution of the Board, signed by twelve or more of the directors shall be as valid and enforceable as if it were passed at a meeting of the Board, and shall be deemed to have been passed on the date of its last signature, unless the resolution states otherwise: Provided that signatures may be contained on different copies of the same resolution.

**17. Limitation of liability**

- 17.1 A director of the Bank shall not be liable to the Bank or any other person, for-
- (a) the acts or omissions of any other director or official of the Bank;
  - (b) any damages, loss or expense which may arise from the performance of the director's duties, unless caused by his or her gross negligence, recklessness or dishonesty.
- 17.2 The Bank shall indemnify its directors, and the Board shall authorise the pay out of the funds of the Bank, against any cost, loss or expense which a director may incur or become liable for through the performance of his or her duties, except through gross negligence, recklessness or dishonesty.
- 17.3 The limitation on a director's liability and the indemnity operating in favour of a director will also operate in favour of an official or employee of the Bank to whom the Board has delegated any power or responsibility.

**18. Board committees**

- 18.1 The Board shall from time to time appoint-
- (a) a Risk Committee;
  - (b) an Audit Committee;
  - (c) a Remuneration Committee; and
  - (d) any other committee that it deems fit.
- 18.2 The Board, in selecting members and defining the terms of reference of the committees mentioned in Regulation 18.1, shall consider accepted norms and best practice prevailing at the time.

## CHAPTER V

### *Records of Meetings*

#### **19. Minutes**

- 19.1 The Secretary shall ensure that minutes are kept of-
- (a) every general meeting of shareholders;
  - (b) every meeting of the Board; and
  - (c) every meeting of the Board sub-committees as indicated in 18.1 above.
- 19.2 The Secretary shall keep a record of any resolution of the Board passed in accordance with Regulation 16.8 and note it at the following meeting of the Board.
- 19.3 The minutes of a meeting signed by the Chairperson of that meeting, or of the next successive meeting, shall be deemed a full and accurate record of its proceedings, and proof of their legality, unless the contrary is proved.
- 19.4 The Secretary shall allow-
- (a) shareholders and directors to inspect the minutes of general meetings;
  - (b) directors to inspect minutes of meetings of the Board and of Board sub-committees.
- 19.5 An inspection in terms of Regulation 19.4 shall be-
- (a) of any copy of minutes certified by the Secretary as true and correct;
  - (b) during office hours at the Bank's head office, by prior arrangement and subject to any reasonable restrictions determined by the Board from time to time.

## CHAPTER VI

### *Allocation of Surplus*

#### **20. Dividends**

- 20.1 Any dividend payable in terms of section 24 of the Act shall be paid to shareholders *pro rata* to their shareholding.
- 20.2 The Bank shall pay a shareholder by-
- (a) transmission into the shareholder's nominated bank account; or
  - (b) a cheque sent to the shareholder's nominated address for receipt of dividends; or
  - (c) any other means agreed upon between the Bank and the shareholder.
- 20.3 Unclaimed dividends may be invested or used by the Bank in a manner approved by the Board and paid to the shareholder without interest upon receipt of a written valid claim.

## CHAPTER VII

### *Accounting and Audit*

#### **21. Accounting records**

- 21.1 The Bank shall keep accurate and complete records as may be required to prepare and audit financial

statements.

21.2 Shareholders may not inspect accounting records without the authority of the Board.

## 22. Appointment of auditors

22.1 At every ordinary general meeting, the shareholders shall-

- (a) appoint at least two firms of auditors registered under the Auditing Profession Act, 2005 (Act No. 26 of 2005);
- (b) approve the remuneration of the auditors on recommendation of the Board.

22.2 If an ordinary general meeting fails to appoint auditors, the Board shall, within 30 days of that meeting, appoint a firm or firms to fill any vacancy.

## 23. Functions of auditors

23.1 The auditors appointed in terms of Regulation 22 shall jointly examine the accounts of the Bank for the financial year under review, and report whether, in their opinion-

- (a) the financial statements and any supplementary information attached to them are properly prepared in all material aspects in accordance with the basis of the accounting and financial reporting framework disclosed in the financial statements; and  
[Para. (a) substituted by GN 119 of 21 February 2014.]
- (b) the affairs of the Bank were conducted according to the requirements of the Act and these Regulations.

23.2 The Bank shall provide access to records and take all reasonable steps to enable the auditors to perform these functions.

## 24. Annual reports and audit report

24.1 At every ordinary general meeting-

- (a) the Board shall present-
  - (i) minutes of the previous ordinary general meeting and of any extraordinary general meeting held since that ordinary general meeting;
  - (ii) the financial statements for the preceding financial year; and
  - (iii) a report of the Board on the state of affairs and business of the Bank, with reference to the amounts for which provision was made in terms of section 24 of the Act.
- (b) the Bank's auditors shall lay before the meeting the report mentioned in Regulation 23.1.

24.2 The financial statements and Board report shall be-

- (a) signed by the Governor or a Deputy Governor, the Chairperson of the Audit Committee, the Chief Financial Officer and the Secretary;
- (b) delivered or sent to every shareholder at their latest address recorded in the register.

## 25. Financial year end

25.1 The Bank's financial year shall end on 31 March of each year.

## CHAPTER VIII

### Official Mark

## 26. Seal

26.1 The Bank shall use a common seal on which "South African Reserve Bank" is engraved in legible characters.

26.2 The seal shall be used for the certification of share certificates and other documents which the Bank may decide from time to time.

## CHAPTER IX

*Repeal of Existing Regulations, Transitional Provisions, Short Title and Commencement***27. Repeal of Existing Regulations**

The South African Reserve Bank regulations published under Government Notice No. R30 in the *Government Gazette* dated 11 January 1991 as well as the amendment of the latter regulations published under Government Notice No. 710 in *Government Gazette* No. 33457 dated 13 August 2010, are hereby repealed.

**28. Transitional Provisions**

Anything done under a provision of a regulation repealed by regulation 27 and which could have been done under a provision of the Regulations, is regarded as having been done under the latter provision.

**29. Short Title and Commencement**

These regulations are called the South African Reserve Bank Regulations, 2010 and shall come into operation on the date of publication in the *Government Gazette*.

**Annexure****DISCLOSURE BY SHAREHOLDERS OF ASSOCIATES**

(Disclosure in terms of Section 22 of the South African Reserve Bank Act as read with the Regulations)

Please state as follows-

1. Full name of shareholder as it appears on the share certificate and total number of shares held:
2. If the person mentioned in (1) is acting as a nominee, the full names and addresses of the holders of a beneficial interest in the shares ("beneficial shareholders"):
3. Disclosure of associates:

<i>Name of associate* of the shareholder / beneficial shareholder</i>	<i>Manner in which related to the shareholder*</i>	<i>Number of shares owned by associate</i>

\* Refer to the definitions of "associate" and "close relative" in section 1 of the Act.

I, \_\_\_\_\_, acting in my capacity as \_\_\_\_\_, declare that the content of this disclosure is true to the best of my knowledge and belief and accurately reflects the particulars of all my associates.

Signature

Date

I know and understand the contents of this declaration. I have no objection to taking the prescribed affirmation/oath. I consider the prescribed affirmation/oath to be binding on my conscience.

Deponent

Date

I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. This declaration was affirmed/sworn to before me and the

deponent's signature was placed thereon in my presence at      on

Commissioner of Oaths

Date

Full name of commissioner:

Designation:

Business Address:

Area for which he/she holds appointment:

Office held if he/she holds this appointment *ex officio*:

**GNR.849 of 5 September 2001: Percentage of the average daily amount of a bank or mutual bank's reserve bank notes and subsidiary coin that may be taken into consideration for purposes of the calculation of the minimum reserve balance as contemplated in terms of Section 10A of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989)**

**SOUTH AFRICAN RESERVE BANK**

In terms of section 10A (4) (b), read with section 10A (2) (a) (i) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989 - the "SARB Act"), I, CHRISTO FLORIS WIESE, Registrar of Banks, hereby give notice that the Governor of the South African Reserve Bank has in respect of the periods mentioned in column 1 of the Schedule below, for purposes of and in accordance with the relevant terms of section 10A of the SARB Act, determined the percentages of the average daily amount of a bank or mutual bank's Reserve Bank notes and subsidiary coin that may be taken into consideration for purposes of the calculation of the minimum reserve balance required to be maintained by banks and mutual banks in an account with the South African Reserve Bank, to be the percentages mentioned in column 2 of the Schedule below.

**C F WIESE**  
**REGISTRAR OF BANKS**

**SCHEDULE**

Table of percentages of reserve bank notes and coin that may be taken into consideration for purposes of the calculation of the minimum reserve balance to be maintained by banks and mutual banks in respect of the under-mentioned reporting periods

REPORTING PERIODS (Column 1)	PERCENTAGE OF NOTES AND COIN (Column 2) (Form DI 310 <sup>1,2</sup> )
Reporting periods from August 2001 up to July 2002.	75 per cent
Reporting periods from August 2002 up to July 2003.	50 per cent
Reporting periods from August 2003 up to July 2004.	25 per cent
Reporting periods from August 2004 onwards.	Nil per cent
<p>1 Line item 11 of the form DI 310 prescribed in Chapter II of the Regulations relating to Banks, published under Government Notice No. R. 1112, in <i>Government Gazette</i> No. 21726 on 8 November 2000, as amended.</p> <p>2 Line item 9 of the form DI 310 prescribed in Chapter II of the Regulations relating to Mutual Banks, published under Government Notice No. R. 2508, in <i>Government Gazette</i> No. 15381 on 28 December 1993, as amended.</p>	

**GN 518 OF 8 April 2005: Determination of the statutory price of gold**

**SOUTH AFRICAN RESERVE BANK**

It is hereby notified that the Minister of Finance, after consultation with the South African Reserve Bank ("SARB"), has on 16 March 2005, under section 25 (1) of the South African Reserve Bank Act, 1989 (Act No. 90 of



1989), determined that, for statutory price purposes, all gold of the SARB be valued at the market prices taken at 14h30 on each valuation date.

**GN 231 of 24 February 2006: Directive for conduct within the National Payment System: In respect of banks involved in the collection of payment instructions in the early debit order (EDO) payment clearing houses (PCHs): Directive No. 1 of 2006**

NATIONAL PAYMENT SYSTEM DEPARTMENT

**1. BACKGROUND, PURPOSE, AND POSITION OF THE RESERVE BANK**

**1.1 Background**

- 1.1.1 In terms of the National Payment System (NPS) Act, 1998 (Act No. 78 of 1998 as amended - "the NPS Act"), the South African Reserve Bank ("the Reserve Bank") is required to provide for the management, administration, operation, regulation and supervision of payment, clearing and settlement systems in the Republic of South Africa; and to provide for connected matters.
- 1.1.2 The NPS encompasses the entire payment process from payer to beneficiary and includes settlement between banks. The process includes all the tools, systems, mechanisms, institutions, agreements, procedures, rules or laws applied or utilised to effect payment. The NPS enables the circulation of money, that is, it enables transacting parties to exchange value.
- 1.1.3 In terms of the NPS Act, the Reserve Bank may from time to time, after consultation with the payment system management body, issue directives to any person regarding a payment system or the application of the provisions of the NPS Act (section 12 (1)).

**1.2 Purpose**

- 1.2.1 The Reserve Bank is issuing this directive to provide for conduct of banks within the NPS involved in the collection of payment instructions in the EDO PCHs.

**1.3 Position of the Reserve Bank**

- 1.3.1 Although the Reserve Bank prefers credit transfers, it acknowledges that debit payment systems that process payment instructions to bank accounts directly after the processing of bulk salary credits, are required by users of the NPS<sup>1</sup>, provided that risk in the NPS is controlled.
- 1.3.2 Payments can be made from different sources for example, money, funds such as deposits, prepaid amounts, credits accumulated from discounts received and credit available to the payer.
- 1.3.3 In the recent past banks have allowed, for collection purposes, practices whereby certain persons' payment instructions have been granted preferential treatment over others. These preferential practices have taken place using various mechanisms including sorting-at-source and the abuse of the ATM system.
- 1.3.4 The Reserve Bank considers the above preferential practices as contrary to the efficiency, effectiveness and neutrality of the NPS. Therefore, the Reserve Bank, in conjunction with the banking industry and relevant stakeholders, has agreed on the principles for the collection of debit payment instructions in EDO PCHs<sup>2</sup>.

**2. DEFINITIONS**

In this Directive, unless the context indicates otherwise, the words and expressions used herein shall have the same meaning assigned to them in the NPS Act and cognate expressions shall have corresponding meanings.

- 2.1 "sorting-at-source" means the process whereby the beneficiary of payment instructions sorts each paying banks' payment instructions together and then submits those payment instructions directly to each paying bank, where the proceeds of such payment instructions are credited to an account in the name of the beneficiary.

**3. DIRECTIVE**

- 3.1 Banks involved in the collection of payment instructions in the EDO PCHs are directed to:
  - 3.1.1 Implement payment systems and infrastructure to facilitate the collection of payment instructions through the EDO PCHs and establish operational stability of the EDO PCH systems between 16 February 2006 and 30 June 2006; The EDO PCHs are :
    - 3.1.1.1 The Authenticated Early Debit Order PCH (AEDO); and
    - 3.1.1.2 The Non Authenticated Early Debit Order PCH (NAEDO).
  - 3.1.2 Process payment instructions of the EDO PCHs together on a random basis;
  - 3.1.3 Not process transactions relating to new business concluded (e.g. loans granted, renewed or revolved) after 30 June 2006 using preferential practices;
  - 3.1.4 Phase out all existing preferential practices by no later than 31 December 2007; and

- 3.1.5 Allow and enable the Payments Association of South Africa (PASA) to monitor the phasing out of existing preferential practices.

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#### 4. CONCLUSION

- 4.1 This directive is not exhaustive and may be supplemented and/or amended from time to time.
- 4.2 In order to maintain the effectiveness, efficiency and neutrality of the NPS, all banks in the NPS that are, or become involved in the PCH's indicated in 3.1.1 are obliged to act in accordance with the NPS Act and in particular, this directive issued in terms of the NPS Act (section 12 (1)).
- 4.3 This directive becomes effective immediately after the date of publication hereof.
- 4.4 Contravention of this directive is an offence in terms of section 12 of the NPS Act.
- 4.5 Persons who are uncertain as to whether their current or future business practices are aligned with this directive should initiate discussions with the National Payment System Department of the Reserve Bank to clarify the matter.

Any enquiries or clarification concerning this directive may be addressed to:

The Head: National Payment System Department

South African Reserve Bank

PO Box 427

Pretoria

0001

OR to the following e-mail address: [npsdirectives@resbank.co.za](mailto:npsdirectives@resbank.co.za)

#### Footnotes

- 1 In the normal course of a banking day, several payment facilities are required and available, e.g. processing of salaries (credits which are processed first and normally early in the morning), early debit collections (EDO - typically for loan collections and normally processed directly after the bulk salary credits), real-time (Automated Teller Machine (ATM) or Point of Sale (POS) type transactions) which are processed immediately upon receipt, Electronic Funds Transfer (EFT's) (which normally occur later in the day) and cheques which are processed as they are presented.
- 2 The original document was agreed to by the Banking Association Operation Board on 3 May 2005 indicating the agreement reached by banks and stakeholders in consultation with the Reserve Bank.

#### GN 210 of 12 March 2007: The dimension of, design for, and compilation of, the year 2007 Natura pure gold coin series

DEPARTMENT OF FINANCE

Memorandum No. 1 of 2006

#### MINISTRY OF FINANCE

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10th oz gold Natura coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2007; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

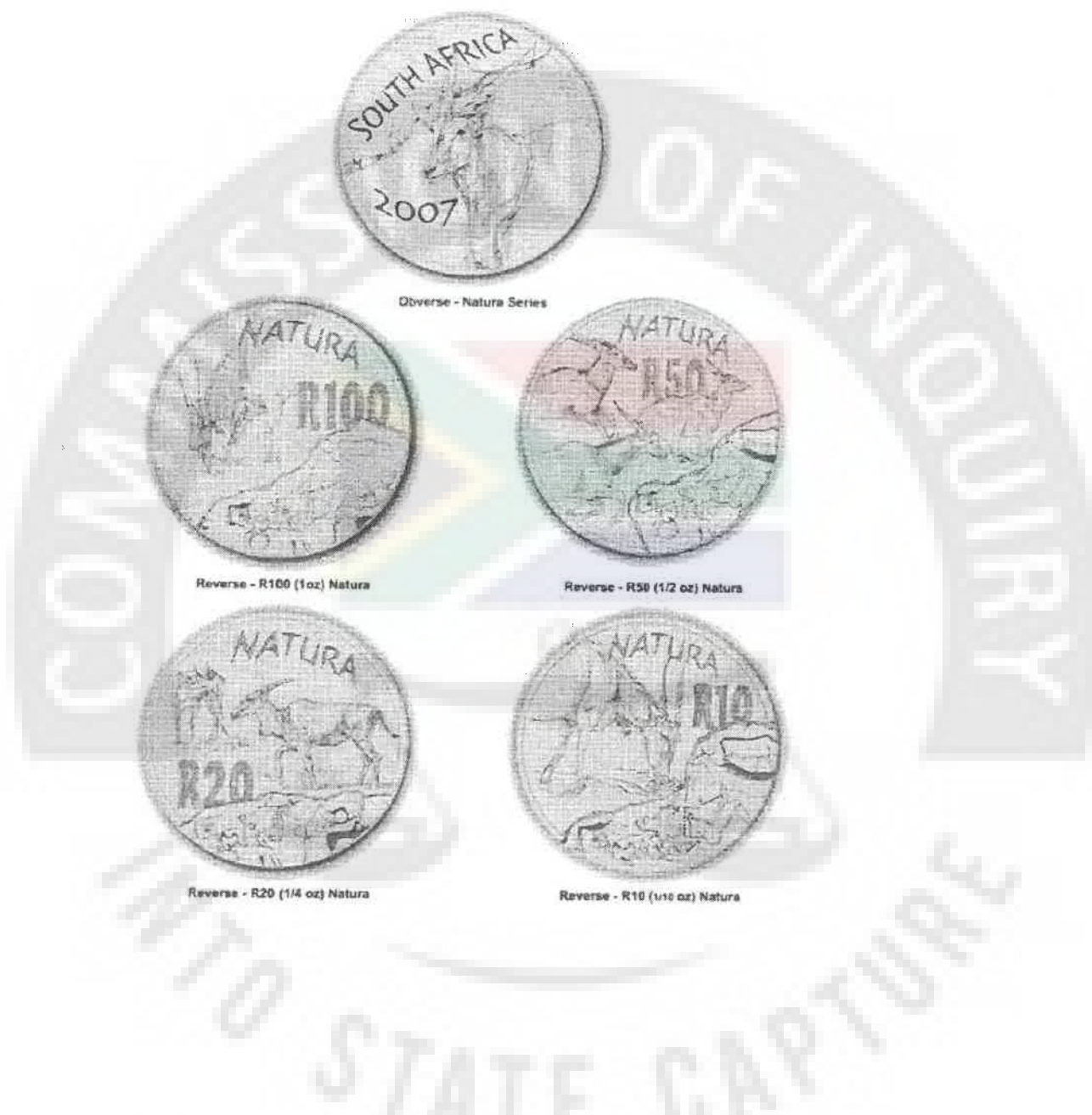
<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
1 oz 24 ct gold Natura	32,69mm	0,8mm
½ oz 24 ct gold Natura	27,00mm	0,7mm
¼ oz 24 ct gold Natura	22,00mm	0,6mm
1/10 oz 24 ct gold Natura	16,50mm	0,5mm



(Signed)  
**TREVOR A. MANUEL, MP**  
 Minister of Finance  
 Date: 13 December 2006

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**GIANTS OF AFRICA SERIES**  
**The Eland**



**GN 211 of 12 March 2007: The dimension of, design for, and compilation of the year 2007 Protea coin series**  
 DEPARTMENT OF FINANCE

Memorandum No. 1 of 2006

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the  $\frac{1}{10}$ th oz pure gold Protea coin and the two R1 sterling silver Protea coins, as set out in Section (a) of the Second Schedule to the said Act, which is being

manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2007; and

- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
1 oz 24 ct gold	32.69mm	0,8mm
$\frac{1}{10}$ oz 24 ct gold	16.50mm	0,5mm
R1 sterling silver x 2	32.69mm	0,8mm

(Signed)

**TREVOR. A. MANUEL, MP**  
**Minister of Finance**  
**Date: 13 December 2006**

**2007  
 PROTEA COIN SERIES**

**SOUTH AFRICAN NOBEL PEACE PRIZE WINNERS' SERIES  
 FW de Klerk and NR Mandela**



Reverse - R25 (1 oz) Gold Protea Coin



Reverse - R5 (1/10 oz) Gold Protea Coin



Reverse - R5 (1/10 oz) Gold Protea Coin



Reverse - R1 Silver Protea Coin



Reverse - R1 Silver Protea Coin

**GN 212 of 12 March 2007: The dimension of, design for, and compilation of the year 2007 R1 and R2 pure gold coin series**

DEPARTMENT OF FINANCE

Memorandum No. 1 of 2006

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R1 gold and R2 gold coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2007; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
R2 (¼ oz) 24 ct gold	22,00mm	0,6mm
R1 (1/10 oz) 24 ct gold	16,50mm	0,5mm

(Signed)

**TREVOR. A. MANUEL, MP**  
Minister of Finance

Date: 13 December 2006

**2007  
R2 GOLD COIN SERIES**

**WORLD HERITAGE SITE SERIES  
Cape Floral Region Protected Areas**



Reverse - R2 (¼ oz) Gold Heritage Coin

**2007  
R1 GOLD COIN SERIES**

**CULTURAL SERIES  
The Afrikaner People**



Reverse - R1 (1/10 oz) Gold Cultural Coin



Obverse - R1 (1/10 oz) Gold Cultural Coin

**GN 213 of 12 March 2007: The dimension of, design for, and compilation of the year 2007 Crown size and 2½ c sterling silver coin series**

DEPARTMENT OF FINANCE

Memorandum No. 1 of 2006

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Crown size and 2½ c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2007.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
2 ½ c sterling silver	16,3mm	± 0,5mm
R2 sterling silver Crown	38,725mm	± 0,8mm

(Signed)

**TREVOR. A. MANUEL, MP**  
Minister of Finance  
Date: 13 December 2006

**2007**

**R2 - CROWN AND 2½ c - TICKEY SILVER COIN SERIES**

**WORLD HERITAGE SITE SERIES**  
Cape Floral Region Protected Areas





Reverse - R2 Crown Silver Coin



Reverse - 2 1/2c Tickey Silver Coin

**GN 214 of 12 March 2007: The dimension of, design for, and compilation of the year 2007 sterling silver coin series**

DEPARTMENT OF FINANCE

Memorandum No. 1 of 2006

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 5c, 10c, 20c, and 50c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2007.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
2 oz sterling silver coin (50c)	50,0mm	0,5mm
1 oz sterling silver coin (20c)	38,30mm	0,8mm
½ oz sterling silver coin (10c)	32,70mm	0,8mm



1/4 oz sterling silver coin (5c)

26,70mm

0,8mm

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(Signed)

**TREVOR. A. MANUEL, MP****Minister of Finance****Date: 13 December 2006**

**2007  
STERLING SILVER COIN SERIES**

**PEACH PARK SERIES  
Kgalagadi Transfrontier Parks**



Reverse - 50c (3/4 oz) Silver Wildlife Coin



Reverse - 20c (1 oz) Silver Wildlife Coin



Reverse - 10c (1/2 oz) Silver Wildlife Coin



Reverse - 5c (1/4 oz) Silver Wildlife Coin

**GN 215 of 12 March 2007: The dimension of, design for, and compilation of the year 2007 "FIFA 2010 Coin Series"**

DEPARTMENT OF FINANCE

Memorandum No. 1 of 2006

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the  $\frac{1}{4}$  oz R2 Gold Coin, the  $\frac{1}{10}$ th oz R1 Gold Coin and the sterling silver R2 Crown, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2007; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
R2 ( $\frac{1}{4}$ oz) 24 ct gold	22,0mm	0,6mm
R1 ( $\frac{1}{10}$ oz) 24 ct gold	16,50mm	0,5mm
R2 sterling silver Crown	38,725mm	$\pm 0,8$ mm

(Signed)  
**TREVOR. A. MANUEL, MP**  
 Minister of Finance  
 Date: 13 December 2006

**2007**  
**R2 GOLD COIN, R1 GOLD COIN AND R2 SILVER CROWN**





**GN 168 of 18 February 2009: The dimension of, design for, and compilation of the 2008 R5 circulation coin  
(Government Gazette No. 31910)**

**DEPARTMENT OF FINANCE**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- a) that the R5 circulation, uncirculated and proof coin as set out in Section (b) of the Second Schedule 2 to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act will be legal tender from 2008, and
- b) that the designs of the said coins will be the design as shown and which is attached to this notice; and
- c) that the specifications of the said coin remain as follows:

Denomination	Diameter	Edge thickness	Mass	Edge profile
R5	26,00 ± 0,08mm	2,8 ± 0,15mm	9,5 ± 0,285 g	Groove lettering and 230 serrations

(Signed)  
**T. A. MANUEL**  
Minister of Finance

**Annexure A**

2008

**R5 CIRCULATION COIN**

In celebration of NR Mandela's 90th birthday.



## Reverse

**GN 582 of 22 May 2009: The dimension of, design for, and compilation of, the year 2009 "FIFA 2010 coin series"**  
**(Government Gazette No. 32246)**

DEPARTMENT OF FINANCE

## NOTICE OF CHANGE

The South African Mint Company (Pty) Ltd, hereby withdraws the coin designs submitted for the 2009 Soccer World Cup Coin Series as published in *Government Gazette* No. 32007 dated 13 March 2009. Certain spacing and font changes are made to the designs in order to accommodate 2010 FIFA World Cup South AfricaT regulations and restrictions.

The South African Mint Company (Pty) Ltd hereby submits updated coin designs in accordance with FIFA requirements.

(Signed)  
**TA DAVEL**  
**GENERAL MANAGER NUMISMATICS**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the ¼ oz R2 Gold Coin, the 1/10<sup>th</sup> oz R1 Gold Coin and the sterling silver R2 Crown, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2009; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
R2 (¼ oz) 24 ct gold	22,00 mm	0,6 mm
R1 (1/10 oz) 24 ct gold	16,50 mm	0,5 mm
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Signed)  
**T. A. MANUEL**  
**MINISTER OF FINANCE**

2009  
 SOCCER WORLD CUP COIN SERIES  
 2010 FIFA WORLD CUP  
 SOUTH AFRICAT





Reverse - R2 (1/4 oz) Gold FIFA Coin



Reverse - R1 (1/10 oz) Gold FIFA Coin



Reverse - R2 Silver FIFA Coin

**GN 1203 of 21 December 2009: The dimension of, design for, and compilation of the year 2010 Natura pure gold coin series  
(Government Gazette No. 32813)**

DEPARTMENT OF FINANCE

**SECRET**

**Memorandum No. 26 of 2009**

**2 December 2009**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10<sup>th</sup> oz gold Natura coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2010; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

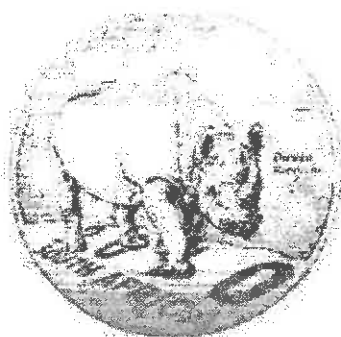
<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
1 oz 24 ct gold Natura	32,69 mm	0,8 mm
½ oz 24 ct gold Natura	27,00 mm	0,7 mm
¼ oz 24 ct gold Natura	22,00 mm	0,6 mm
1/10 oz 24 ct gold Natura	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

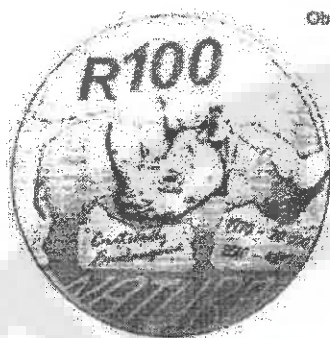
**2010 NATURA SERIES**

**The Black Rhinoceros**

2010/12/09



Obverse - Natura Series



Reverse - R100 (1oz) Natura



Reverse - R50 (1/2 oz) Natura



**GN 1204 of 21 December 2009: The dimension of, design for, and compilation of the year 2010 Protea coin series**

**(Government Gazette No. 32813)**

DEPARTMENT OF FINANCE

**SECRET**

**Memorandum No. 26 of 2009**

**2 December 2009**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the one 1/10<sup>th</sup> oz pure gold Protea coins and the one R1 sterling silver Protea coins, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2010; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> <u>(POSITIVE AND NEGATIVE)</u>
---------------------	-----------------	--

1 oz 24 ct gold	32.69 mm	0,8 mm
1/10 oz 24 ct gold	16.50 mm	0,5 mm
R1 sterling silver	32.69 mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

### 2010 PROTEA SERIES

"South African Literary Nobel Laureates"

Nadine Gordimer



Reverse - R25 (1 oz) Gold Protea Coin



Reverse - R5 (1/10 oz) Gold Protea Coin



Reverse - R1 Silver Protea Coin

**GN 1205 of 21 December 2009: The dimension of, design for, and compilation of the year 2010 Crown size and 2<sup>1</sup>/<sub>2</sub> sterling silver coin series (Government Gazette No. 32813)**

DEPARTMENT OF FINANCE

**SECRET**



## Memorandum No. 26 of 2009

2 December 2009

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By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Crown size and 2½c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2010.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
2½c sterling silver	16,3 mm	± 0,5 mm
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

2010

**R2 - CROWN AND 2½C - TICKEY SILVER COIN SERIES**

Maritime History of South Africa



Reverse - R2 Crown Silver Coin

2½c



**GN 1206 of 21 December 2009: The dimension of, design for, and compilation of the year 2010 sterling silver coin series**  
**(Government Gazette No. 32813)**

DEPARTMENT OF FINANCE

**SECRET**

**Memorandum No. 26 of 2009**

**2 December 2009**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 5c, 10c, 20c, and 50c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2010.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> <u>(POSITIVE AND NEGATIVE)</u>
2 oz sterling silver coin (50c)	50,0 mm	0,5 mm
1 oz sterling silver coin (20c)	38,30mm	0,8 mm
½ oz sterling silver coin (10c)	32,70mm	0,8 mm
¼ oz sterling silver coin (5c)	26,70mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

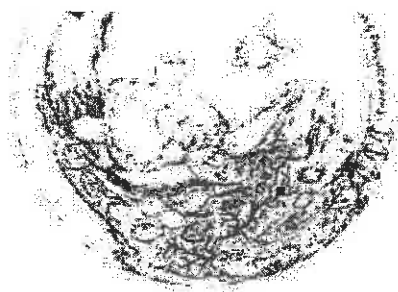
**2010 SILVER COIN SERIES**

**SOUTH AFRICAN PEACE PARKS**

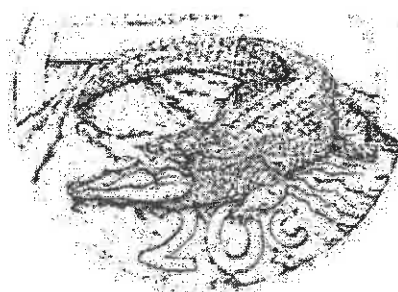
**Lubombo Transfrontier Conservation and Resource Area**

**LUBOMBO**

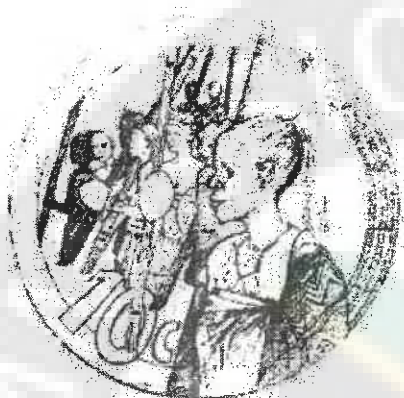




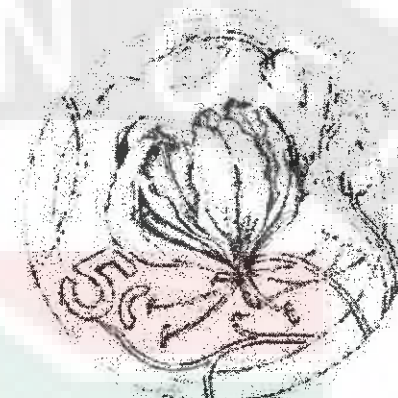
Reverse - 50c (2oz) Silver Coin



Reverse - 20c (1oz) Silver Coin



Reverse - 10c (1/2 oz) Silver Coin



Reverse - 5c (1/4 oz) Silver Coin

**GN 1207 of 21 December 2009: The dimension of, design for, and compilation of the year 2010 "FIFA 2010 coin series"**  
**(Government Gazette No. 32813)**

DEPARTMENT OF FINANCE

**SECRET**

**Memorandum No. 26 of 2009**

**2 December 2009**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R200 1 oz, 1/4 oz, R2 Gold Coin, the 1/10<sup>th</sup>oz R1 Gold Coin and the sterling silver R2 Crown, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st December 2009; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> <u>(POSITIVE AND NEGATIVE)</u>
R200 (1 oz) 24 ct gold	32,69 mm	0,8 mm
R2 (1/4 oz) 24 ct gold	22,00 mm	0,6 mm
R1 (1/10 oz) 24 ct gold	16,50 mm	0,5 mm
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

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**2010  
 R200 GOLD COIN, R2 GOLD COIN, R1 GOLD COIN AND R2 SILVER CROWN**

**2010 FIFA World Cup South Africa**



Obverse - R200 (1 oz) Gold Coin



Reverse - R200 (1 oz) Gold Coin



Reverse - R2 (1/4 oz) Gold Coin



Reverse - R1 (1/10 oz) Gold Coin



**NOTICE OF CHANGE**

The South African Mint Company (Pty) Ltd, hereby withdraws the reverse design of the FIFA World Cup South Africa R2 Silver Crown which was submitted for the 2008 Soccer World Cup FIFA World Cup South Africa coin series and which was published in the *Government Gazette* No. 30730 dated 5 February 2008. For the technical design reasons, the football has been moved in front of the player's right foot.

(Signed)  
**TA DAVEL**  
**GENERAL MANAGER NUMISMATICS**

2008

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## R2 GOLD COIN, R1 GOLD COIN AND R2 SILVER CROWN

2010 FIFA World Cup South Africa



Reverse - R2 (1/4 oz) Gold Coin



Reverse - R1 (1/10 oz) Gold Coin



Reverse - R2 Silver Crown

**GN 12 of 14 January 2011: The dimension of, design for, and compilation of the year 2011 Natura pure gold coin series**  
**(Government Gazette No. 33932)**

DEPARTMENT OF FINANCE

Memorandum No. 29 of 2010

3 November 2010

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10<sup>th</sup> oz gold Natura coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2011; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and

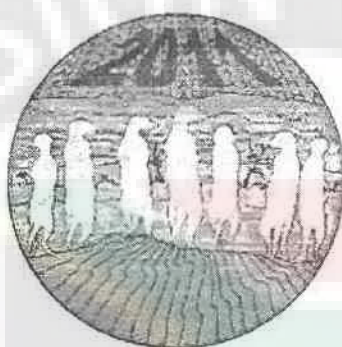
(c) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</b>
1 oz 24 ct gold Natura	32,69 mm	0,8 mm
½ oz 24 ct gold Natura	27,00 mm	0,7 mm
¼ oz 24 ct gold Natura	22,00 mm	0,6 mm
1/10 oz 24 ct gold Natura	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

### 2011 Natura Coin Series

#### Nature's Families - The Meerkat



Obverse - Natura Series



Reverse - R100 (1oz) Natura



Reverse - R50 (1/2 oz) Natura



Reverse - R20 (1/4 oz) Natura



Reverse - R10 (1/10 oz) Natura



## DEPARTMENT OF FINANCE

Memorandum No. 29 of 2010

3 November 2010

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the one 1/10<sup>th</sup> oz pure gold Protea coins and the one R1 sterling silver Protea coins, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2011; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
1 oz 24 ct gold	32.69 mm	0,8 mm
1/10 oz 24 ct gold	16.50 mm	0,5 mm
R1 sterling silver	32.69 mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
 MINISTER OF FINANCE

**2011 Protea Coin Series**  
**South African Nobel Laureates for Literature**

**JM Coetzee**  
**Nobel Laureate 2003**



Reverse - R25 (1 oz) Gold Protea Coin



Reverse - R5 (1/10 oz) Gold Protea Coin



**GN 14 of 14 January 2011: The dimension of, design for, and compilation of the year 2011 R1 and R2 pure gold coin series  
(Government Gazette No. 33932)**

DEPARTMENT OF FINANCE

**Memorandum No. 29 of 2010      3 November 2010**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R1 gold and R2 gold coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be tender as from 1st January 2011; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
R2 (1/4 oz) 24 ct gold	22,00 mm	0,6 mm
R1 (1/10 oz) 24 ct gold	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2011 R2 Gold Coin**

**The San Culture**



**2011 R1 Gold Coin**

**South African Pollinators**





**GN 15 of 14 January 2011: The dimension of, design for, and compilation of the year 2011 Crown size and 2 ½ sterling silver coin series  
(Government Gazette No. 33932)**

**DEPARTMENT OF FINANCE**

**Memorandum No. 29 of 2010**

**3 November 2010**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Crown size and 2 ½ sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2011.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</b>
2½ sterling silver	16,3 mm	± 0,5 mm
R2 sterling silver Crown	38,725 mm	± 0,8 mm

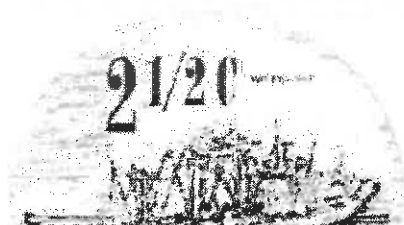
(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2011 R2 Crown and 2 1/2 c Tickey**

**Maritime History of South Africa**



Reverse - R2 Crown Silver Coin







Reverse: 2011 Rugby World Cup

**GN 16 of 14 January 2011: The dimension of, design for, and compilation of the year 2011 Crown size sterling silver coin featuring the Rugby World Cup 2011  
(Government Gazette No. 33932)**

DEPARTMENT OF FINANCE

**Memorandum No. 29 of 2010      3 November 2010**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (d) that the Crown size silver coin as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2011.
- (e) that the design of the said coin will be the design as shown and which is attached to this notice; and
- (f) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Editorial Note: Numbering as per original *Government Gazette*.)

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

2011 R2 Crown

Rugby World Cup 2011





Reverse - R2 Crown Silver Coin

**GN 17 of 14 January 2011: The dimension of, design for, and compilation of the year 2011 Crown size sterling silver coin featuring the 50th Anniversary of the World Wildlife Fund (Government Gazette No. 33932)**

**Notice**  
GN 348

**as corrected by**  
**Government Gazette**  
34223

**Date**  
15 April 2011

DEPARTMENT OF FINANCE

**Memorandum No. 29 of 2010 3 November 2010**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (g) that the Crown size silver coin as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2011.
- (h) that the design of the said coin will be the design as shown and which is attached to this notice; and
- (i) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</b>
R2 sterling silver Crown	38,725 mm	± 0,8 mm

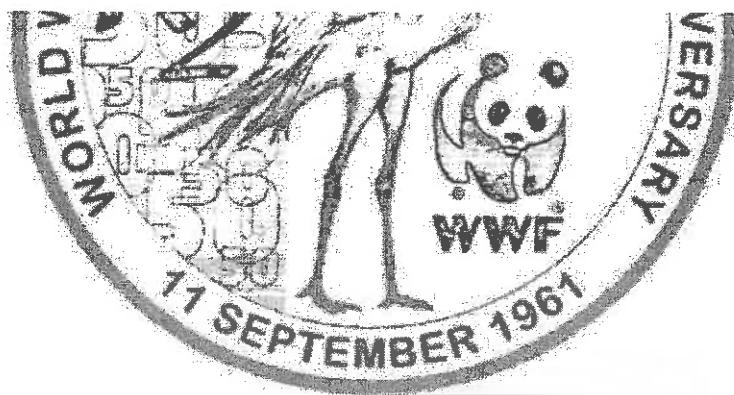
(Editorial Note: Numbering as per original *Government Gazette*.)

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2011 R2 Crown**

**50 Year Anniversary of the WWF**





**GN 18 of 14 January 2011: The dimension of, design for, and compilation of the year 2011 sterling silver coin series**  
(Government Gazette No. 33932)

DEPARTMENT OF FINANCE

Memorandum No. 29 of 2010 3 November 2010

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 5c, 10c, 20c, and 50c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2011.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> (POSITIVE AND NEGATIVE)
2 oz sterling silver coin (50c)	50,0 mm	0,5 mm
1 oz sterling silver coin (20c)	38,30 mm	0,8 mm
½ oz sterling silver coin (10c)	32,70 mm	0,8 mm
¼ oz sterling silver coin (5c)	26,70 mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2011 Sterling Silver Coin Series**  
**Peace Parks of southern Africa**

**Great Limpopo Transfrontier Park**





Reverse - 50c (2oz) Silver Coin



Reverse - 20c (1oz) Silver Coin



Reverse - 10c (1/4 oz) Silver Coin



Reverse - 5c (1/8 oz) Silver Coin

**GN 423 of 17 May 2011: The dimension of, design for and compilation of the 2011 R5 circulation, uncirculated and proof coin to commemorate the South African Reserve Bank's 90th Anniversary (Government Gazette No. 34288)**

#### DEPARTMENT OF FINANCE

Memorandum No. 30 of 2010

3 November 2010

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R5 circulation, uncirculated and proof coin as set out in Section (b) of the Second Schedule 2 to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act will be legal tender from 1 July 2011; and
- (b) that the designs of the said coins will be the design as shown and which is attached to this notice; and
- (c) that the specifications of the said coin remain as follows:

DENOMINATION	DIAMETER	EDGE THICKNESS	MASS	EDGE PROFILE
R5	26,00 ± 0,08mm	2,8 ± 0,15mm	9,5 ± 0,285g	Groove lettering and 230 serrations

(Signed)

**PRAVIN J GORDHAN**  
MINISTER OF FINANCE





SARB 90 Years  
R5 Circulation, uncirculated  
and Proof coin

**GN 546 of 4 July 2011: Correction Notice: The dimension of, design for and compilation of the 2010 crown size coin, to commemorate the South African Reserve Bank's 90th Anniversary (Government Gazette No. 34430)**

DEPARTMENT OF FINANCE



The South African Mint Company (Pty) Ltd, would like to withdraw the signed Cabinet memorandum No. 19 of 2011 proclamation form submitted for the 2011 90<sup>th</sup> Anniversary of the South African Reserve Bank.

A date change had to be made to the Proclamation Form as the previous one was not correct.

The South African Mint Company (Pty) Ltd hereby submits updated Proclamation Form signed by the Minister of Finance.

(Signed)

**TA DAVEL**

**GENERAL MANAGER NUMISMATICS**

**SECRET**



## MINISTRY OF FINANCE

Memorandum No. 19 of 2011

2011

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## SOUTH AFRICAN RESERVE BANK ACT, 1989

THE DIMENSION OF, DESIGN FOR, AND COMPILATION OF THE 2011 CROWN SIZE COIN TO COMMEMORATE THE SOUTH AFRICAN RESERVE BANK'S 90<sup>TH</sup> ANNIVERSARY

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Crown size sterling silver coin as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 June 2011.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>WEIGHT</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
R5 sterling silver bi-colour Crown size coin	38.3 mm (outer piece)	33.2 gr	± 0,8 mm
	26.5 mm (inner piece)		

(Signed)  
**Pravin J Gordhan**  
 MINISTER OF FINANCE



Obverse



SARB 90 Years  
R5 Bi-Color Sterling Silver  
Crown Size Coin

**GN 1052 of 15 December 2011: The dimension of, design for, and compilation of the year 2012 Natura pure gold coin series**  
(Government Gazette No. 34853)

DEPARTMENT OF FINANCE

Memorandum No. 34 of 2011

2011

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10<sup>th</sup> oz gold Natura coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2012; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
1 oz 24 ct gold Natura	32,69 mm	0,8 mm
½ oz 24 ct gold Natura	27,00 mm	0,7 mm
¼ oz 24 ct gold Natura	22,00 mm	0,6 mm
1/10 oz 24 ct gold Natura	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2012 Natura Coin Series**  
**Nature's Families - The Painted Dog**



Obverse - Natura Series





Reverse - R100 (1oz) 24ct Gold Native Coin



Reverse - R50 (1/2 oz) 24ct Gold Native Coin



Reverse - R20 (1/4 oz) 24ct Gold Native Coin



Reverse - R10 (1/10 oz) 24ct Gold Native Coin



**GN 1053 of 15 December 2011: The dimension of, design for, and compilation of the year 2012 R1 and R2 pure gold coin series  
(Government Gazette No. 34853)**

**DEPARTMENT OF FINANCE**

**Memorandum No. 34 of 2011**

**2011**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

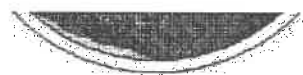
- (a) that the R1 gold and R2 gold coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2012; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</b>
R2 (1/4 oz) 24 ct gold	22,00 mm	0,6 mm
R1 (1/10 oz) 24 ct gold	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2012 R2 Gold Coin  
The Khoisan Heritage**





Reverse - R2 (1/4 oz) 24 ct Gold Coin

2012 R1 Gold Coin  
South African Pollinators  
Monarch Butterfly



Reverse - R1 (1/10 oz) 24 ct Gold Coin

**GN 1054 of 15 December 2011: The dimension of, design for, and compilation of the year 2012 Crown size and 2 ½c sterling silver coin series (Government Gazette No. 34853)**

DEPARTMENT OF FINANCE

Memorandum No. 34 of 2011

2011

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Crown size and 2½c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2012;
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</b>
2½c sterling silver	16,3 mm	± 0,5 mm
R2 sterling silver Crown	38,725 mm	± 0,8 mm

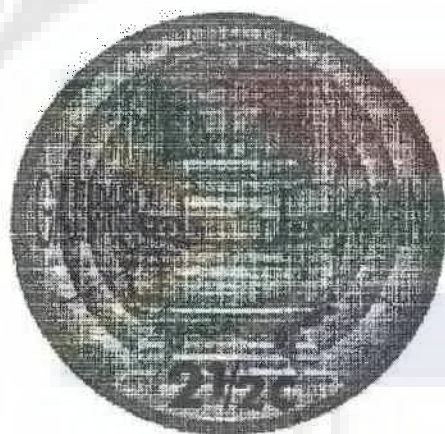
(Signed)  
**Minister P Gordhan**  
MINISTER OF FINANCE

2012 R2 Crown and 2 1/2 c Tickey  
Trains of South Africa

The Gautrain



Reverse - R2 Crown Sterling Silver Coin



Reverse - 2½c Tickey Sterling Silver Coin

**GN 1056 of 15 December 2011: The dimension of, design for, and compilation of the year 2012 Crown size sterling silver coin featuring the Centenary of the Race to the South Pole  
(Government Gazette No. 34853)**

**DEPARTMENT OF FINANCE**

**Memorandum No. 34 of 2011**

**2011**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (g) that the Crown size silver coin as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2012;
- (h) that the design of the said coin will be the design as shown and which is attached to this notice; and
- (i) that the specifications of the said coins are as follows:

(Editorial Note: Numbering as per original *Government Gazette*.)

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2012 R2 Crown**  
**Antarctica and the South Pole Expedition**



Reverse - R2 Crown Skating Silver Coin

**GN 1057 of 15 December 2011: The dimension of, design for, and compilation of the year 2012 sterling silver coin series**  
**(Government Gazette No. 34853)**

DEPARTMENT OF FINANCE

Memorandum No. 34 of 2011

2011

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 5c, 10c, 20c, and 50c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2012;
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> <u>(POSITIVE AND NEGATIVE)</u>
2 oz sterling silver coin (50c)	50,0 mm	0,5 mm
1 oz sterling silver coin (20c)	38,725mm	0,8 mm
½ oz sterling silver coin (10c)	32,70mm	0,8 mm

1/4 oz sterling silver coin (5c)	26,70mm	0,8 mm
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(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2012 Sterling Silver Coin Series  
Peace Parks of southern Africa**

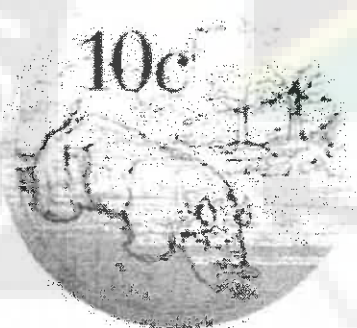
Greater Mapungubue  
Transfrontier Conservation Area



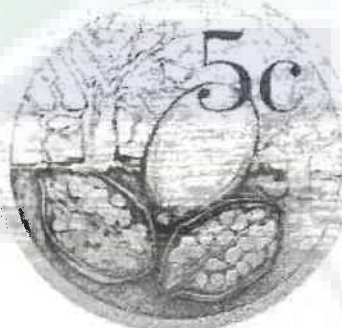
Reverse - 50c (2oz) Sterling Silver Coin



Reverse - 20c (1oz) Sterling Silver Coin



Reverse - 10c (1/2 oz) Sterling Silver Coin



Reverse - 5c (1/4 oz) Sterling Silver Coin

**GN 910 of 23 December 2011: The dimension of, design for and compilation of the 10c circulation coin  
(Government Gazette No. 34858)**

SOUTH AFRICAN RESERVE BANK

Memo No. 41 of 2011

24 November 2011

By virtue of the powers vested in me by section 16 (2) of the South African Reserve Bank Act (Act No. 90 of 1989, I, Pravin Jambadas Gordhan, Minister of Finance hereby amend Schedule 2, Section (b) of the Act 90, 1969-

- (a) that the 10c circulation, 10c uncirculated and 10c proof circulation coin as set out in Section (b) of the Second Schedule to the said Act, which will be manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 April 2012; and
- (b) that the amendment of specifications (metal composition) of the new 10c circulation coin will be the current design as shown and which is attached to this notice; and



- (c) that the specifications of the said circulation coin are as follows:

DENOMINATION	DIAMETER	EDGE THICKNESS	MASS	EDGE PROFILE
10c	16mm	1,41	2 gm	100 Serrations

(Signed)

**PRAVIN GORDHAN**  
Minister of Finance

Memo No. 41 of 2011

24 November 2011

**AMENDMENT OF SCHEDULE 2 SECTION (b) OF THE SOUTH AFRICAN RESERVE BANK ACT 1989 (ACT No. 90 OF 1989)**

By virtue of the powers vested in me by section 16 (2) of the South African Reserve Bank Act (Act No. 90 of 1989), I, Pravin Jarnadas Gordhan, Minister of Finance, hereby amend Schedule 2, section (b) of the said Act as set forth in the Schedule.

The provisions of this notice shall come into operation on 1 April 2012.

(Signed)

**PRAVIN GORDHAN**  
Minister of Finance

**SCHEDULE 2, SECTION (B) OF THE ACT 90, 1989**

**"(b) Standard mass and least current mass of alloy circulation coins"**

**OLD**

Denomination	Standard mass (gram)	Remedy allowable mass per circulation coin (gram)	Least current mass (gram)	Metal composition
Five rand (Bi-metal)	9,5	± 0,285	9,215	Bi-metal alloy
Five rands				
Two rands	5,5	± 0,165	5,225	Layered composition of nickel, copper, zinc and tin
One rand	4,0	± 0,12	3,80	
Fifty cents	5,0	± 0,15	4,75	Layered composition of copper, tin and steel
Twenty cents	3,5	± 0,015	3,325	
Ten cents	2,0	± 0,06	1,9	
Five cents	4,5	± 0,135	4,274	Layered composition of copper and steel

**NEW**

Denomination	Standard mass (gram)	Remedy allowable mass per circulation coin (gram)	Least current mass (gram)	Metal composition
Five rand (Bi-metal)	9,5	± 0,285	9,215	Bi-metal alloy
Five rands				
Two rands	5,5	± 0,165	5,225	Layered composition of nickel, copper, zinc and tin
One rand	4,0	± 0,12	3,80	
Fifty cents	5,0	± 0,15	4,75	Layered composition of copper, tin and steel
Twenty cents	3,5	± 0,015	3,325	



Ten cents	2,0	± 0,06	1,9	Layered composition of copper and steel
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**GN 726 of 6 September 2012: The dimension of, design for, and compilation of the year 2012: Protea Coin Series**  
(Government Gazette No. 35661)

DEPARTMENT OF FINANCE

**SECRET**

**Annexure J1**

**Memorandum No. 12 of 2012**

**31 July 2012**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the one 1/10<sup>th</sup> oz pure gold Protea coins and the one R1 sterling silver Protea coins, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2012; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
1 oz 24 ct gold	32.69 mm	0,8 mm
1/10 oz 24 ct gold	16.50 mm	0,5 mm
R1 sterling silver	32.69 mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2012 Protea Coin Series**  
**"The Greatest South African Love Story"**

**Walter and Albertina Sisulu**



Reverse: R25 (1 oz), Au 999.9

**2012 Protea Coin Series  
"The Greatest South African Love Story"**

**Walter and Albertina Sisulu**

*"There can  
be no greater and more  
inspiring example in the history  
of our organization and our  
country than Walter and Albertina  
Sisulu: a couple whose every deed  
speaks of leadership that brought  
us to where we are today as a  
country and as a people..."*

**Nelson  
Mandela**

Reverse: R5 (1/10th oz), Au 999.9

**2012 Protea Coin Series  
"The Greatest South African Love Story"**

**Walter and Albertina Sisulu**





Reverse: R1, Ag 925 Cu 75

**GN 727 of 6 September 2012: Notice of withdrawal  
(Government Gazette No. 35661)**

DEPARTMENT OF FINANCE



**NOTICE OF WITHDRAWAL**

The South African Mint Company (Pty) Ltd hereby withdraws the coin design submitted for the Olympic Games 2012 as published in *Government Gazette* No. 34853 dated 15 December 2011.

(Signed)

**T TSEHLO**

**ACTING: MANAGING DIRECTOR SA MINT**

**27/08/2012**

**GN 11 of 14 January 2013: The dimension of, design for, and compilation of the year 2013 Natura Pure Gold Coin Series  
(Government Gazette No. 36064)**

DEPARTMENT OF FINANCE

**Memorandum No. 36 of 2012**

**5 December 2012**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura,  $\frac{1}{2}$  oz gold Natura, the  $\frac{1}{4}$  oz gold Natura and the  $\frac{1}{10}$  oz gold Natura coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2013; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
1 oz 24 ct gold Natura	32,69 mm	0,8 mm
$\frac{1}{2}$ oz 24 ct gold Natura	27,00 mm	0,7 mm
$\frac{1}{4}$ oz 24 ct gold Natura	22,00 mm	0,6 mm

$\frac{1}{10}$  oz 24 ct gold Natura

16,50 mm

0,5 mm

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(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

### 2013 Natura Coin Series

#### Nature's Families - The Zebra



Obverse - Natura Series



Reverse - R100 (1oz) 24ct Gold Natura Coin



Reverse - R50 (1/2 oz) 24ct Gold Natura Coin



Reverse - R20 (1/4 oz) 24ct Gold Natura Coin



Reverse - R10 (1/10 oz) 24ct Gold Natura Coin

**GN 12 of 14 January 2013: The dimension of, design for, and compilation of the year 2013 Sterling Silver Coin Series**  
**(Government Gazette No. 36064)**

DEPARTMENT OF FINANCE

Memorandum No. 36 of 2012

5 December 2012

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 5c, 10c, 20c, and 50c sterling silver coins as set out in Section (a) of the Second Schedule to

the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2013.

- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
2 oz sterling silver coin (50c)	50,0 mm	0,5 mm
1 oz sterling silver coin (20c)	38,725mm	0,8 mm
½ oz sterling silver coin (10c)	32,70mm	0,8 mm
¼ oz sterling silver coin (5c)	26,70mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

### 2013 Sterling Silver Coin Series

#### South African Marine Protected Areas



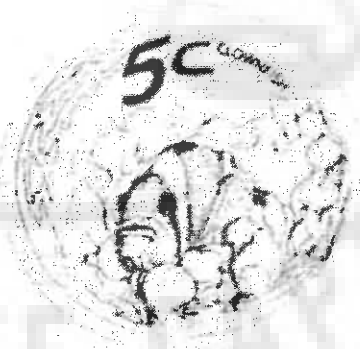
Obverse - 50c (2oz) Sterling Silver Coin



Obverse - 20c (1oz) Sterling Silver Coin



Reverse - 10c (½ oz) Sterling Silver Coin



Reverse - 5c (¼ oz) Sterling Silver Coin

**2 ½ Sterling Silver Coin Series  
(Government Gazette No. 36064)**

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DEPARTMENT OF FINANCE

Memorandum No. 36 of 2012

5 December 2012

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Crown size and 2½c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2013.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
2½c sterling silver	16,3 mm	± 0,5 mm
R2 sterling silver Crown	38,725 mm	±0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2013 R2 Crown and 2 ½ c Tickey  
Trains of South Africa**

**Diesel Electric Locomotives**



Reverse - R2 Crown Sterling Silver Coin





Reverse: 2 1/2 Ticker Sterling Silver Coin

**Proc 42 of 25 September 2013: The dimension of, design for, and compilation of, the year 2013 R2 Commemorative pure gold coin series (Government Gazette No. 36871)**

MINISTRY OF FINANCE

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the (R2) 1/4 oz pure gold coin as set out in section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2013; and
- (b) that the designs of the said coin will be the design as shown and which is attached to this notice; and
- (c) that the specifications of the said coin are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
R2 PURE GOLD	22,00 mm	0.6 mm

(Signed)  
Minister P Gordhan  
MINISTER OF FINANCE

**2013  
R2 Gold Coin**

The Khoisan Heritage



Reverse: R2 (1/4 oz, Au 999.9)

**Proc 43 of 25 September 2013: The dimension of, design for, and compilation of the year 2013 R1 Commemorative pure gold coin series (Government Gazette No. 36871)**

## MINISTRY OF FINANCE

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R1 ( $\frac{1}{10}$ <sup>th</sup> oz) pure gold coin as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2013; and
- (b) that the designs of the said coin will be the design as shown and which is attached to this notice; and
- (c) that the specifications of the said coin are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
R1 PURE GOLD	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2013  
R1 Gold Coin**

South African Pollinators - The Bat



Reverse: R1 ( $\frac{1}{10}$  oz, Au 999.9)

**GN 956 of 9 December 2013: The dimension of, design for and compilation of the year 2013 R2 circulation coin**  
**(Government Gazette No. 37128)**

DEPARTMENT OF FINANCE

**SECRET**

**ANNEXURE D1**

MINISTRY OF FINANCE

**Memorandum No. 36 of 2013**

**Date: 20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R2 circulation, uncirculated and proof coins as set out in section (b) of the Second Schedule 2 to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 November 2013; and
- (b) that the designs of the said coin will be the design as shown and which is attached to this notice; and
- (c) that the specifications of the said coin remain as follows:

DENOMINATION	DIAMETER	MASS
R2	23 mm	5.5 g

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**GN 957 of 9 December 2013: The dimension of, design for and compilation of the year 2013 R2 commemorative crown**  
**(Government Gazette No. 37128)**

**SECRET**

**ANNEXURE D2**

**MINISTRY OF FINANCE**

**Memorandum No. 36 of 2013**

**Date: 20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

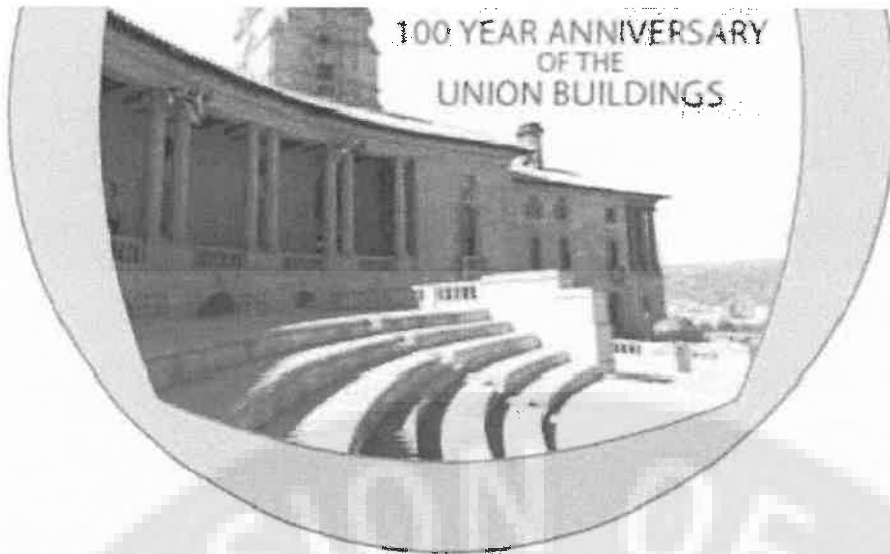
- (a) that the Crown size sterling silver coin as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 November 2013;
- (b) that the design of the said coin will be the design as shown and which is attached to this notice; and
- (c) that the specifications of the said coin are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2013**  
**100 Year Anniversary of the Union Buildings**





Reverse: R2 Circulation Coin



Reverse: R2 Crown (Ag 925 Cu 75)

SECRET

ANNEXURE D3

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## MINISTRY OF FINANCE

## Memorandum No. 36 of 2013

Date: 20 November 2013

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the one 1/10<sup>th</sup> oz pure gold Protea coin and the one R1 sterling silver Protea coin, as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 November 2013; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
1 oz 24 ct gold	32.69 mm	0,8 mm
1/10 <sup>th</sup> oz 24 ct gold	16.50 mm	0,5 mm
R1 sterling silver	32.69 mm	0,8 mm

(Signed)  
Minister P Gordhan  
MINISTER OF FINANCE

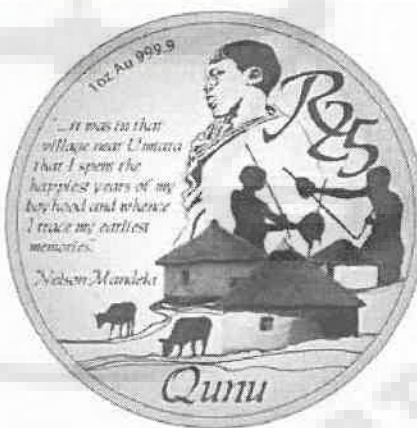
## 2013 Protea Series

## Life of a Legend - Nelson Mandela

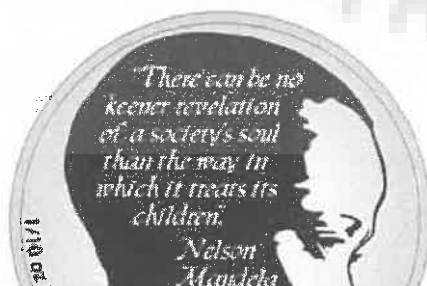
## Theme: Childhood



Common Obverse



Reverse R25 (1oz Au 999.9)







Reverse: R5 (1/10 oz. Au 999.9)



Reverse: R1 (Ag 925, Cu 75)

**GN 959 of 9 December 2013: The dimension of, design for and compilation of the year 2014 Protea coin series  
(Government Gazette No. 37128)**

**SECRET**

**ANNEXURE J1**

MINISTRY OF FINANCE

**Memorandum No. 37 of 2013**

**20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the 1/10<sup>th</sup> oz pure gold Protea coin and the R1 sterling silver Protea coin, as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2014; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
1 oz 24 ct gold	32.69 mm	0,8 mm
1/10 oz 24 ct gold	16.50 mm	0,5 mm
R1 sterling silver	32.69 mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

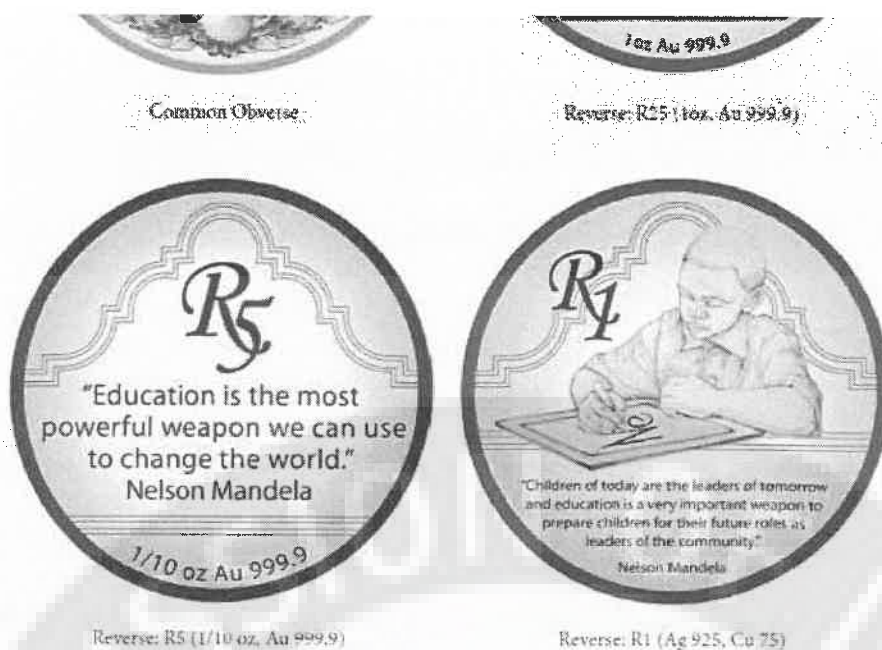
**2014 Protea Series**

**Life of a Legend - Nelson Mandela**

**Theme: Education**







**GN 960 of 9 December 2013: The dimension of, design for and compilation of the year 2014 Natura pure gold coin series**  
(Government Gazette No. 37128)

**SECRET**

**ANNEXURE J2**

MINISTRY OF FINANCE

**Memorandum No. 37 of 2013**

**20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10<sup>th</sup> oz gold Natura coins as set out in section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2014; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
1 oz 24 ct gold Natura	32,69 mm	0,8 mm
½ oz 24 ct gold Natura	27,00 mm	0,7 mm
¼ oz 24 ct gold Natura	22,00 mm	0,6 mm
1/10 oz 24 ct gold Natura	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2014 Natura Series**

## Nocturnal Hunters - The Leopard



Common reverse



Reverse: R100 (1oz Au 999.9)



Reverse: R50 (1/2 oz Au 999.9)



Reverse: R20 (1/4 oz Au 999.9)



Reverse: R10 (1/10 oz Au 999.9)

**GN 961 of 9 December 2013: The dimension of, design for and compilation of the year 2014 R1 gold coin series**  
**(Government Gazette No. 37128)**

SECRET

ANNEXURE J3

MINISTRY OF FINANCE

Memorandum No. 37 of 2013

20 November 2013

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1/10<sup>th</sup> oz R1 Gold Coin as set out in section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2014; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> (POSITIVE AND NEGATIVE)
R1 (1/10 oz) 24 ct gold	16,50 mm	0,5 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**GN 962 of 9 December 2013: The dimension of, design for and compilation of the year 2014 R2 pure gold coin series**  
**(Government Gazette No. 37128)**

**SECRET**

**ANNEXURE J4**

**MINISTRY OF FINANCE**

**Memorandum No. 37 of 2013**

**20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R2 gold coin as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2014; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER</u> (POSITIVE AND NEGATIVE)
R2 (1/4 oz) 24 ct gold	22,00 mm	0,6 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2014 R1 24 Carat Gold Coin**

**South African Pollinators**

**The Southern Double-collared Sunbird**





Reverse: R1 (1/10 oz, Au 999.9)

**2014 R2 24 Carat Gold Coin**  
**Discovery of Gold in South Africa**



**GN 964 of 9 December 2013: The dimension of, design for and compilation of the year 2014 sterling silver coin series**  
**(Government Gazette No. 37128)**

**SECRET**

ANNEXURE J6

MINISTRY OF FINANCE

Memorandum No. 37 of 2013

20 November 2013

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By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 5c, 10c, 20c, and 50c sterling silver coins as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2014;
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)</u>
2 oz sterling silver coin (50c)	50,0 mm	0,5 mm
1 oz sterling silver coin (20c)	38,30mm	0,8 mm
½ oz sterling silver coin (10c)	32,70mm	0,8 mm
¼ oz sterling silver coin (5c)	26,70mm	0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2014 Silver Series**  
**South Africa's Marine Protected Areas**



Reverse: 50c (2oz, Ag 925 Cu 75)



Reverse: 20c (1oz, Ag 925 Cu 75)



Reverse: 10c (1/2oz, Ag 925 Cu 75)



Reverse: 5c (1/4oz, Ag 925 Cu 75)



**GN 965 of 9 December 2013: The dimension of, design for and compilation of the year 2014 R200 gold coin series**  
(Government Gazette No. 37128)

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SECRET

ANNEXURE J7

MINISTRY OF FINANCE

**Memorandum No. 37 of 2013**

**20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (d) that the R200 1 oz as set out in section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2014; and
- (e) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (f) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
R200 (1 oz) 24 ct gold	32.69 mm	0,8 mm

(Editorial Note: Numbering as per original *Government Gazette*.)

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**GN 966 of 9 December 2013: The dimension of, design for and compilation of the year 2014 R2 (crown) sterling silver coin series**  
(Government Gazette No. 37128)

SECRET

ANNEXURE J8

MINISTRY OF FINANCE

**Memorandum No. 37 of 2013**

**20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (g) that the sterling silver R2 Crown, as set out in section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1<sup>st</sup> January 2014; and
- (h) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (i) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Editorial Note: Numbering as per original *Government Gazette*.)

(Signed)



2014  
South Africa - 20 Years of Democracy



Reverse: R200 (1oz, Au 999.9)



Reverse: R2 Crown (Ag 925 Cu 75)

SECRET

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ANNEXURE J9

## MINISTRY OF FINANCE

## Memorandum No. 37 of 2013

20 November 2013

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the above R5 circulation, R5 uncirculated and R5 proof coin as set out in section (b) of the Second Schedule to the said Act, which will be manufactured and issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 January 2014; and
- (b) that the dimensional designs of the said coin will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins remain as follows:

DENOMINATION	DIAMETER	EDGE THICKNESS	MASS	EDGE PROFILE
R5	26,00 ± 0,08mm	2,8 ± 0,15mm	9,5 ± 0,285 g	Groove lettering and 230 serrations

(Signed)  
Minister P Gordhan  
MINISTER OF FINANCE

2014

South Africa - 20 Years of Freedom



Reverse: R5 Circulation Coin

GN 963 of 13 December 2013: The dimension of, design for and compilation of the year 2013 R2 (crown) and 2½c (tickey) sterling silver coin series  
(Government Gazette No. 37128)

SECRET

## MINISTRY OF FINANCE

**Memorandum No. 37 of 2013****20 November 2013**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

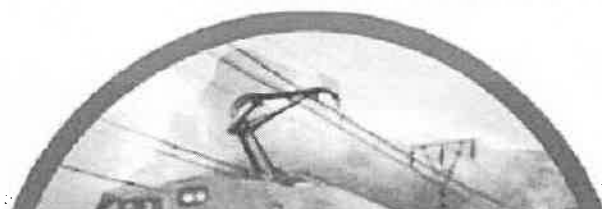
- (a) that the Crown size and 2½c sterling silver coins as set out in section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2014;
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	TOLERANCE ON DIAMETER (POSITIVE AND NEGATIVE)
2½c sterling silver Tickey	16,3 mm	± 0,5 mm
R2 sterling silver Crown	38,725 mm	± 0,8 mm

(Signed)  
**Minister P Gordhan**  
**MINISTER OF FINANCE**

**2014 Tickey and Crown****Trains of South Africa - Electric Locomotives**

Reverse: R2 Crown (Ag 925 Cu 75)





Reverse: 2 1/2 c Tickey (Ag 925 Cu 75)

**GN 24 of 23 January 2015: The dimension of, design for, and compilation of the year 2015 Protea Coin series (Government Gazette No. 38409)**

#### NATIONAL TREASURY

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), I hereby declare that-

- (a) the 1 oz pure gold Protea coin, the 1/10<sup>th</sup> oz pure gold Protea coin and the R1 sterling silver Protea coin, as set out in paragraph (a) of Schedule 2 to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2015;
- (b) the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) the specifications of the said coins are as follows:

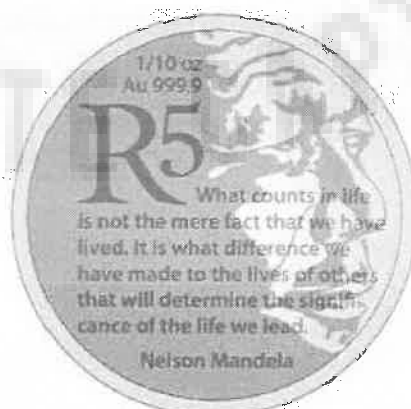
<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
1 oz 24 ct gold	32.69 mm	31.107 g
1/10 oz 24 ct gold	16.50 mm	3.110 g
R1 sterling silver	32.69 mm	15.00 g

(Signed)  
**Nhlanhla M Nene**  
MINISTER OF FINANCE

#### 2015 Protea Series

#### Life of a Legend - Nelson Mandela

Theme: Johannesburg



Reverse: R25 (1oz, Au 999.9)

Reverse: R5 (1/10oz, Au 999.9)



Reverse: R1 (Ag 925, Cu 75)

**GN 25 of 23 January 2015: The dimension of, design for, and compilation of, the year 2015 Unesco R2 (Crown) Sterling Silver and R2 Pure Gold Coin series  
(Government Gazette No. 38409)**

NATIONAL TREASURY

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the sterling silver R2 Crown, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2015; and
- (b) that the R2 gold coin as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2015; and
- (c) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (d) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R2 sterling silver Crown	38,725 mm	33.626 g
R2 (¼ oz) 24 ct gold	22,00 mm	7.777 g

(Signed)  
**Nhlanhla M Nene**  
MINISTER OF FINANCE

**2015 UNESCO Biosphere Coin Series**

Kogelberg Biosphere







Common Obverse



Reverse: R2 (1/4oz, Au 999,9)



Reverse: R2 (1/4oz, Au 999,9)



Reverse: R2 (1oz, Ag 925 Cu 75)



Reverse: R2 (1oz, Ag 925 Cu 75)

**GN 26 of 23 January 2015: The dimension of, design for, and compilation of, the year 2015 Natura Pure Gold Coin series  
(Government Gazette No. 38409)**

**NATIONAL TREASURY**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), I hereby declare that-

- (a) the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10<sup>th</sup> oz gold Natura coins as set out in paragraph (a) of Schedule 2 to the said Act, which is being manufactured and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2015;



- (b) the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) the specifications of the said coins are as follows:

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<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
1 oz 24 ct gold Natura	32,69 mm	31.107 g
½ oz 24 ct gold Natura	27,00 mm	15.553 g
¼ oz 24 ct gold Natura	22,00 mm	7.777 g
1/10 oz 24 ct gold Natura	16,50 mm	3.110g

(Signed)  
**Nhlanhla M Nene**  
**MINISTER OF FINANCE**

### 2015 Natura Series

#### Nocturnal Hunters

The Black-Backed Jackal



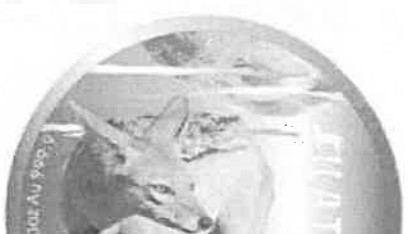
Common Obverse



Reverse: R100 (oz, Au 999.9)



Reverse: R50 (1/2oz, Au 999.9)





Reverse: R20 (1/4oz, Au 999.9)



Reverse: R10 (1/10oz, Au 999.9)

**GN 27 of 23 January 2015: The dimension of, design for, and compilation of, the year 2015 R1 Gold Coin series  
(Government Gazette No. 38409)**

**DEPARTMENT OF NATIONAL TREASURY**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), I hereby declare that-

- (a) the 1/10<sup>th</sup> oz R1 Gold Coin as set out in paragraph (a) of Schedule 2 to the said Act, which is being manufactured and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2015;
- (b) the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R1 (1/10 oz) 24 ct gold	16,50 mm	3.110 g

(Signed)  
**Nhlanhla M Nene**  
**MINISTER OF FINANCE**

**2015 R1 24 Carat Gold Coin**

**South African Reptiles**

**The Nile Crocodile**



Reverse: R1 (1/10oz, Au 999.9)

**GN 28 of 23 January 2015: The dimension of, design for, and compilation of the year 2015 R2 (Crown) & 2½ (Tickey) Sterling Silver Coin series  
(Government Gazette No. 38409)**

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**NATIONAL TREASURY**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), I hereby declare that-

- (a) the Crown size and 2½c sterling silver coins as set out in paragraph (a) of Schedule 2 to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2015;
- (b) the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
2½c sterling silver Tickey	16,3 mm	1,414 g
R2 sterling silver Crown	38,725 mm	33,626 g

(Signed)  
**Nhlanhla M Nene**  
**MINISTER OF FINANCE**

**2015 Tickey and Crown**

**Trains of South Africa**

**Steam Locomotives**



Reverse: R2 Crown (Ag 925 Cu 75)



Reverse: 2 1/2 c Tickey (Ag 925 Cu 75)

**GN 29 of 23 January 2015: The dimension of, design for, and compilation of the year 2015 Sterling Silver Coin series  
(Government Gazette No. 38409)**

**NATIONAL TREASURY**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), I hereby declare that-

- (a) the 5c, 10c, 20c, and 50c sterling silver coins as set out in paragraph (a) of Schedule 2 to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st January 2015;
- (b) the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
2 oz sterling silver coin (50c)	50,0 mm	67.252 g
1 oz sterling silver coin (20c)	38,30mm	33.626 g
½ oz sterling silver coin (10c)	32,70mm	16.813 g
¼ oz sterling silver coin (5c)	26,70mm	8.406 g

(Signed)  
**Nhlanhla M Nene**  
**MINISTER OF FINANCE**

**2015 Silver Series**

**South Africa's Marine Protected Areas**



Reverse: 50c (2oz, Ag 925 Cu 75)

Reverse: 20c (1oz, Ag 925 Cu 75)





Reverse: 10c (1/20z, Ag 925 Cu 75)



Reverse: 5c (1/40z, Ag 925 Cu 75)

**GN 538 of 26 June 2015: Directive for conduct within the national payment system in respect of the financial action task force recommendations for electronic funds transfer  
(Government Gazette No. 38894)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK



**South African Reserve Bank**

**DIRECTIVE FOR CONDUCT WITHIN THE NATIONAL PAYMENT SYSTEM IN RESPECT OF THE FINANCIAL ACTION TASK FORCE RECOMMENDATIONS FOR ELECTRONIC FUNDS TRANSFERS**

**DIRECTIVE NO. 1 OF 2015**

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1.	Background, purpose and position of the South African Reserve Bank
2.	Definitions
3.	Directive
4.	Conclusion
<u>Annexure A</u>	FATF Recommendation 16 - Wire Transfers

**1. Background, purpose and position of the South African Reserve Bank**

**1.1. Background**

- 1.1.1. In terms of section 10 (1) (c) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989 - the SARB Act), the South African Reserve Bank (the Bank) is required to perform such functions, implement such rules and procedures and, in general, take such steps as may be necessary to establish, conduct, monitor, regulate and supervise payment, clearing or settlement systems. Furthermore, the National Payment System Act, 1998 (Act No. 78 of 1998 - the NPS Act) provides for the management, administration, operation, regulation and supervision of payment, clearing and settlement systems in the Republic of South Africa, and to provide for connected matters.
- 1.1.2. The National Payment System (NPS) encompasses the entire payment process from payer to beneficiary and includes settlement between banks and on behalf of clearing system participants. The process includes all the tools, systems, mechanisms, institutions, agreements, procedures, rules or laws applied or utilised to effect payment. The NPS enables the circulation of money, that is, it enables transacting parties to exchange value.
- 1.1.3. The NPS Act, in section (3), provides that the Bank may recognise a payment system management body established with the object of organising, managing and regulating the participation of its members in the payment system. It is within the scope of the payment system management body to ensure that each payment stream has the required legal agreements in place, referred to as Payment Clearing House (PCH) agreements, signed by the participants, wherein they undertake to adhere to the conditions of the agreement, the rules and the standards of the payment stream.
- 1.1.4. In terms of section 12 of the NPS Act, the Bank may from time to time, after consultation with a relevant payment system management body, issue directives to any person regarding a payment system or the application of the provisions of the NPS Act.

**1.2. Purpose**



- 1.2.1. The Bank is issuing this directive to provide for the conduct of banks and clearing system participants relating to electronic funds transfers as required by the Financial Action Task Force (FATF).
- 1.2.2. On 15 February 2012 the FATF released the revised International Standards on Combating Money Laundering and Financing of Terrorism and Proliferation, also known as the FATF Recommendations (Recommendations). These Recommendations impact the payment system, the participants, and the content of "wire transfers" (known in South Africa as electronic payments or electronic funds transfers). It is within this area that the Bank is collaborating with the Financial Intelligence Centre and their mandate in terms of the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001 - the FIC Act) to ensure South Africa's compliance with the applicable Recommendations and any supporting guidelines.

### 1.3. Position of the Bank

- 1.3.1. The Bank supports the initiatives and Recommendations of the FATF and requires of all banks and clearing system participants to ensure that any electronic funds transfer, as described below, meet the requirements of Recommendation 16, attached as Annexure A.
- 1.3.2. Electronic funds transfers comprise of, among other, information relating to the originator, the beneficiary, and the value of a payment transaction.
- 1.3.3. Electronic funds transfers are originated by banks and clearing system participants or customers of the banks and clearing system participants. Electronic funds transfers are processed and forwarded, at times through an intermediary bank or clearing system participant, to the beneficiary bank or clearing system participant, for credit to the beneficiary account, utilising the payment system infrastructure and computerised systems. These transactions encompass both domestic and cross-border payments.
- 1.3.4. Any bank or clearing system participant that facilitates or originates electronic funds transfers that result in funds flowing from one person or institution to another must ensure that the requirements as described in the Recommendations, the FIC Act, and the rules and standards required of signatories to the relevant PCH agreements, managed by the recognised payment system management body, are implemented and maintained.
- 1.3.5. The implementation of and compliance with the Recommendations are to prevent the use of the payment system to facilitate money laundering or the movement of terrorist funds.
- 1.3.6. With the exception of manually generated Society of Worldwide Interbank Financial Telecommunications (SWIFT) messages, the content of the electronic funds transfer messages are populated utilising sophisticated computer software that ensures correct information is uploaded to the message.
- 1.3.7. This directive governs electronic funds transfers originated utilising the:
  - 1.3.7.1. SWIFT network;
  - 1.3.7.2. Immediate Settlement Payment Clearing House (PCH);
  - 1.3.7.3. Electronic Funds Transfer Debit PCH;
  - 1.3.7.4. Electronic Funds Transfer Credit PCH;
  - 1.3.7.5. Real-Time Clearing PCH;
  - 1.3.7.6. Any other system that is able to initiate or process an electronic funds transfer.

## 2. Definitions

- 2.1. In this directive, unless the context indicates otherwise, the words and expressions used herein shall have the same meaning assigned to them in the NPS Act, the Recommendations, and cognate expressions shall have corresponding meanings.

## 3. Directive

- 3.1 For all electronic funds transfers, any bank or clearing system participant that originates, facilitates or enables the origination, performs the role of intermediary, or is the beneficiary of any electronic funds transfer shall:
  - 3.1.1 Implement such measures and processes to ensure that the requirements as contemplated within the Recommendations are strictly adhered to;
  - 3.1.2 Implement the message requirements as stipulated within the PCH agreements, rules and standards;
  - 3.1.3 Ensure that the requirements for customer and originator identification as set out in the FIC Act are implemented.
- 3.2 Following proper governance, the Chief Executive Officer, together with Anti- Money Laundering (AML) Compliance Officer, with the assistance of the internal audit function, must, on an annual basis, submit to the National Payment System Department of the South African Reserve Bank, a declaration confirming that the systems and processes employed by the bank or clearing system participant to originate and



transmit, intermediate or receive electronic funds transfers, are compliant with the requirements of FATF Recommendation 16 and any supporting guidelines.

- 3.3 The declarations must be sent to the address below, and reach the Bank by no later than 31 March each year.
- 3.4 Further, each bank or clearing system participant must permit and assist any persons identified by the Bank to inspect the transactions and the systems employed to populate the abovementioned electronic funds transfers.

#### 4. Conclusion

- 4.1 This directive is not exhaustive and may be supplemented or amended from time to time.
- 4.2 Banks and clearing system participants who undertake the business of electronic funds transfers are obliged to act in accordance with the NPS Act and this directive. Contravention of this directive is an offence in terms of section 12 of the NPS Act.
- 4.3 This directive becomes effective on the date of publication hereof.
- 4.4 Banks and clearing system participants who are uncertain as to whether their current or future business practices are aligned with this directive should initiate discussions with the National Payment System Department of the Bank to clarify the matter.

Compliance declarations as well as any enquiry or clarification concerning this directive may be addressed to:

The Head: National Payment System Department  
South African Reserve Bank  
PO Box 427  
Pretoria  
0001

The declaration may also be sent to the following e-mail address: [npsdirectives@resbank.co.za](mailto:npsdirectives@resbank.co.za)

#### ANNEXURE A

##### **FATF Recommendation 16 - Wire Transfers<sup>1</sup>**

Countries should ensure that financial institutions include required and accurate originator information, and required beneficiary information, on wire transfers and related messages, and that the information remains with the wire transfer or related message throughout the payment chain.

Countries should ensure that financial institutions monitor wire transfers for the purpose of detecting those which lack required originator and, or, beneficiary information, and take appropriate measures.

Countries should ensure that, in the context of processing wire transfers, financial institutions take freezing action and should prohibit conducting transactions with designated persons and entities, as per the obligations set out in the relevant United Nations Security Council resolutions, such as resolution 1267 (1999) and its successor resolutions, and resolution 1373 (2001), relating to the prevention and suppression of terrorism and terrorist financing.

##### **Interpretive Note to FATF Recommendation 16 (Wire Transfers)**

#### **A. Objective**

1. Recommendation 16 was developed with the objective of preventing terrorists and other criminals from having unfettered access to wire transfers for moving their funds, and for detecting such misuse when it occurs. Specifically, it aims to ensure that basic information on the originator and beneficiary of wire transfers is immediately available:
  - (a) to appropriate law enforcement or prosecutorial authorities to assist them in detecting, investigating, and prosecuting terrorists or other criminals, and tracing their assets;
  - (b) to financial intelligence units for analysing suspicious or unusual activity, and disseminating it as necessary; and
  - (c) to ordering, intermediary and beneficiary financial institutions to facilitate the identification and reporting of suspicious transactions, and to implement the requirements to take freezing action and comply with prohibitions from conducting transactions with designated persons and entities, as per the obligations set out in the relevant United Nations Security Council resolutions, such as resolution 1267 (1999) and its successor resolutions, and resolution 1373 (2001) relating to the prevention and suppression of terrorism and terrorist financing.
2. To accomplish these objectives, countries should have the ability to trace all wire transfers. Due to the potential terrorist financing threat posed by small wire transfers, countries should minimise thresholds taking into account the risk of driving transactions underground and the importance of financial inclusion. It is not the intention of the FATF to impose rigid standards or to mandate a single operating process that would negatively affect the payment system.

**B. Scope**

3. Recommendation 16 applies to cross-border wire transfers and domestic wire transfers, including serial payments, and cover payments.
4. Recommendation 16 is not intended to cover the following types of payments:
  - (a) Any transfer that flows from a transaction carried out using a credit or debit or prepaid card for the purchase of goods or services, so long as the credit or debit or prepaid card number accompanies all transfers flowing from the transaction. However, when a credit or debit or prepaid card is used as a payment system to effect a person-to-person wire transfer, the transaction is covered by Recommendation 16, and the necessary information should be included in the message.
  - (b) Financial institution-to-financial institution transfers and settlements, where both the originator person and the beneficiary person are financial institutions acting on their own behalf.
5. Countries may adopt a de minimis threshold for cross-border wire transfers (no higher than USD 1,000 or EUR 1,000), below which the following requirements should apply:
  - (a) Countries should ensure that financial institutions include with such transfers: (i) the name of the originator; (ii) the name of the beneficiary; and (iii) an account number for each, or a unique transaction reference number. Such information need not be verified for accuracy, unless there is a suspicion of money laundering or terrorist financing, in which case, the financial institution should verify the information pertaining to its customer.
  - (b) Countries may, nevertheless, require that incoming cross-border wire transfers below the threshold contain required and accurate originator information.

**C. Cross-Border Qualifying Wire Transfers**

6. Information accompanying all qualifying wire transfers should always contain:
  - (a) The name of the originator;
  - (b) The originator account number where such an account is used to process the transaction;
  - (c) The originator's address, or national identity number, or customer identification number, or date and place of birth;
  - (d) The name of the beneficiary; and
  - (e) The beneficiary account number where such an account is used to process the transaction.
7. In the absence of an account, a unique transaction reference number should be included which permits traceability of the transaction.
8. Where several individual cross-border wire transfers from a single originator are bundled in a batch file for transmission to beneficiaries, they may be exempted from the requirements of paragraph 6 in respect of originator information, provided that they include the originator's account number or unique transaction reference number (as described in paragraph 7 above), and the batch file contains required and accurate originator information, and full beneficiary information, that is fully traceable within the beneficiary country.

**D. Domestic Wire Transfers**

9. Information accompanying domestic wire transfers should also include originator information as indicated for cross-border wire transfers, unless this information can be made available to the beneficiary financial institution and appropriate authorities by other means. In this latter case, the ordering financial institution need only include the account number or a unique transaction reference number, provided that this number or identifier will permit the transaction to be traced back to the originator or the beneficiary.
10. The information should be made available by the ordering financial institution within three business days of receiving the request either from the beneficiary financial institution or from appropriate competent authorities. Law enforcement authorities should be able to compel immediate production of such information.

**E. Responsibilities of Ordering, Intermediary and Beneficiary Financial Institutions**Ordering financial institution

11. The ordering financial institution should ensure that qualifying wire transfers contain required and accurate originator information, and required beneficiary information.
12. The ordering financial institution should ensure that cross-border wire transfers below any applicable threshold contain the name of the originator and the name of the beneficiary and an account number for each, or a unique transaction reference number.
13. The ordering financial institution should maintain all originator and beneficiary information collected, in accordance with Recommendation 11.
14. The ordering financial institution should not be allowed to execute the wire transfer if it does not comply with the requirements specified above.

Intermediary financial institution

15. For cross-border wire transfers, financial institutions processing an intermediary element of such chains of wire transfers should ensure that all originator and beneficiary information that accompanies a wire transfer is retained with it.
16. Where technical limitations prevent the required originator or beneficiary information accompanying a cross-border wire transfer from remaining with a related domestic wire transfer, a record should be kept, for at least five years, by the receiving intermediary financial institution of all the information received from the ordering financial institution or another intermediary financial institution.
17. An intermediary financial institution should take reasonable measures to identify cross-border wire transfers that lack required originator information or required beneficiary information. Such measures should be consistent with straight-through processing.
18. An intermediary financial institution should have effective risk-based policies and procedures for determining: (i) when to execute, reject, or suspend a wire transfer lacking required originator or required beneficiary information; and (ii) the appropriate follow-up action.

#### Beneficiary financial institution

19. A beneficiary financial institution should take reasonable measures to identify cross-border wire transfers that lack required originator or required beneficiary information. Such measures may include post-event monitoring or real-time monitoring where feasible.
20. For qualifying wire transfers, a beneficiary financial institution should verify the identity of the beneficiary, if the identity has not been previously verified, and maintain this information in accordance with Recommendation 11.
21. A beneficiary financial institution should have effective risk-based policies and procedures for determining: (i) when to execute, reject, or suspend a wire transfer lacking required originator or required beneficiary information; and (ii) the appropriate follow-up action.

#### F. Money or Value Transfer Service Operators

22. Money or value transfer service (MVTs) providers should be required to comply with all of the relevant requirements of Recommendation 16 in the countries in which they operate, directly or through their agents. In the case of a MVTs provider that controls both the ordering and the beneficiary side of a wire transfer, the MVTs provider:
  - (a) Should take into account all the information from both the ordering and beneficiary sides in order to determine whether an STR has to be filed; and
  - (b) Should file an STR in any country affected by the suspicious wire transfer, and make relevant transaction information available to the Financial Intelligence Unit.

#### Footnotes

- 1 International Standards On Combating Money Laundering And The Financing Of Terrorism & Proliferation - The FATF Recommendations - February 2012.

**GN 1181 of 27 November 2015: The dimension of, design for, and compilation of, 2015 Commemorative Griqua Town Series  
(Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK  
MINISTRY OF FINANCE

#### **Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the above R5 circulation coin, the R2 (1 oz) sterling silver coin and the R2 (¼ oz) gold coin as set out in Section (b) of the Second Schedule to the said Act, which will be manufactured and issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 October 2015; and
- (b) that the dimensional designs of the said coin will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins remain as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>MASS</b>
R5 (bi-metal alloy)	26,00 mm	9,5g
R2 (1 oz) sterling silver	38.725 mm	33,626 g
R2 (¼ oz) 24 ct gold	22,00 mm	7.777 g

(Signed)  
**NHLANHLA M NENE, MP**  
**MINISTER OF FINANCE**

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2015

200 Year Anniversary of the Coinage of Griqua Town



Reverse: R5 circulation coin



Obverse: R5 circulation coin



Reverse: R2 (1oz, Ag 925 Cu 75)



Reverse: R2 (1oz, Ag 925 Cu 75)



Reverse: R2 (1/4oz, Au 999.9)

**GN 1182 of 27 November 2015: The dimension of, design for, and compilation of, the Year 2015 R15 (Crown) Sterling Silver Coin Series (Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK  
 MINISTRY OF FINANCE



**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the sterling silver R15 (1oz) sterling silver coin, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 October 2015; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R15 (1 oz) sterling silver	38.725 mm	33.626 g

(Signed)

**NHLANHLA M NENE, MP**  
**MINISTER OF FINANCE**

**2015 R15 Sterling-silver Coin**

The Secretary Bird - The Defender of the Nation



Reverse: R15 (1oz, Ag 925 Cu 75)



Obverse: R15 (1oz, Ag 925 Cu 75)

**GN 1183 of 27 November 2015: The dimension of, design for, and compilation of, the Year 2016 R2 Unesco Series**  
**(Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

## MINISTRY OF FINANCE

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**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R2 (¼ oz) gold coins (two coins) and R2 (1 oz) sterling silver coins (two coins) as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2016; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<b><u>DENOMINATION</u></b>	<b><u>DIAMETER</u></b>	<b><u>MASS</u></b>
R2 (¼ oz) 24 ct gold	22,00 mm	7.777 g
R2 (¼ oz) 24 ct gold	22,00 mm	7.777 g
R2 (1 oz) sterling silver	38.725 mm	33.626 g
R2 (1 oz) sterling silver	38.725 mm	33.626 g

(Signed)

**NHLANHLA M NENE, MP**  
MINISTER OF FINANCE

**2016 UNESCO Biosphere Coin Series**

Cape West Coast Biosphere Reserve



Common Obverse



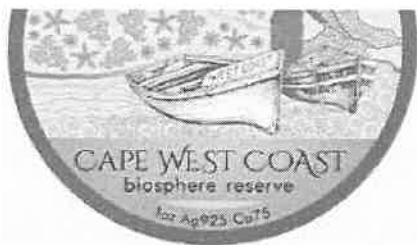
Reverse: R2 (1/4oz, Au 999.9)



Reverse: R2 (1/4oz, Au 999.9)







Reverse: R2 (1oz, Ag 925 Cu 75)



Reverse: R2 (1oz, Ag 925 Cu 75)

**GN 1184 of 27 November 2015: The dimension of, design for, and compilation of, the Year 2016 Protea Coin Series  
(Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK  
MINISTRY OF FINANCE

**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz pure gold Protea coin, the 1/10<sup>th</sup> oz pure gold Protea coin and the R1 sterling silver Protea coin, as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2016; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R25 (1 oz) 24 ct gold	32.69 mm	31.107 g
R5 (1/10 oz) 24 ct gold	16.50 mm	3.110 g
R1 sterling silver	32.69 mm	15.00 g

(Signed)  
**NHLANHLA M NENE, MP**  
**MINISTER OF FINANCE**

**2016 Protea Series**

**Life of a Legend - Nelson Mandela**

Nelson Mandela as a young attorney and the concept of justice



Reverse: R25 (1oz, Au 999.9)



Reverse: R5 (1/10oz, Au 999.9)



Reverse: R1 (Ag 925, Cu 75)

**GN 1185 of 27 November 2015: The dimension of, design for, and compilation of, the Year 2016 Natura Pure Gold Coin Series  
(Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK  
MINISTRY OF FINANCE

**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz gold Natura, ½ oz gold Natura, the ¼ oz gold Natura and the 1/10<sup>th</sup> oz gold Natura coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2016; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R100 (1 oz) 24 ct gold	32,69 mm	31.107 g
R50 (1/2 oz) 24 ct gold	27,00 mm	15.553 g
R20 (1/4 oz) 24 ct gold	22,00 mm	7.777 g
R10 (1/10 oz) 24 ct gold	16,50 mm	3.110 g

(Signed)  
**NHLANHLA M NENE, MP**  
MINISTER OF FINANCE

**2016 Natura Series**  
Nocturnal Hunters - The Spotted Hyena





Common Obverse



Reverse: R100 (oz, Au 999.9)



Reverse: R50 (1/2oz, Au 999.9)



Reverse: R20 (1/4oz, Au 999.9)



Reverse: R10 (1/10oz, Au 999.9)

**GN 1186 of 27 November 2015: The dimension of, design for, and compilation of, the Year 2016 Sterling Silver Coin Series  
(Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK  
MINISTRY OF FINANCE

**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- that the 5c, 10c, 20c, and 50c sterling silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2016.
- that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
2 oz sterling silver coin (50c)	50,0 mm	67.252 g

1 oz sterling silver coin (20c)	38,725 mm	33.626 g
½ oz sterling silver coin (10c)	32,70 mm	16.813 g
¼ oz sterling silver coin (5c)	27.00 mm	8.406 g

(Signed)  
**NHLANHLA M NENE, MP**  
**MINISTER OF FINANCE**

**2016 Silver Series**  
**South Africa's Marine Protected Areas**



Reverse: 50c (2oz, Ag 925 Cu 75)



Reverse: 20c (1oz, Ag 925 Cu 75)



Reverse: 10c (1/2oz, Ag 925 Cu 75)



Reverse: 5c (1/4oz, Ag 925 Cu 75)

**GN 1187 of 27 November 2015: The dimension of, design for, and compilation of, the Year 2016 R1 Gold Coin Series**  
**(Government Gazette No. 39459)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK  
 MINISTRY OF FINANCE

**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 January 2016; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and

- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R1 (1/10 oz) 24 ct gold	16,50 mm	3.110 g

(Signed)

**NHLANHLA M NENE, MP**  
**MINISTER OF FINANCE**

**2016 R1 24 Carat Gold Coin**  
**South African Reptiles**

The Cape Dwarf Chameleon



Reverse: R1 (1/10oz, Au 999.9)

**GN 265 of 29 April 2016: The dimension of, design for, and compilation of the Year 2015 R2 (Crown) & 2½c (Tickey) Sterling-Silver Coin Series**  
**(Government Gazette No. 39962)**

SOUTH AFRICAN RESERVE BANK

**MINISTRY OF FINANCE**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R2 and 2½c sterling-silver coins as set out in Section (a) of the Second Schedule to the said Act, which is being manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1st March 2016.
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
2½c sterling-silver Tickey	16,3 mm	1.414 g
R2 sterling-silver Crown	38,725 mm	33.626 g

(Signed)

**PJ GORDHAN, MP**  
**MINISTER OF FINANCE**

**2016 2 1/2 c Tickey and R2 Crown Series**  
**South African Inventions - The Dolos**





Obverse: 2 1/2 c Tickey  
(Ag 925 Cu 75)



Reverse: 2 1/2 c Tickey  
(Ag 925 Cu 75)



Obverse: R2 Crown  
(1oz, Ag 925 Cu 75)



Reverse: R2 Crown  
(1oz, Ag 925 Cu 75)

**GN 266 of 29 April 2016: The dimension of design for, and compilation of, the Year 2016 National Geographic Coin Series  
(Government Gazette No. 39962)**

SOUTH AFRICAN RESERVE BANK

MINISTRY OF FINANCE

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1 oz, 1/2 oz, 1/4 oz and 1/10<sup>th</sup> oz gold and 1 oz sterling-silver National Geographic coins as set out in section (a) of the Second Schedule to the said Act, which is being manufactured and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st March 2016; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R200 (1 oz)	32,69 mm	31.107 g
R100 (1/2 oz)	27,00 mm	15.553 g
R 50 (1/4 oz)	22,00 mm	7.777 g
R 20 (1/10 oz)	16,50 mm	3.110g
R 2 (1 oz) Sterling-silver	38.725 mm	33.626 g

(Signed)

**PJ GORDHAN, MP**  
**MINISTER OF FINANCE**

**2016 National Geographic Coin Series**  
**Big Cats Initiative - The Cheetah**





Common obverse of the gold coins  
(1oz, 1/2oz, 1/4oz and 1/10oz)

Reverse: R200 (1oz, Au 999.9)

Reverse: R100 (1/2oz, Au 999.9)



Reverse: R50 (1/4oz, Au 999.9)



Reverse: R20 (1/10oz, Au 999.9)



Obverse: R2 (1oz, Ag 925 Cu 75)



Reverse: R2 (1oz, Ag 925 Cu 75)

**GN 652 of 7 October 2016: The design for the current 22-Carat Gold Krugerrand Series  
(Government Gazette No. 40339)**

SOUTH AFRICAN RESERVE BANK

SOUTH AFRICAN MINT COMPANY (RF) (Pty) Ltd

NOTIFICATION

The introduction of new Krugerrands to the current 1oz, 1/2oz, 1/4oz and 1/10oz 22-carat gold series required that new master tooling be manufactured for the existing range to ensure that all Krugerrands are minted to the same standard and to adjust to newer, improved manufacturing processes.

(Signed)

**TUMI TSEHLO**

**MANAGING DIRECTOR**

**SOUTH AFRICAN MINT COMPANY (RF) (Pty) Ltd**

**GN 653 of 7 October 2016: The dimension of, design for, and compilation of the Year 2016 Colour Coin Series  
(Government Gazette No. 40339)**

**SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the two R10 (1oz, sterling-silver) colour printed coins and the two R5 (1oz, sterling-silver) colour printed coins, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 August 2016; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>MASS</b>
R10 (1oz, sterling-silver)	38.725mm	33.626g
R10 (1oz, sterling-silver)	38.725mm	33.626g
R5 (1oz, sterling-silver)	38.725mm	33.626g
R5 (1oz, sterling-silver)	38.725mm	33.626g

(Signed)  
**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

**2016 Colour Coin Series**

The Kogelberg Biosphere Reserve



Common obverse  
(2x R5 1oz, and 2x R10 1oz)





Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R10 (1oz. Ag 925 Cu 75)

**GN 654 of 7 October 2016: The dimension, design for, and compilation of the Year 2017 Natura Coin Series  
(Government Gazette No. 40339)**

**SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R100 (1oz, 24-carat gold) Natura coin, the R50 (1/2oz, 24-carat gold) Natura coin, the R20 (1/4oz, 24-carat gold) Natura coin, the R10 (1/10oz, 24-carat gold) Natura coin, and the R5 (1/20oz, 24-carat gold) Natura coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<b>DENOMINATION</b>	<b>DIAMETER</b>	<b>MASS</b>
R100 (1 oz, 24-carat gold)	32.69mm	31.107g
R50 (1/2oz, 24-carat gold)	27.00mm	15.553g
R20 (1/4oz, 24-carat gold)	22.00mm	7.777g
R10 (1/10oz, 24-carat gold)	16.50mm	3.110g
R5 (1/20oz, 24-carat gold)	12.00mm	1.555g

(Signed)  
**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

**2017 Natura Coin Series**

Coert Steynberg's 1946 Springbok Designs



Common obverse  
(1oz, 1/2oz, 1/4oz, 1/10oz and 1/20oz)



Reverse: R100 (1oz, Au 999.9)



Reverse: R50 (1/2oz, Au 999.9)



Reverse: R20 (1/4oz, Au 999.9)



Reverse: R10 (1/10oz, Au 999.9)



Obverse: R5 (1/20oz, Au 999.9)

**GN 655 of 7 October 2016: The dimension of, design for, and compilation of the Year 2017 Sterling-Silver Coin Series  
(Government Gazette No. 40339)**

SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 50c (1oz, sterling-silver) coin, the 20c (1/2oz, sterling-silver) coin, the 10c (1/4oz, sterling-silver) coin and the 5c (1/10oz, sterling-silver) coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and



(c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
50c (2oz, sterling-silver)	50.00mm	67.252g
20c (1oz, sterling-silver)	38.725mm	33.626g
10c (1/2oz, sterling-silver)	32.70mm	16.813g
5c (1/4oz, sterling-silver)	27.00mm	8.406g

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(Signed)  
**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

### 2017 Sterling-Silver Coin Series

The South African Marine Protected Areas

Prince Edward Islands



Common obverse  
 2oz, 1oz, 1/2oz and 1/4oz



Reverse: 50c (2oz. Ag 925 Cu75)



Reverse: 20c (1oz. Ag 925 Cu75)



Reverse: 10c (1/2oz. Ag 925 Cu 75)

Reverse: 5c (1/4oz. Ag 925 Cu 75)

**GN 656 of 7 October 2016: The dimension of, design for, and compilation of the Year 2016 Sterling Silver Crown and Tickey Coin Series  
(Government Gazette No. 40339)**

**SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the sterling-silver R2 crown and 2-1/2 cent tickey as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1st January 2017; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R2 crown (1oz, sterling-silver)	38.725mm	33.626g
2-1/2 cent tickey (sterling-silver)	16.30mm	1.414g

(Signed)

**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

*Notification: The year of issue for this R2 crown and 2 1/2 c tickey series is 2017, not 2016 as stated in the heading.*

**2017 2 1/2 c Tickey and R2 Crown Series**

**South African Inventions - The Heart Transplant**



Obverse: R2 Crown  
(1oz. Ag 925 Cu 75)



Reverse: R2 Crown  
(1oz. Ag 925 Cu 75)





Obverse: 2 1/2 c Tickey  
(Ag 925 Cu 75)

Reverse: 2 1/2 c Tickey  
(Ag 925 Cu 75)

**GN 657 of 7 October 2016: The dimension of, design for, and compilation of the Year 1967/2017 Vintage Krugerrand  
(Government Gazette No. 40339)**

**SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the Vintage Krugerrand of 1967/2017 (1oz, 22-carat gold) coin be reissued in 2016 as a legal tender coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 August 2016; and
- (b) that the designs of the said coins will be the design as shown and which are attached to this notice; and
- (c) that the specifications of the said coin are as follows:

<u>OUNCES &amp; METAL VALUE</u>	<u>DIAMETER</u>	<u>MASS</u>
1oz, 22-carat gold	32.69mm	33.930g

(Signed)  
**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

**1967/2017 22-Carat Gold 1oz**

**Vintage Krugerrand**



Obverse: 1967/2017 Vintage 1oz  
(Au 916.67 Cu 83.33)



Reverse: 1967/2017 Vintage 1oz  
(Au 916.67 Cu 83.33)

**GN 658 of 7 October 2016: The dimension of, design for, and compilation of the Year 2017 Krugerrand Series  
(Government Gazette No. 40339)**

**SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 50oz, 5oz, 1/20oz and 1/50oz 22-carat gold Krugerrands, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>OUNCES &amp; METAL VALUE</u>	<u>DIAMETER</u>	<u>MASS</u>
50oz, 22-carat gold	100.00mm	1696.50g
5oz, 22-carat gold	50.00mm	169.65g
1/20oz, 22-carat gold	12.00mm	1.696g
1/50oz, 22-carat gold	8.00mm	0.679g

(Signed)  
**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

**2017 22-Carat Gold Krugerrand Series**



Common obverse of the  
22-carat gold Krugerrands



Reverse:  
50oz, Au 916.67 Cu 83.33



Reverse:  
5oz, Au 916.67 Cu 83.33





Reverse:  
1/20oz. Au 916.67 Cu 83.33



Reverse:  
1/50oz. Au 916.67 Cu 83.33

**GN 659 of 7 October 2016: The dimension of, design for, and compilation of the Year 2017 Platinum Krugerrand  
(Government Gazette No. 40339)**

**SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1oz, platinum Krugerrand, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>OUNCES &amp; METAL VALUE</u>	<u>DIAMETER</u>	<u>MASS</u>
R10, 1oz, platinum	32.69mm	31.107g

(Signed)  
**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

**2017 Platinum 1oz Krugerrand**



Obverse: 2017 1oz Krugerrand  
(PI 999.9)



Reverse: 2017 1oz Krugerrand  
(PI 999.9)

**GN 660 of 7 October 2016: The dimension of, design for, and compilation of the Year 2017 Fine-Silver Krugerrand  
(Government Gazette No. 40339)**

## SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 1oz, fine-silver Krugerrand, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 August 2016; and
- (d) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (e) that the specifications of the said coins are as follows:

(Editorial Note: Numbering as per original *Government Gazette*.)

<u>OUNCES &amp; METAL VALUE</u>	<u>DIAMETER</u>	<u>MASS</u>
R1, 1oz, fine-silver	38.725mm	31.107g

(Signed)

**PRAVIN J GORDHAN, MP**  
**MINISTER OF FINANCE**

## 2017 Fine-Silver 1oz Krugerrand



Obverse: 2017 1oz Krugerrand  
(Ag 999)



Reverse: 2017 1oz Krugerrand  
(Ag 999)

**GN 450 of 9 June 2017: The Dimension of, Design for, and Compilation of 2017  
R1 Coin Series: Reptiles of South Africa-Puff Adder  
(Government Gazette No. 40909)**

## DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R1 (1/10 oz, 24-carat gold) coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 May 2017; and
- (b) that the design of the said coin will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coin is as follows-

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R1 (1/10OZ, 24-carat gold)	16.50mm	3.110g

(Signed)



MR MKN GIGABA  
MINISTER OF FINANCE

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**2017 R1 (1/10 oz) 24-Carat Gold Coin  
South African Reptiles - The Puff Adder**



Obverse R1 (1/10 oz)  
(Au 999.9)



Reverse R1 (1/10 oz)  
(Au 999.9)

**GN 451 of 9 June 2017: The Dimension of, Design for, and Compilation of 2017 Protea Coin Series: Life of a Legend-Nelson Mandela  
(Government Gazette No. 40909)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R25 (1oz, 24-carat gold) Protea coin, the R5 (1/10oz, 24-carat gold) Protea coin, and the R1 (sterling-silver) Protea coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 May 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows-

DENOMINATION	DIAMETER	MASS
R25 (1oz, 24-carat gold)	32.69mm	31.107g
R5 (1/10oz, 24-carat gold)	16.50mm	3.110g
R1 (sterling-silver)	32.69mm	15.00g

(Signed)  
MR MKN GIGABA  
MINISTER OF FINANCE

**2017 Protea Coin Series  
The Life of a Legend - Nelson Mandela**





Common obverse



Reverse: R25 (1 oz, Au 999.9)



Reverse: R5 (1/10 oz, Au 999.9)



Reverse: R1 (Ag 925 Cu 75)

**GN 452 of 9 June 2017: The Dimension of, Design for, and Compilation of the Year 2017 Coin Series: Oliver Reginald Tambo Centenary Celebration  
(Government Gazette No. 40909)**

**DEPARTMENT OF SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R50 (1oz, sterling-silver) coin, the R500 (1oz, 24-carat gold) coin, the R50 (base metal alloy), as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 May 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R50 (1oz, sterling-silver)	38.725mm	33.626g
R500 (1oz, 24-carat gold)	32.69mm	15.553g
R50 (base metal alloy)	38.725mm	24.450g



(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

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**2017 Sterling-Silver, 24-Carat Gold and Base Metal Alloy Coin Series**  
 Celebrating South Africa - 100 Year Anniversary of Oliver Reginald Tambo

**GN 453 of 9 June 2017: The Dimension of, Design for, and Compilation of 2017  
 R5 Circulation Coin: Order of the Companions of OR Tambo**  
**(Government Gazette No. 40909)**

**DEPARTMENT OF SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (d) that the R5 (bi-metal alloy) circulation coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 May 2017; and
- (e) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (f) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R5 (bi-metal alloy)	26mm	9.5g

(Editorial Note: Numbering as per original *Government Gazette*.)

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2017 R5 Circulation Coin**

The Order of the Champions of O.R.Tambo



Obverse: 2017 R5 Circulation Coin



Reverse: 2017 R5 Circulation Coin

**GN 454 of 9 June 2017: The Dimension of, Design for, and Compilation of 2018 Unesco Man and the  
 Biosphere Coin Series: The Waterberg Biosphere Reserve**  
**(Government Gazette No. 40909)**

**DEPARTMENT OF SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of

1989), I hereby declare-

- (a) that the two 24-ct gold R2 coins and the two sterling-silver R2 crown, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R2 (1/4 oz, 24-carat gold)	22.00 mm	7.777g
R2 (1/4 oz, 24-carat gold)	22.00 mm	7.777g
R2 (1oz, sterling-silver)	38.725mm	33.626g
R2 (1oz, sterling-silver)	38.725mm	33.626g

(Signed)  
**MR MKN GIGBABA**  
**MINISTER OF FINANCE**

#### 2018 24-Carat Gold and Sterling-Silver Coin Series

UNESCO Man and the Biosphere  
 Waterberg Biosphere Reserve



Common obverse  
 (2x R2, 1/4 oz and 2x R2 1 oz)



Reverse: R2 (1/4 oz, Au 999.9)



Reverse: R2 (1/4 oz, Au 999.9)





Reverse: R2 (1 oz, Ag 925 Cu75)



Reverse: R2 (1 oz, Ag 925 Cu75)



Obverse: R50 (1 oz, Ag 925 Cu 75)



Reverse: R50 (1 oz, Ag 925 Cu 75)



Obverse: R500 (1 oz, Au 999.9)



Reverse: R500 (1 oz, Au 999.9)



Obverse: R50 (1 oz, Ag 925 Cu 75)



Reverse: R50 (Base metal alloy)

**GN 455 of 9 June 2017: The Dimension of, Design for, and Compilation of 2018 Coin Series: National Geographic Society "Big Cats Initiative" - The Lion  
(Government Gazette No. 40909)**

**DEPARTMENT OF SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R200 (1 oz, 24-carat gold) coin, the R100 (1/2 oz, 24-carat gold) coin, the R50 (1/4 oz, 24-carat gold) coin, the R20 (1/10 oz, 24-carat gold) coin and the R2 (1 oz, sterling-silver) coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows-

OUNCES & METAL VALUE	DIAMETER	MASS
R200 (1 oz, 24-carat gold)	32,69mm	31.107g
R100 (1/2 oz, 24-carat gold)	27.00mm	15.553g
R50 (1/4 oz, 24-carat gold)	22.00mm	7.777g
R20 (1/10 oz, 24-carat gold)	16.50mm	3.110g
R2 (1oz, sterling-silver)	38.725mm	33.626g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 24-Carat Gold and Sterling-Silver Coin Series**

National Geographic - Big Cats Initiative  
The Lion



Common obverse:  
(1 oz, 1/2 oz, 1/4 oz and 1/10 oz)



Reverse: R200 (1 oz, Au 999.9)



Reverse: R100 (1/2 oz, Au 999.9)



Reverse: R50 (1/4 oz, Au 999.9)



Reverse: R20 (1/10 oz, Au 999.9)







Obverse: R2 (1 oz, sterling-silver)

Reverse: R2 (1 oz, sterling-silver)

**GN 456 of 9 June 2017: The Dimension of, Design for, and Compilation of 2018 Coin: 2018 Fifa World Cup Russia™**  
(Government Gazette No. 40909)

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R2 (1 oz, sterling-silver) coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 September 2017; and
- (b) that the designs of the said coins will be the design as shown and which are attached to this notice; and
- (c) that the specifications of the said coin are as follows-

OUNCES & METAL VALUE	DIAMETER	MASS
R2 crown (1oz, sterling-silver)	38.725mm	33.626g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 R2 1 oz Sterling-Silver Coin**

FIFA World Cup Russia™

Obverse: R2 Crown  
(1 oz, Ag 925 Cu 75)Reverse: R2 Crown  
(1 oz, Ag 925 Cu 75)

**GN 475 of 23 June 2017: Directive for conduct within the National Payment System in respect of the collection of payment instructions for authenticated collections**  
(Government Gazette No. 40930)



## South African Reserve Bank

### DIRECTIVE No. 1 of 2017

#### CONTENTS

<u>1.</u>	Legal framework and background
<u>2.</u>	Objective and purpose
<u>3.</u>	Position of the SARB
<u>4.</u>	Definitions
<u>5.</u>	Directive
<u>6.</u>	Conclusion
<u>7.</u>	Repeal of directive No. 2 of 2006

## 1. LEGAL FRAMEWORK AND BACKGROUND

- 1.1. In terms of section 10 (1) (c) (i) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989) (the SARB Act), the South African Reserve Bank (the SARB) is required to perform such functions, implement such rules and procedures and, in general, take such steps as may be necessary to establish, conduct, monitor, regulate and supervise payment, clearing or settlement systems. Furthermore, the National Payment System Act, 1998 (Act No. 78 of 1998) (the NPS Act) provides for the management, administration, operation, regulation and supervision of payment, clearing and settlement systems in the Republic of South Africa, and for connected matters.
- 1.2. The National Payment System (NPS) encompasses the entire payment process from payer to beneficiary, and includes settlement between banks. The process includes all the tools, systems, instruments, mechanisms, institutions, agreements, procedures, rules or laws applied or utilised to effect payment. The NPS is a primary component of the country's monetary and financial system as it enables the circulation of money, assisting transacting parties to make payments and exchange value.
- 1.3. In terms of section 12 (1) of the NPS Act, the SARB may from time to time, after consultation with the payment system management body, issue directives to any person regarding a payment system or the application of the provisions of the NPS Act.
- 1.4. The Directive for Conduct within the National Payment System No. 2 of 2006 published in the *Government Gazette* No. 28867, General Notice 680 of 2006 (Directive No. 2 of 2006) regulated the Early Debit Order (EDO) systems since 2006.
- 1.5. An in-depth investigation into the EDO environment, prompted by inefficiencies in the EDO systems, identified various issues, in both the Authenticated Early Debit Order (AEDO) and the Non-Authenticated Early Debit Order (NAEDO) systems. These issues spread across the payment system value chain from the customer who authorises the debit (payer) through to the collector (user), system operators, sponsoring and acquiring banks.
- 1.6. The issues included, amongst others, the growing number of disputes by payers relating to unauthorised debits and user complaints of illegitimate payer initiated reversals. A key concern for the SARB is the growing mistrust in the EDO systems and increasing complaints of abuse. These trends indicated the underlying structural issues to be addressed.
- 1.7. This culminated in the issuance of a Terms of Reference (ToR) by the SARB in July 2013, entitled: "Collections Review: Terms of Reference for the Payments Association of South Africa". The ToR defined the scope and minimum requirements for the design, development and implementation of an appropriate approach to the EDO collections.
- 1.8. Following the issuance of the ToR, the 'Authenticated Collections (AC)', initiative was launched with the objective of creating a method of collection that protects both sides of the market (payers and users). The Payments Association of South Africa (PASA) in collaboration with the relevant stakeholders was tasked to develop new authentication options for early debit orders that should give payers the opportunity to authorise future dated debit orders through an authentication process.

## 2. Objective and Purpose

- 2.1. The main objective of AC is to address the safety and efficiency of debit order collections, by strengthening debit order mandates and ensuring a secure debit is approved and authenticated by the paying customer upfront for future dated debit orders, thereby attempting to protect both sides of the market.
- 2.2. This Directive provides for the conduct of participants involved in the collection of payment instructions in the early debit order environment.



### 3. Position of the SARB

- 3.1. The SARB supports AC and is issuing this Directive in respect of the establishment of an authenticated collections mechanism in the early debit order environment to address the risks associated with the level of unauthorised debits and dispute ratios to maintain a safe and efficient NPS.
- 3.2. The SARB acknowledges that payment systems that process debit order payment instructions in the early processing window, similar to the current early debit order collections environment, are required by participants of the NPS, and should provide for appropriate risk management.
- 3.3. All the NPS participants who participate in the EDO payment clearing houses (PCHs), namely AEDO and NAEDO are required to implement AC by 31 October 2019.

### 4. DEFINITIONS

In this Directive, unless the context indicates otherwise, the words and expressions used herein shall have the same meaning assigned to them in the NPS Act and related expressions shall have corresponding meanings. The additional definitions below are provided for clarity.

#### 4.1. Authentication

Is the electronic process whereby the payer, (i) confirms elements of a debit order mandate; and (ii) authorises the paying bank to debit the payer's account in accordance with the debit order mandate.

#### 4.2. Authorisation

Authorisation refers to the consent or mandate or positive acknowledgement given by the payer to the paying bank to present a debit order to the payer's account.

#### 4.3. Authenticated Collections (AC)

Debit order instructions which have been authorised by the payer and which is presented against the payer's account for collection in the early morning processing window through the AC PCH to be established under the EDO PCH PG.

#### 4.4. Early processing window

It is the period or window where early morning collections are processed directly after bulk credits.

### 5. DIRECTIVE

#### 5.1. Participants involved in the collection of payment instructions in the EDO environment are directed to:

- 5.1.1. design, develop and fully implement the payment system infrastructure to facilitate the collection of randomised early debit orders through AC in the early processing window, by 31 October 2019 (Implementation Date);
- 5.1.2. maintain the stability of the existing systems and minimise operational risk throughout the migration period to AC;
- 5.1.3. reach full implementation of AC through a phased approach and within the delivery dates prescribed in the SARB approved Implementation Plan referred to in 5.2 below;
- 5.1.4. report progress on implementation of AC as and when requested by SARB in terms of section 10 of the NPS Act;
- 5.1.5. comply with the applicable regulatory requirements, including the rules, compliance and enforcement framework set by PASA in respect of AC;
- 5.1.6. fully implement AC under the EDO PCH PG as the only PCH to initiate new debit order instructions in the early processing window by 31 January 2019;
- 5.1.7. not allow any new, extended or renegotiated AEDO or NAEDO collection agreements to be concluded after 31 January 2019, subject to 5.1.8 below; and
- 5.1.8. continue to process existing early debit orders where the contractual term exceeds the cut-off date of 31 January 2019 until the Implementation Date of 31 October 2019 (in the AEDO and NAEDO PCHs according to the current processing arrangements and rules). These contracts shall be migrated to AC on or before the Implementation Date.

#### 5.2. PASA must prepare the AC implementation plan (Implementation Plan) with phases and timelines for approval by the SARB, monitor compliance with the Implementation Plan by the participants and take appropriate (and where required) maximum enforcement action through an appropriate compliance and enforcement framework. Such compliance framework must include an escalating mechanism for each milestone missed.

#### 5.3. PASA must continue to improve the safety and efficiency of debit orders, including the introduction of measures to address risk emanating from debit order abuse.

- 5.4. PASA through the EDO PCH PG must make provision for AC including the participation criteria, in the relevant PASA regulatory framework and rules.

## 6. CONCLUSION

- 6.1. This Directive is not exhaustive and may be supplemented or amended from time to time.
- 6.2. In order to maintain the effectiveness, efficiency and neutrality of the NPS, all participants in the NPS that are, or become involved in the EDO PCH PG as indicated herein are obliged to act in accordance with the NPS Act and in particular, this Directive.
- 6.3. This Directive is effective from the date of publication thereof in the *Government Gazette* (Effective Date).
- 6.4. Contravention of this Directive is an offence in terms of section 12 of the NPS Act. Any person convicted of an offence in terms of this Directive is liable to a fine or imprisonment or to both a fine and such imprisonment.
- 6.5. Persons who are uncertain as to whether their current or future business practices are aligned with this Directive should initiate discussions with PASA or the NPS Department of the SARB to clarify the matter.

## 7. REPEAL OF DIRECTIVE NO. 2 OF 2006

- 7.1. Directive No. 2 of 2006 is hereby repealed with effect from the date of publication of this Directive.

Any enquiries or clarification concerning this Directive may be addressed to:

The Head: National Payment System Department

South African Reserve Bank

PO Box 427

Pretoria

0001

OR to the following e-mail address: [npsdirectives@resbank.co.za](mailto:npsdirectives@resbank.co.za)

### GN 639 of 20 August 2017: The Dimension of and Compilation of the Year 2017 Coin Series: Oliver Reginald Tambo Centenary Celebration (Government Gazette No. 41068)

#### DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

The R50 (1oz, sterling-silver) coin, the R500 (1oz, 24-carat gold) coin, the R50 (base metal alloy), as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 May 2017; and that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R50 (1oz, sterling-silver)	38.725mm	33.626g
R500 (1oz, 24-carat gold)	32.69mm	31.107g
R50 (base metal alloy)	38.725mm	24.450g

(Signed)

**TUMI TSEHLO**

**MANAGING DIRECTOR**

**SOUTH AFRICAN MINT COMPANY (RF) (PTY) LTD**

### GN 640 of 25 August 2017: The Dimension of, Design for, and Compilation of the Year 2017 Colour Coin Series: Flowers and Birds of the Cape West Coast Biosphere Reserve (Government Gazette No. 41068)

#### DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

#### MINISTRY OF FINANCE

**Memorandum No.**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the two R5 (1 oz, sterling-silver) colour coins and the two R10 (1 oz, sterling-silver) colour coins, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 August 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<u>DENOMINATION</u>	<u>DIAMETER</u>	<u>MASS</u>
R5 (1 oz, sterling-silver)	38.725mm	33.626g
R5 (1 oz, sterling-silver)	38.725mm	33.626g
R10 (1 oz, sterling-silver)	38.725mm	33.626g
R10 (1 oz, sterling-silver)	38.725mm	33.626g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

### 2017 Colour Coin Series

The Cape West Coast Biosphere Reserve



Common obverse  
 (2x R10 1oz. and 2x R5 1oz)



Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R5 (1oz. Ag 925 Cu 75)

Reverse: R5 (1oz. Ag 925 Cu 75)

**GN 10 of 19 January 2018: The Dimension of, Design for, and Compilation of 2018 R5 circulation coin: Nelson Mandela Centenary**  
(Government Gazette No. 41391)

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R5 (bi-metal alloy) circulation coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R5 (bi-metal alloy)	26mm	9.5g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 R5 circulation coin**  
**Nelson Mandela Centenary**



Obverse: R5 circulation coin



Reverse: R5 circulation coin



Latent image featuring the years 1918 and 2018.

Monogram featuring: SARB (South African Reserve Bank)

Micro lettering: EVERARD

Pattern design

Reverse design features

**GN 11 of 19 January 2018: The Dimension of, Design for, and Compilation of The Year 2018 Protea Coin Series: Life of a Legend - Nelson Mandela  
(Government Gazette No. 41391)**

**DEPARTMENT OF SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (d) that the R25 (1oz, 24-carat gold) Protea coin, the R5 (1/10oz, 24-carat gold) Protea coin, and the R1 (sterling-silver) Protea coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (e) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (f) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R25(1oz, 24-carat gold)	32.69mm	31.107g
R5 (1/10oz, 24-carat gold)	16.50mm	3.110g
R1 (sterling-silver)	32.69mm	15.00g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 Protea Series  
Life of a Legend - Nelson Mandela**



Common obverse of the  
Protea coins



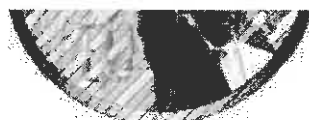
Reverse:  
R25 (1oz, Au:999.9)



Reverse:  
R5 (1oz, Au:999.9)







Reverse:  
R1 (Ag 925 Cu 75)

**GN 12 of 19 January 2018: The Dimension of, Design for, and Compilation of 2018 R1 Coin Series: Reptiles of South Africa-The Parrot-Beaked Padloper (Government Gazette No. 41391)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R1 (1/10 oz, 24-carat gold) coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (b) that the design of the said coin will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coin is as follows:

DENOMINATION	DIAMETER	MASS
R1 (1/10oz, 24-carat gold)	16.50mm	3.110g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 R1 (1/10) Gold Coin**  
**Reptiles of South Africa - The Parrot-Beaked Padloper**



Obverse: R1  
(1/10 oz. Au 999.9)



Reverse: R1  
(1/10 oz. Au 999.9)

**GN 13 of 19 January 2018: The Dimension of, Design for, and Compilation of the year 2018 20Z Kruggerand (Government Gazette No. 41391)**

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the 20z, 22-carat gold Kruggerand, as set out in Section (a) of the Second Schedule to the said



Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and

- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
2oz, 22-carat gold Krugerrand	40mm	67.86g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 22-Carat Gold 2oz  
Krugerrand**



Obverse: 2oz  
(Au 916.67 Cu 83.33)



Reverse: 2oz  
(Au 916.67 Cu 83.33)

**GN 14 of 19 January 2018: The Dimension of, Design for, and Compilation of the year 2018 Colour Coin Series: Flowers and Birds of the Waterberg Biosphere Reserve  
(Government Gazette No. 41391)**

**DEPARTMENT OF SOUTH AFRICAN RESERVE BANK**

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (d) that the two R10 (1 oz, sterling-silver) colour coins and the two R5 (1 oz, sterling-silver) colour finished coins, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (e) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (f) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R10 (1oz, sterling-silver)	38.725mm	33.626g
R10 (1oz, sterling-silver)	38.725mm	33.626g
R5 (1oz, sterling-silver)	38.725mm	33.626g
R5 (1oz, sterling-silver)	38.725mm	33.626g

(Signed)  
**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 Colour Coin Series**  
The Waterberg Biosphere Reserve

169



Common obverse  
(2x R10 1oz. and 2x R5 1oz.)



Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R10 (1oz. Ag 925 Cu 75)



Reverse: R5 (1oz. Ag 925 Cu 75)



Reverse: R5 (1oz. Ag 925 Cu 75)

**GN 15 of 19 January 2018: The Dimension of, Design for, and Compilation of the year 2018 Natura Coin Series**  
(Government Gazette No. 41391)

DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R100 (1oz, 24-carat gold) Natura coin, the R50 (1/2oz, 24-carat gold) Natura coin, the R20 (1/4oz, 24-carat gold) Natura coin, the R10 (1/10 oz, 24-carat gold) Natura coin, and the R5 (1/20oz, 24-carat gold) Natura coin, as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice;

and

- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R100 (1oz, 24-carat gold)	32.69mm	31.107g
R50 (1/2oz, 24-carat gold)	27.00mm	15.553g
R20 (1/4oz, 24-carat gold)	22.00mm	7.777g
R10 (1/10oz, 24-carat gold)	16.50mm	3.110g
R5 (1/20oz, 24-carat gold)	12.00mm	1.555g

(Signed)

**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 Natura Coin Series**  
Archosauria - The Rise of the Dinosaur



Common obverse  
(1oz, 1/2oz, 1/4oz, 1/10oz and 1/20oz)



Reverse: R100 (1oz, Au 999.9)



Reverse: R50 (1/2oz, Au 999.9)



Reverse: R20 (1/4oz, Au 999.9)



Reverse: R10 (1/10oz, Au 999.9)



Obverse: R5 (1/20oz, Au 999.9)

**GN 16 of 19 January 2018: The Dimension of, Design for, and Compilation of the year 2018 Sterling Silver Crown and Tickey Coin Series**  
(Government Gazette No. 41391)

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DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the sterling-silver R2 crown and 2-1/2 cent tickey as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of the section 16 (1) of the said Act, will be legal tender as from 1 January 2018; and
- (b) that the designs of the said coins will be the designs as shown and which is attached to this notice; and
- (c) that the specifications of the said coins are as follows:

DENOMINATION	DIAMETER	MASS
R2 crown (1oz, sterling-silver)	38.725mm	33.626g
2-1/2 cent tickey (sterling-silver)	16.30mm	1.414g

(Signed)

**MR MKN GIGABA**  
**MINISTER OF FINANCE**

**2018 2 1/2 c Tickey and R2 Crown Series**  
South African Inventions - Computed Tomography



Obverse: R2 Crown  
(1oz, Ag 925 Cu 75)



Reverse: R2 Crown  
(1oz, Ag 925 Cu 75)



Obverse: 2 1/2 c Tickey  
(Ag 925 Cu 75)



Reverse: 2 1/2 c Tickey  
(Ag 925 Cu 75)



## DEPARTMENT OF SOUTH AFRICAN RESERVE BANK

By virtue of the powers vested in me by section 19 (1) (a) of the South African Reserve Bank Act (Act No. 90 of 1989), I hereby declare-

- (a) that the R50 (1oz, sterling-silver) coin, the R500 (1oz, 24-carat gold) coin, the R50 (base metal alloy), as set out in Section (a) of the Second Schedule to the said Act, which will be manufactured, and will be issued by virtue of section 16 (1) of the said Act, will be legal tender as from 1 May 2017; and
- (b) that the designs of the said coins will be the designs as shown and which are attached to this notice; and
- (c) that the specifications of the said coins are as follows:

<i>DENOMINATION</i>	<i>DIAMETER*1</i>	<i>MASS*2</i>
R50 (1oz, sterling-silver)	38.725mm	33.626g
R500 (1oz, 24-carat gold)	32.69mm	31.107g
R50 (base metal alloy)	38.725mm	24.450g
*1 Please note that this specification shows the average diameter of the coin.		
*2 Please note that this specification shows the minimum mass of the coin.		

(Signed)

**MR MKN-GIGABA**  
**MINISTER OF FINANCE**

**2018 Celebrating South Africa Series**  
**Nelson Mandela Centenary**



Obverse: R500 (1oz, Au 999.9)



Reverse: R500 (1oz, Au 999.9)



Obverse: R50 (1oz, Ag 925 Cu 75)



Reverse: R50 (1oz, Ag 925 Cu 75)





Obverse R50 (base metal)



Reverse R50 (base metal)

## SOUTH AFRICAN RESERVE BANK ACT, NO. 90 OF 1989

(Prior to amendment by General Notice No. 195 in *Government Gazette* 42359 dated 29 March, 2019)

### Schedule 2

[Sch. 2 amended by Government Notice No. 911 of 6 May, 1994, by Government Notice No. 500 of 29 March, 1997, by Government Notice No. 1499 of 15 December, 1999 and by Government Notice No. 855 of 30 July, 2004.]

### Standard mass and fineness of precious metal coins and commemorative coins

Denomination of coin	Standard mass (gram)	Least current mass (gram)	Standard fineness based on minimum mass	Remedy allowable	
				Mass per coin (gram)	Precious metal fineness per thousand parts
<b>GOLD</b>					
<u>Natura</u>					
<b>Natura:</b>					
1 oz fine gold	31,139	31,104		0,07	0,1
<b>½-Natura:</b>					
½ oz fine gold	15,569	15,552		0,035	0,1
<b>¼-Natura:</b>					
¼ oz fine gold	7,786	7,776		0,02	0,1
<b>1/10-Natura:</b>					
1/10 <sup>th</sup> oz fine gold	3,115	3,110		0,01	0,1
<u>Commemorative</u>					
<b>1 oz fine gold</b>	31,139	31,104	999,9 parts elemental gold per thousand, balance trace elements	0,07	0,1
<b>Protea:</b>					
1 oz fine gold	31,139	31,104		0,07	0,1
<b>1/10<sup>th</sup>-Protea:</b>					
1/10 <sup>th</sup> oz fine gold	3,115	3,110		0,01	0,1
<b>Two Rand:</b>					
½ oz fine gold	7,786	7,776		0,02	0,1
<b>One Rand:</b>					
1/10 <sup>th</sup> oz fine gold	3,115	3,110		0,01	0,1
<u>Krugerrand</u>					
<b>Krugerrand:</b>					
1 oz fine gold	33,965	33,930		0,07	0,4



<b>½-Krugerrand:</b>			916,7 parts elemental gold per thousand, balance copper including trace elements		
½ oz fine gold	16,983	16,965		0,035	0,4
<b>¼-Krugerrand:</b>					
¼ oz fine gold	8,493	8,483		0,02	0,4
<b>1/10<sup>th</sup>-Krugerrand:</b>					
1/10 <sup>th</sup> oz fine gold	3,398	3,393		0,01	0,4
<b>SILVER</b>					
<b>Two Rand</b>					
1 oz sterling silver	33,726	33,626		0,2	5
<b>One Rand</b>	15,050	15,000		0,1	5
<b>2 ½ Tickey</b>	1,191	1,414	925,0 parts elemental silver per thousand,	0,1	5
<b>50c Silver</b>			balance	0,3	5
2 oz sterling silver	76,402	76,252	copper including		
<b>20c Silver</b>			trace elements	0,2	5
1 oz sterling silver	33,726	33,626			
<b>10c Silver</b>					
½ oz sterling silver	16,863	16,813		0,1	5
<b>5c Silver</b>					
¼ oz sterling silver	8,456	8,406		0,1	5

## (b) Standard mass and least current mass of circulation coins

Denomination	Standard mass (gram)	Remedy allowable mass per coin (gram)	Least current mass (gram)	Metal composition
Five rand (Bi-metal)	9,5	±0,285	9,215	Bi-metal alloy
Five rand (Nickel plated)	7,0	±0,21	6,65	Layered composition of nickel, copper, zinc and tin
Two rand	5,5	±0,165	5,225	
One rand	4,0	±0,12	3,80	
Fifty cent	5,0	±0,15	4,75	Layered composition of copper, tin and steel
Twenty cent	3,5	±0,015	3,325	
Ten cent	2,0	±0,06	1,9	
Five cent	4,5	±0,135	4,274	Layered composition of copper and steel
Two cent	3,0	±0,09	2,85	
One cent	1,5	±0,045	1,425	

(Prior to amendment by Act No. 9 of 2017)

**Section 3**

**3. Primary objective of Bank.**—The primary objective of the Bank shall be to protect the value of the currency of the Republic in the interest of balanced and sustainable economic growth in the Republic.

**Section 10 (1) (v)**

- (v) perform the functions assigned to the Bank by the Banks Act, 1990 (Act No. 94 of 1990), and the Mutual Banks Act, 1993 (Act No. 124 of 1993).

**Section 11 (2)**

(2) The provisions of the Inspection of Financial Institutions Act, 1984 (Act No. 38 of 1984), except sections 2 and 7 thereof, shall *mutatis mutandis* apply in respect of an inspection carried out in terms of subsection (1).

**Section 12 (2)**

(2) The provisions of sections 4, 5, 8 and 9 of the Inspection of Financial Institutions Act, 1984 (Act No. 38 of 1984), shall apply *mutatis mutandis* in respect of an inspection carried out in terms of subsection (1).

**(Prior to amendment by Act No. 45 of 2013)****Section 13 (c)**

- (c) subject to the provisions of section 10 (1) (f) and (u), lend or advance money on security of a mortgage of immovable property or of a notarial or other bond or a cession thereof, or acquire immovable property;

**(Prior to amendment by Act No. 4 of 2010)****Section 1, definition- "shareholders' representative"**

"shareholders' representative" means a member of the Board elected under section 4 or elected or appointed under section 6 (1) (b);

**Section 4 (1), the words preceding paragraph (a)**

- (1) The Bank shall be managed by a board of fourteen directors, consisting of-

**Section 4 (1) (a)**

- (a) a Governor, three Deputy Governors (one of whom shall be designated by the President of the Republic as Senior Deputy Governor) and three other directors, which Governor, Deputy Governors and other directors shall be appointed by the President of the Republic after consultation with the Minister and the Board; and

**Section 4 (1) (b)**

- (b) seven directors elected by the shareholders.

**Section 4 (3)**

- (3) Of the directors elected by the shareholders-
- (a) four shall be persons who are or have been actively and primarily engaged in commerce or finance;
  - (b) one shall be a person who is or has been so engaged in agriculture; and
  - (c) two shall be persons who are or have been so engaged in industrial pursuits.

**Section 4 (4)**

- (4) No person shall be appointed or elected as or remain a director-
- (a) if he or she is not resident in the Republic; or
  - (b) if he or she is a director, officer or employee of a bank or a mutual bank; or
  - (bA) if he or she is a Minister or a Deputy Minister in the Government of the Republic; or

- (c) if he or she is a member of-
- (i) Parliament; or
  - (ii) a provincial legislature referred to in section 125 of the Constitution.

#### **Section 5 (1)**

(1) The Governor and the Deputy Governors shall hold office for a period of five years, and the directors who are Government representatives shall hold office for a period of three years.

#### **Section 5 (1A)**

(1A) The directors who are shareholders' representatives shall hold office for a period commencing on the first day after the date of their election as such at an ordinary general meeting of the shareholders held during a specific calendar year and terminating on the first day after the date of the ordinary general meeting of the shareholders held during the third calendar year after the calendar year first-mentioned in this subsection.

#### **Section 5 (1B)**

(1B) In order to give effect to the provisions of this section as amended by the South African Reserve Bank Amendment Act, 1997, the term of office of a director who is a shareholders' representative and who holds office as such on the date immediately preceding the date of commencement of the South African Reserve Bank Amendment Act, 1997, shall, in the case of such a director whose term of office is, in terms of the provisions of this section as those provisions existed immediately prior to the amendment thereof by the South African Reserve Bank Amendment Act, 1997, due to expire during a specific calendar year on a date-

- (a) preceding the date of the ordinary general meeting of shareholders to be held during that calendar year, be extended up to and terminate on the first day after the date of that ordinary general meeting;
- (b) after the date of the ordinary general meeting of shareholders to be held during that calendar year, be curtailed so as to terminate on the first day after the date of that ordinary general meeting.

#### **Section 5 (2)**

(2) A director shall be eligible for re-appointment or re-election, as the case may be, after the expiration of his term of office.

#### **Section 6 (1) (a)**

- (a) in the case of the Governor or a Deputy Governor or of a Government representative, by the appointment by the President of the Republic of another person after consultation with the Minister and the Board; and

#### **Section 6 (1) (b)**

- (b) in the case of a shareholders' representative, by the election by the shareholders of a person who would be qualified to be elected in the place of the director whose office has become vacant, or by the appointment by the Board, subject to confirmation at the next ordinary general meeting of the shareholders, of a person so qualified.

#### **Section 6 (2)**

(2) Any person appointed or elected under subsection (1) shall hold office, in the case of the Governor or a Deputy Governor, for a period of five years, and in the case of any other director, for the unexpired portion of the period for which the director whose office has become vacant, was appointed or elected.

#### **Section 8 (2)**

(2) The Governor or any Deputy Governor may assign the exercise of any power delegated to him by the Board under subsection (1), to a Deputy Governor or an officer of the Bank for a particular period or purpose, and any power the exercise of which has been so assigned, shall be exercised subject to the same terms, conditions or restrictions imposed by the Board when delegating the power to the Governor or Deputy Governor.

#### Section 22 (1)

(1) Subject to the provisions of subsection (2), no shareholder shall hold more than 10 000 shares in the Bank.

#### Section 22 (2)

(2) A shareholder holding more than 10 000 shares in the Bank at the commencement of this Act, may continue to hold those shares, but shall not, as long as he holds more than 10 000 of those shares, acquire any further shares in the Bank.

#### Section 22 (3)

(3) If at any time the number of shares in the Bank held by a shareholder referred to in subsection (2) is reduced to 10 000 or less, the restriction laid down in subsection (1) shall apply also to that shareholder.

#### Section 23 (2)

(2) No shareholder referred to in subsection (2) or (6) of section 22 shall either directly or indirectly exercise any vote as a shareholder in respect of the number of shares in the Bank held by him or her in excess of 10 000, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as shareholders in respect of the total number of shares in the Bank held by those companies in excess of 10 000.

**(Prior to amendment by Government Notice No. 855 in Government Gazette 26588 of 30 July, 2004)**

#### Schedule 2, section (b)

(b) Standard mass and least current mass of alloy coins

<i>Denomination</i>	<i>Standard mass (Gram)</i>	<i>Remedy allowable Mass per coin (Gram)</i>	<i>Least current mass (Gram)</i>	<i>Metal composition</i>
Five rands	7,0	±0,21	6,65	} Layered composition of nickel, copper, zinc and tin
Two rands	5,5	±0,165	5,225	
One rand	4,0	±0,12	3,80	
Fifty cents	5,0	±0,15	4,75	} Layered composition of copper, tin and steel
Twenty cents	3,5	±0,105	3,325	
Ten cents	2,0	±0,06	1,9	
Five cents	4,5	±0,135	4,274	} Layered composition of copper, tin and steel
Two cents	3,0	±0,09	2,85	
One cent	1,5	±0,045	1,425	

**(Prior to amendment by Act No. 57 of 2000)**

#### Section 10A (2)

(2) The credit balance in an account maintained in terms of subsection (1) by a bank, together with the average daily amount of that bank's Reserve Bank notes and subsidiary coin calculated according to the total amounts of those assets held by the bank on all the days of the latest month in respect of which it furnished a return in terms of subsection (11) to the Registrar of Banks designated under section 4 of the Banks Act, 1990 (Act No. 94 of 1990), may at no time during any month amount to less than an amount equal to the sum of amounts

representing the percentages, determined in accordance with the provisions of subsection (4) by the Governor, of the amounts of such different categories of the bank's liabilities as may be specified by the Governor by notice in the *Gazette* with reference to the time when such liabilities fall due or with reference to any other aspect pertaining to such liabilities.

#### **Section 10A (4) (a)**

(a) The percentages determined by the Governor in terms of subsection (2) or (3) (b) shall be such percentages as the Governor may, having regard to the national economic interest, deem desirable to determine from time to time.

#### **(Prior to amendment by Act No. 39 of 1997)**

#### **Section 5 (1)**

(1) The Governor and the Deputy Governors shall hold office for a period of five years, and the other directors shall hold office for a period of three years.

#### **Section 10 (1) (c)**

- (c) establish, organize and participate in a clearing system and take up shares in a company formed for the management and operation of any such system;

#### **Section 33 (1)**

(1) No director, officer or employee of the Bank, and no officer in the Department of Finance, shall disclose to any person, except to the Minister or the Director-General: Finance or for the purpose of the performance of his duties or the exercise of his functions or when required to do so before a court of law or under any law, any information relating to the affairs of the Bank or a shareholder or customer of the Bank acquired in the performance of his duties or the exercise of his functions, or any other information acquired by him in the course of his participation in the activities of the Bank.

#### **(Prior to amendment by Government Notice No. 500 of 29 March, 1997)**

#### **Schedule 2, (a) and (b)**

- (a) Standard mass and fineness of precious metal coins and commemorative coins

<i>Denomination of coin</i>	<i>Standard mass (Gram)</i>	<i>Least current mass (Gram)</i>	<i>Standard fineness based on minimum mass</i>	<i>Remedy allowable</i>	
				<i>Mass per coin (Gram)</i>	<i>Precious metal fineness per thousand parts</i>
GOLD					
Natura					
(1 oz fine gold)	31,107	31,103		+0,07	+0,05
½-Natura					
(½ oz fine gold)	15,553	15,552	999,9 parts	+0,035	+0,05
1/4-Natura			elemental		
(1/4 oz fine gold)	7,777	7,776	gold per	+0,02	+0,05
1/10-Natura			thousand,		
(1/10 oz fine gold)	3,110	3,110	balance trace	+0,01	+0,05
Commemorative			elements		
(1 oz fine gold)	31,107	31,103		+0,07	+0,05



Krugerrand					
(1 oz fine gold)	33,930	33,930		+0,07	+0,04
½-Krugerrand					
(½ oz fine gold)	16,965	16,965	916,7 parts	+0,035	+0,04
1/4-Krugerrand			elemental		
(1/4 oz fine gold)	8,482	8,482	gold per	+0,02	+0,04
1/10-Krugerrand			thousand,		
(1/10 oz fine gold)	3,393	3,393	balance copper	+0,01	+0,04
Two Rand	7,988	7,988	including	+0,02	+0,04
One Rand	3,994	3,994	trace	+0,01	+0,04
Protea			elements		
(1 oz fine gold)	33,930	33,930		+0,07	+0,04
1/10 Protea					
(1/10 oz fine gold)	3,393	3,393		+0,01	+0,04
SILVER					
			925,0 parts		
			elemental silver		
Two Rand			per thousand,		
(1 oz fine silver)	33,626	33,626	balance copper	+0,2	+5
One Rand	15,000	15,000	including	+0,1	+5
			trace elements		

(b) Standard mass and least current mass of alloy coins

Denomination	Standard mass (Gram)	Remedy allowable Mass per coin (Gram)	Least current mass (Gram)	Metal composition
Five rand	7,0	±0,21	6,65	Layered composition of
Two rand	5,5	±0,165	5,225	nickel, copper, zinc and tin
One rand	4,0	±0,12	3,80	
Fifty cents	5,0	±0,15	4,75	Layered composition of
Twenty cents	3,5	±0,105	3,325	copper, tin and steel
Ten cents	2,0	±0,06	1,9	
Five cents	4,5	±0,135	4,275	Layered composition of
Two cents	3,0	±0,09	2,85	copper, tin and steel
One cent	1,5	±0,045	1,425	

(Prior to amendment by Act No. 2 of 1996)

**Section 1, definitions—"bank", "mutual building society", "Republic", "territory"**

"**bank**" means a bank as defined in section 1 (1) of the Banks Act, 1990 (Act No. 94 of 1990), and, for the purposes of section 10A, includes a permanent mutual building society referred to in section 4 (2) (a) of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965);

"**mutual building society**" means a mutual building society as defined in section 1 of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965);

"**Republic**" includes the territory;

"**territory**" means the territory of South West Africa;

Section 3

**3. Primary objectives of Bank.**-In the exercise of its powers and the performance of its duties the Bank shall pursue as its primary objectives monetary stability and balanced economic growth in the Republic, and in order to achieve those objectives the Bank shall influence the total monetary demand in the economy through the exercise of control over the money supply and over the availability of credit.

Section 4 (1)

(1) The Bank shall be managed by a board of fourteen directors, consisting of a Governor, three Deputy Governors (one of whom shall be designated by the Minister as Senior Deputy Governor) and three other directors appointed by the Minister and seven directors elected by the shareholders.

Section 4 (2) (b)

(b) No person who is a director, officer or employee of a bank or mutual building society shall be appointed as or remain Governor or Deputy Governor.

Section 4 (4)

(4) No person shall be appointed or elected as or remain a director-

- (a) if he is not a South African citizen resident in the Republic; or
- (b) if he is a director, officer or employee of a bank or mutual building society; or
- (bA) if he is a Minister or a Deputy Minister in the Government of the Republic; or
- (c) if he is a member of-
  - (i) Parliament;
  - (ii) the legislative assembly of a self-governing territory as defined in section 38 (1) of the National States Constitution Act, 1971 (Act No. 21 of 1971);
  - (iii) the National Assembly referred to in section 2 of the South West African Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation No. R. 101 of 1985); or
  - (iv) the President's Council.

Section 6 (1) (a)

- (a) in the case of the Governor or a Deputy Governor or of a Government representative, by the appointment by the Minister of another person; and

Section 10 (1) (h) and (v)

- (h) buy and sell securities;
- (v) perform the functions assigned to the Bank by the Banks Act, 1990 (Act No. 94 of 1990), and the Mutual Building Societies Act, 1965 (Act No. 24 of 1965).

Section 11 (1)

(1) The Bank may appoint inspectors (in either a permanent or a temporary capacity) to carry out inspections of the affairs, or of any part thereof, of a bank as defined in the Banks Act, 1990 (Act No. 94 of 1990), or a mutual building society as defined in the Mutual Building Societies Act, 1965 (Act No. 24 of 1965).

Section 12

**12. Inspection of affairs of person, partnership, close corporation, company or other juristic person not registered as bank or mutual building society.**-(1) If the Governor or a Deputy Governor has reason to suspect that any person, partnership, close corporation, company or other juristic person who or which is not registered in terms of the Banks Act, 1990 (Act No. 94 of 1990), as a bank or in terms of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), as a mutual building society, is carrying on the business of a bank or a mutual building society, he may direct the Registrar of Banks referred to in section 4 of the Banks Act, 1990, to cause the affairs or any part of the affairs of such person, partnership, close corporation, company or other juristic person to be inspected by an inspector appointed under section 11 (1), in order to establish whether or not the business of a bank or mutual building society, as the case may be, is being carried on by that person, partnership, close corporation, company or other juristic person.

(2) The provisions of sections 4, 5, 8 and 9 of the Inspection of Financial Institutions Act, 1984 (Act No. 38 of 1984), shall apply *mutatis mutandis* in respect of an inspection carried out in terms of subsection (1).

#### Section 23 (2)

(2) No shareholder referred to in subsection (2) of section 22 shall either directly or indirectly exercise any vote as a shareholder in respect of the number of shares in the Bank held by him in excess of 10 000, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as shareholders in respect of the total number of shares in the Bank held by those companies in excess of 10 000.

#### Section 34 (1) (j)

- (j) sells, exchanges or otherwise disposes of any metal reproduction of the Krugerrand,  $\frac{1}{2}$  Krugerrand,  $\frac{1}{5}$ -Krugerrand or  $\frac{1}{10}$ -Krugerrand contemplated in Schedule 2, or uses the word "Krugerrand" or any derivative thereof or any combination thereof with any other word in the furtherance of the sale, exchange or disposal in any other manner of such a reproduction or of any metal article of commerce;

#### Section 39

**39. Application of Act in South-West Africa.**-This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel referred to in section 1 (2) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).

**(Prior to amendment by Government Notice No. 911 of 1994)**

#### Schedule 2, (a)

(a) Standard mass and fineness of precious metal coins and commemorative coins

Denomination of coin	Standard mass (Gram)	Least current mass (Gram)	Standard fineness based on minimum mass	Remedy allowable	
				Mass per coin (Gram)	Precious metal fineness per thousand parts
GOLD			916,7 parts		
Krugerrand	33,930	33,930	elemental gold	+0,07	+0,4
(1 oz fine gold)			per thousand,		
$\frac{1}{2}$ -Krugerrand	16,965	16,965	balance copper	+0,035	+0,4
( $\frac{1}{2}$ -oz fine gold)			including trace		
			elements		
$\frac{1}{4}$ -Krugerrand	8,482	8,482		+0,02	+0,4
( $\frac{1}{4}$ -oz fine gold)					

<sup>1</sup> / <sub>10</sub> -Krugerrand	3,393	3,393	916,7 parts	+0,01	+0,4
( <sup>1</sup> / <sub>10</sub> -oz fine gold)			elemental gold		
Two rand	7,988	7,988	per thousand,	+0,02	+0,4
One rand	3,994	3,994	balance copper	+0,01	+0,4
			including trace		
COMMEMORATIVE			elements		
Protea	33,930	33,930		+0,07	+0,4
(1 oz fine gold)					
<sup>1</sup> / <sub>10</sub> -Protea	3,393	3,393		+0,01	+0,4
( <sup>1</sup> / <sub>10</sub> -oz fine gold)					
SILVER			925,0 parts		
Two rand	33,626	33,626	elemental silver	+0,2	+5
(1 oz fine silver)			per thousand,		
One rand	15,000	15,000	balance copper	+0,1	+5
			including trace		
			elements		

(Prior to amendment by Act No. 10 of 1993)

**Section 1, definitions-"banking institution", "building society"**

**"banking institution"** means a banking institution as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);

**"building society"** means a building society as defined in section 1 of the Building Societies Act, 1986 (Act No. 82 of 1986);

**Section 4 (2) (b)**

(b) No person who is a director, officer or employee of a banking institution, mutual building society or building society shall be appointed as or remain Governor or Deputy Governor.

**Section 4 (4) (b)**

- (b) if he is a director, officer or employee of a banking institution, mutual building society or building society; or

**Section 10 (1) (v)**

- (v) perform the functions assigned to the Bank by the Banks Act, 1965 (Act No. 23 of 1965), the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), and the Building Societies Act, 1986 (Act No. 82 of 1986).

**Section 11 (1)**

- (1) The Bank may appoint inspectors (in either a permanent or a temporary capacity) to carry out inspections

of the affairs, or of any part thereof, of a banking institution as defined in the Banks Act, 1965 (Act No. 23 of 1965), a mutual building society as defined in the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), and a building society as defined in the Building Societies Act, 1986 (Act No. 82 of 1986).

### **Section 12**

**12. Inspection of affairs of person, partnership, close corporation, company or other juristic person not registered as a banking institution, mutual building society or building society.**-(1) If the Governor or a Deputy Governor has reason to suspect that any person, partnership, close corporation, company or other juristic person who or which is not registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), as a banking institution, in terms of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), as a mutual building society or in terms of the Building Societies Act, 1986 (Act No. 82 of 1986), as a building society, is carrying on the business of a banking institution, a mutual building society or a building society, he may-

- (a) if it is so suspected that the business of a banking institution is being carried on, direct the Registrar of Banks referred to in section 3 of the Banks Act, 1965; or
- (b) if it is so suspected that the business of a mutual building society or a building society is being carried on, direct the Registrar of Building Societies referred to in section 5 of the Building Societies Act, 1986,

to cause the affairs or any part of the affairs of such person, partnership, close corporation, company or other juristic person to be inspected by an inspector appointed under section 11 (1), in order to establish whether or not the business of a banking institution, mutual building society or building society, as the case may be, is being carried on by that person, partnership, close corporation, company or other juristic person.

(2) The provisions of sections 4, 5, 8 and 9 of the Inspection of Financial Institutions Act, 1984 (Act No. 38 of 1984), shall apply *mutatis mutandis* in respect of an inspection carried out in terms of subsection (1).

### **Section 13 (b)**

- (b) without the consent of the Minister, purchase the shares of any banking institution or building society or grant loans or advances upon the security thereof;

**(Prior to amendment by Act No. 51 of 1991)**

### **Section 4 (1)**

(1) The Bank shall be managed by a board of fourteen directors, consisting of a Governor, three Deputy Governors (one of whom shall be designated by the State President as Senior Deputy Governor) and three other directors appointed by the State President, and seven directors elected by the shareholders.

### **Section 6 (1) (a)**

- (a) in the case of the Governor or a Deputy Governor or of a Government representative, by the appointment by the State President of another person;



## Annexure “SEM3”



**CURRENCY AND EXCHANGES ACT  
NO. 9 OF 1933**

[\[View Regulation\]](#)

[ASSENTED TO 7 MARCH, 1933]  
[DATE OF COMMENCEMENT: 28 DECEMBER, 1932]

(Unless otherwise indicated)

*(Signed by the Governor-General in Afrikaans)*

This Act has been updated to *Government Gazette* 17613 dated 27 November, 1996.

**as amended by**

Finance Act, No. 27 of 1940  
[with effect from 16 May, 1940]

Finance Act, No. 43 of 1941  
[with effect from 16 May, 1940]

South African Reserve Bank Act, No. 29 of 1944

Finance Act, No. 57 of 1946  
[with effect from 26 June, 1946]

Finance Act, No. 36 of 1950  
[with effect from 23 June, 1950 and 30 June, 1950]

Finance Act, No. 45 of 1953  
[with effect from 26 June, 1946 and 9 October, 1953]

Finance Act, No. 59 of 1956  
[with effect from 1 April, 1955]

South African Reserve Bank Amendment Act, No. 92 of 1977

Currency and Exchanges Amendment Act, No. 23 of 1987

Currency and Exchanges Amendment Act, No. 48 of 1988

Currency and Exchanges Amendment Act, No. 23 of 1996

General Law Amendment Act, No. 49 of 1996  
[with effect from 4 October, 1996]

Judicial Matters Amendment Act, No. 104 of 1996  
[with effect from 14 February, 1997]

**ACT**

**To amend the law relating to legal tender, currency, exchanges and banking.**

**ARRANGEMENT OF SECTIONS**

- |                            |  |
|----------------------------|--|
| <u>1.</u>                  | Definitions  |
| <u>2.</u>                  | Obligation to repay loan in any particular money may be fulfilled by payment in Union legal tender |
| <u>3 to 7</u><br>inclusive | .....  |
| <u>8.</u>                  | .....  |
| <u>8bis.</u>               | .....  |
| <u>8ter.</u>               | .....  |
| <u>8quater.</u>            | .....  |
| <u>9.</u>                  | Regulations regarding currency, banking or the exchanges   |

10.  
11.

Short title and commencement

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**1. Definitions.**—In this Act the expression "the principal Act" means the Currency and Banking Act, 1920 (Act No. 31 of 1920), as amended by the Currency and Banking Act Amendment Act, 1923 (Act No. 22 of 1923), and the Currency and Banking (Further Amendment) Act, 1930 (Act No. 26 of 1930), and any expression to which a meaning is ascribed in the principal Act shall, when used in this Act, bear the same meaning.

(Editorial Note: All the provisions of Acts No. 31 of 1920, No. 22 of 1923 and No. 26 of 1930 which had not previously been repealed were repealed by the South African Reserve Bank Act, No. 29 of 1944.)

**2. Obligation to repay loan in any particular money may be fulfilled by payment in Union legal tender.**—

(1) Whenever in terms of any contract of loan of money the debtor is under an obligation to repay the money lent or any portion thereof or to pay any interest thereon in coins or notes or other instruments which are, or at any time were, legal tender in the Union, whether such obligation arose before or after or partly before and partly after the commencement of this Act, he may at his option fulfill such obligation by the payment of the amount which he is bound to pay in notes of the Bank or in coins which are legal tender in the Union at the time when the payment takes place (to the amount to which they are legal tender).

(2) Any person who after the commencement of this Act and before its promulgation in the *Gazette* as a law has paid any money under a contract of loan of money to which this section applies may recover from the person to whom he paid the money the difference between the amount paid by him and the amount which, in accordance with the provisions of this section, he might have elected to pay at the date when he paid the money, provided he institutes proceedings in a competent court for such recovery within three months after such promulgation.

**3 to 7 inclusive.** . . . . .

[Ss. 3 to 7 inclusive repealed by s. 26 (1) of Act No. 29 of 1944.]

**8.** . . . . .

[S. 8 substituted by s. 26 of Act No. 57 of 1946 and by s. 23 (1) of Act No. 36 of 1950 and repealed by s. 5 of Act No. 92 of 1977.]

Wording of Sections

**8bis.** . . . . .

[S. 8bis inserted by s. 26 of Act No. 57 of 1946 and repealed by s. 5 of Act No. 92 of 1977.]

Wording of Sections

**8ter.** . . . . .

[S. 8ter inserted by s. 26 of Act No. 57 of 1946, amended by s. 24 of Act No. 36 of 1950 and by s. 16 (1) of Act No. 45 of 1953 and repealed by s. 5 of Act No. 92 of 1977.]

Wording of Sections

**8quater.** . . . . .

[S. 8quater inserted by s. 25 of Act No. 36 of 1950, amended by s. 17 of Act No. 45 of 1953 and by s. 16 (1) of Act No. 59 of 1956 and repealed by s. 5 of Act No. 92 of 1977.]

Wording of Sections

**9. Regulations regarding currency, banking or the exchanges.**—(1) The Governor-General may make regulations in regard to any matter directly or indirectly relating to or affecting or having any bearing upon currency, banking or exchanges.

(2) (a) Such regulations may provide that the Governor-General may apply any sanctions therein set forth which he thinks fit to impose, whether civil or criminal.

(b) Any regulation contemplated in paragraph (a) may provide for—

- (i) the blocking, attachment and obtaining of interdicts for a period referred to in paragraph (a) by the Treasury and the forfeiture and disposal by the Treasury of any money or goods referred to or defined in the regulations or determined in terms of the regulations or any money or goods into which such money or goods have been transformed by any person, and-
  - (aa) which are suspected by the Treasury on reasonable grounds to be involved in an offence or suspected offence against any regulation referred to in this section, or in respect of which such offence has been committed or so suspected to have been committed;
  - (bb) which are in the possession of the offender, suspected offender or any other person or have been obtained by any such person or are due to any such person and which would not have been in such possession or so obtained or due if such offence or suspected offence had not been committed; or
  - (cc) by which the offender, suspected offender or any other person has been benefited or enriched as a result of such offence or suspected offence:

Provided that, in the case of any person other than the offender or suspected offender, no such money or goods shall be blocked, attached, interdicted, forfeited and disposed of if such money or goods were acquired by such person *bona fide* for reasonable consideration as a result of a transaction in the ordinary course of business and not in contravention of the regulations; and

[Sub-para. (i) amended by s. 1 (a) of Act No. 48 of 1988.]

#### Wording of Sections

- (ii) in general, any matter which the State President deems necessary for the fulfilment of the objectives and purposes referred to in subparagraph (i), including the blocking, attachment, interdicting, forfeiture and disposal referred to in subparagraph (i) by the Treasury of any other money or goods belonging to the offender, suspected offender or any other person in order to recover an amount equal to the value of the money or goods recoverable in terms of the regulations referred to in subparagraph (i), but which can for any reason not be so recovered.

[Para. (b) added by s. 1 (1) of Act No. 23 of 1987.]

- (c) Any regulation contemplated in paragraph (a) may authorize any person who is vested with any power or who shall fulfil any duty in terms of the regulation, to delegate such power or to assign such duty, as the case may be, to any other person.

[Para. (c) added by s. 1 (1) of Act No. 23 of 1987.]

- (d) Any regulation contemplated in paragraph (a) shall provide-

- (i) that any person who feels aggrieved by any decision made or action taken by any person in the exercise of his powers under a regulation referred to in paragraph (b) which has the effect of blocking, attaching or interdicting any money or goods, may lodge an application in a competent court for the revision of such decision or action or for any other relief, and the court shall not set aside such decision or action or grant such other relief unless it is satisfied-

- (aa) that the person who made such decision or took such action did not act in accordance with the relevant provisions of the regulation; or
- (bb) that such person did not have reasonable grounds to make such decision or to take such action; or
- (cc) that such grounds for the making of such decision or the taking of such action no longer exist;

- (ii) that the Treasury shall cause a notice to be published in the *Gazette* of any decision to forfeit and dispose of any money or goods blocked, attached or interdicted in terms of the regulations referred to in paragraph (b), and that a notice of such decision shall be sent simultaneously with publication thereof in the *Gazette* by registered mail to any person who is, according to the Treasury, affected by such decision or, if no address of such person is available, that such notice shall be so sent to the last known address of such person; and

- (iii) that any person who feels aggrieved by any decision to forfeit and dispose of such money or goods may, within a period prescribed by the regulations, which shall not be less than 90 days after the date of the notice published in the *Gazette* and referred to in subparagraph (ii), institute legal proceedings in a competent court for the setting aside of such decision, and the court shall not set aside such decision unless it is satisfied-

- (aa) that the person who made such decision did not act in accordance with the relevant provisions of the regulation; or
- (bb) that such person did not have grounds to make such decision; or
- (cc) that the grounds for the making of such decision no longer exist.

[Para. (d) added by s. 1 (1) of Act No. 23 of 1987.]

- (e) Any regulation contemplated in paragraph (a) may be made with retrospective effect, and if so made, such regulations shall also apply to matters in respect of which legal proceedings have been instituted but have not

been disposed of at the promulgation thereof.

[Para. (e) added by s. 1 (1) of Act No. 23 of 1987.]

(f) For the purposes of this subsection "Treasury" means the Minister of Finance or an officer in the Department of Finance who, by virtue of the division of work in that Department, deals with that matter on the authority of the Minister.

[Para. (f) added by s. 1 (1) of Act No. 23 of 1987.]

(g) The period referred to in paragraph (b) (i) shall be a period not exceeding 36 months or such longer period-

- (i) as ends 12 months after the final judgment (including on appeal, if any) in every prosecution for any contravention of the regulations or any other law in relation to the money or goods concerned or in which such money or goods are relevant to any aspect of such prosecution; or
- (ii) as may be determined by a competent court in relation to the money or goods concerned on good cause shown by the Treasury.

[Para. (g) added by s. 1 (b) of Act No. 48 of 1988.]

(3) The Governor-General may, by any such regulations, suspend in whole or in part this Act or any other Act of Parliament or any other law relating to or affecting or having any bearing upon currency, banking or exchanges, and any such Act or law which is in conflict or inconsistent with any such regulation shall be deemed to be suspended in so far as it is in conflict or inconsistent with any such regulation.

(4) The Minister of Finance shall cause a copy of every regulation made under this section to be laid upon the table of both Houses of Parliament within fourteen days after the first publication thereof in the *Gazette*, if Parliament is in ordinary session during the whole of that period, and if Parliament is not in ordinary session during the whole of that period, then within fourteen days after the beginning of the next ordinary session of Parliament; and if any such regulation is calculated to raise any revenue, he shall cause to be attached to the copy so laid upon the Table a statement of the revenue which he estimates will be raised thereby during the period of twelve months after the coming into operation thereof. Every such regulation calculated to raise any revenue shall cease to have the force of law from a date one month after it has been laid on the Table unless before that date it has been approved by resolution of both Houses of Parliament.

[Sub-s. (4) added by s. 6 of Act No. 27 of 1940 and amended by s. 17 (1) of Act No. 43 of 1941.]

(5) (a) Any regulations made under this section may provide for the empowering of such persons as may be specified therein to make orders and rules for any of the purposes for which the Governor-General is by this section authorized to make regulations.

(b) The provisions of this sub-section shall be deemed to have come into operation on the twenty-third day of January, 1948.

[Sub-s. (5) added by s. 26 of Act No. 36 of 1950.]

(6) The Treasury may consider and grant or refuse any application to purchase foreign currency by utilising a computer system or other electronic device or apparatus capable of absorbing and processing data and, in accordance with instructions given by the Treasury, of making available information indicating the refusal or approval of that application, in the form of a document.

[Sub-s. (6) added by s. 26 of Act No. 36 of 1950, substituted by s. 2 of Act No. 23 of 1996, deleted by s. 1 of Act No. 49 of 1996 and added by s. 1 of Act No. 104 of 1996.]

#### Wording of Sections

**10.** *Repeals the Financial Emergency Regulations Act, No. 48 of 1931.*

**11. Short title and commencement.**-This Act shall be known as the Currency and Exchanges Act, 1933 and, subject to the provisions of sub-section (5) of section eight, shall be deemed to have come into operation on the twenty-eighth day of December, 1932.

**GNR.1111 of 1 December 1961: Regulations made under the Currency and Exchanges Act, 1933 (Act 9 of 1933)**

EXCHANGE CONTROL REGULATIONS, 1961

DEPARTMENT OF FINANCE

as amended by



Notice	Government Gazette	Date
R.872	1458	3 June 1966
R.1647	1570	21 October 1966
R.650	2048	19 April 1968
R.355	4996	5 March 1976
R.357	7415	20 February 1981
Proc. R.157	9926	1 September 1985
R.2868	10054	23 December 1985
R.957	10730	4 May 1987
R.1416	10803	23 June 1987
R.224	11140	19 February 1988
R.881	11287	29 April 1988
R.1472	11434	18 July 1988
R.427	16316	12 March 1995
R.1022	18170	1 August 1997
R.885	20299	23 July 1999
R.999	33717	1 November 2010
R.8	33926	14 January 2011
R.445	35430	8 June 2012

It is hereby notified that the State President has, in terms of section nine of the Currency and Exchanges Act, 1933 (Act 9 of 1933), made the Exchange Control Regulations as contained in the Schedule in this notice.

#### SCHEDULE

##### ARRANGEMENT OF REGULATIONS

1. Definitions of terms
2. Restriction on purchase, sale and loan of foreign currency and gold
3. Restriction on the export of currency, gold, securities, etc., and the import of South African banknotes
- 3A. .....
- 3B. .....
4. Blocked accounts
- 4A. .....
5. Acquisition by treasury of gold
6. Acquisition by treasury of foreign currency
7. Declaration of foreign assets and liabilities
8. Power to prescribe currencies in respect of certain transactions
9. Limitation of optional ports of destination
10. Restriction on export of capital
11. Assignment to treasury of right to exported goods
12. Goods purchased outside the Republic
13. Prohibition of export of goods imported from countries outside the sterling area
14. Restriction on dealings in securities belonging to non-residents
- 14A. .....
15. Prohibition of dealings in bearer securities and bearer options
16. Control of capital issues
17. Businesses controlled by persons outside the Republic
18. Provision of security
19. Furnishing of information
20. Exemption from stamp duty
21. Forms
22. Penalty
- 22A. Attachment of certain money and goods, and blocking of certain accounts
- 22B. Forfeiture and disposal of money or goods attached or in respect of which orders have been issued or made
- 22C. Recovery of certain amounts by treasury
- 22D. Review of, or institution of actions in connection with, attachment and forfeiture of certain money or goods, and of certain orders
- 22E. Delegation of powers
23. Withdrawal of regulations
24. Administrative Relief

**1. Definitions of terms.**-In these regulations, unless the context otherwise indicates:

"**affected person**" means a body corporate, foundation, trust or partnership operating in the Republic, or an estate, in respect of which:

- (i) 75 per cent or more of the capital, assets or earnings thereof may be utilised for payment to, or to the benefit in any manner of, any person who is not resident in the Republic; or
- (ii) 75 per cent or more of the voting securities, voting power, power of control, capital, assets or

earnings thereof, are directly or indirectly vested in, or controlled by or on behalf of, any person who is not resident in the Republic;

[Definition of "affected person" inserted by GNR.357 of 1981 and amended by GNR.1022 of 1997 and by GNR.885 of 1999 w.e.f. 11 March 1998.]

**"appropriate officer"** means any officer of customs or excise, any immigration officer, any member of the South African Police, any member of the South African Railways and Harbours Police or any person authorised by the Treasury to act as such;

[Definition of "appropriate officer" substituted by GNR.357 of 1981.]

**"authorised dealer"** means, in respect of any transaction in respect of gold, a person authorised by the Treasury to deal in gold, and in respect of any transaction in respect of foreign exchange, a person authorised by the Treasury to deal in foreign exchange;

**"bond"** includes any mortgage bond or notarial bond registered or registrable in any registration office in the Republic;

**"Consolidated Revenue Fund"** . . . . .

[Definition of "Consolidated Revenue Fund" deleted by GNR.1022 of 1997.]

**"financial assistance"** includes the lending of currency, the granting of credit, the taking up of securities, the conclusion of a hire purchase or a lease, the financing of sales or stocks, discounting, factoring, the guaranteeing of acceptance credits, the guaranteeing or acceptance of any obligation, a suretyship, a buy-back and a lease-back but excluding:

- (a) the granting of credit by a seller in respect of any commercial transaction directly involving the passing of ownership of the goods sold from seller to purchaser; and
- (b) the granting of credit solely in respect of the payment for services rendered;

[Definition of "financial assistance" inserted by GNR.357 of 1981.]

**"foreign currency"** means any currency which is not legal tender in the Republic, and includes any bill of exchange, letter of credit, money order, postal order, promissory note, traveller's cheque or any other instrument for the payment of currency payable in a currency unit which is not legal tender in the Republic;

[Definition of "foreign currency" substituted by GNR.357 of 1981.]

**"Gazette"** . . . . .

[Definition of "Gazette" deleted by GNR.1022 of 1997.]

**"gold"** means gold in any form, except in regulations 2 and 5 in which "gold" means any gold other than wrought gold;

**"goods"** includes any immovable goods or security;

[Definition of "goods" inserted by GNR.957 of 1987.]

**"money"** includes foreign currency or any bill of exchange or other negotiable instrument;

[Definition of "money" inserted by GNR.957 of 1987.]

**"owner"** in respect of any security, includes any person who has the right to dispose of or transfer that security, or who has the custody thereof, or who receives or has the right to receive, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any other interest therein;

**"Republic of South Africa"** . . . . .

[Definition of "Republic of South Africa" deleted by GNR.1022 of 1997.]

**"security"** means shares, stock, bonds, debentures, debenture stock, unit certificates and includes any letter or other document conferring or containing any evidence of rights in respect of any security;

**"sterling area"** . . . . .

[Definition of "sterling area" deleted by GNR.1022 of 1997.]

**"the Act"** means the Currency and Exchanges Act, 1933 (Act 9 of 1933);

[Definition of "the Act" inserted by GNR.957 of 1987.]

**"transfer"** includes transfer by way of loan or security, and for the purposes of these regulations a person shall be deemed to transfer securities from the Republic elsewhere if he transfers securities from a register in the Republic to a register outside the Republic;

**"Treasury"** in relation to any matter contemplated in these regulations, means the Minister of Finance or an officer in the Department of Finance who, by virtue of the division of work in that Department, deals with the matter on the authority of the Minister of Finance.

[Definition of "Treasury" substituted by GNR.957 of 1987.]

**2. Restriction on purchase, sale and loan of foreign currency and gold.**—(1) Except with permission granted by the Treasury, and in accordance with such conditions as the Treasury may impose, no person other than an authorised dealer shall buy or borrow any foreign currency or any gold from, or sell or lend any foreign currency or any gold to any person not being an authorised dealer.

(2) (a) An authorised dealer shall not buy, borrow or receive or sell, lend or deliver any foreign currency or gold except for such purposes or on such conditions, as the Treasury may determine.

(b) The Treasury may, in its discretion, by order prohibit all authorised dealers or any one or more of them:

- (i) from selling, lending or delivering to, or buying, borrowing or receiving from, any specified person, fund or foreign Government any foreign currency or gold; or
- (ii) from so selling, lending, delivering, buying, borrowing or receiving any foreign currency or gold for any specified purpose or except for such purposes or on such conditions as the Treasury may determine.

[Sub-r. (2) substituted by GNR.872 of 1966.]

(3) Every person other than an authorised dealer desiring to buy or borrow or sell or lend foreign currency or gold shall make application to an authorised dealer and shall furnish such information and submit such documents as the authorised dealer may require for the purpose of ensuring compliance with any conditions determined under sub-regulation (2) of this regulation.

(4) No person other than an authorised dealer shall:

- (a) use or apply any foreign currency or gold acquired from an authorised dealer for or to any purpose other than that stated in his application to be the purpose for which it was required; or
- (b) do any act calculated to lead to the use or application of such foreign currency or gold for or to any purpose other than that so stated.

(5) If a person has, as a result of an application in terms of sub-regulation (3) of this regulation, obtained from an authorised dealer any gold or foreign currency and no longer requires all or any part of such gold or foreign currency for the purpose stated in his application, he shall forthwith offer for sale to the Treasury or an authorised dealer that gold or foreign currency which is not so required, which may be repurchased at the price at which it was sold to him or such other price as the Treasury may determine.

**3. Restriction on the export of currency, gold, securities, etc., and the import of South African banknotes.**

(1) Subject to any exemption which may be granted by the Treasury or a person authorised by the Treasury, no person shall, without permission granted by the Treasury or a person authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose:

- (a) take or send out of the Republic any banknotes, gold, securities or foreign currency, or transfer any securities from the Republic elsewhere; or
- (b) send, consign or deliver any banknotes, gold, securities or foreign currency to any person for the purpose of taking, sending or removing such banknotes, gold, securities or foreign currency out of the Republic; or
- (b)bis take any South African banknotes into the Republic or send or consign any such notes to the Republic; or

[Para. (b)bis inserted by GNR.1647 of 1966.]

- (c) make any payment to, or in favour, or on behalf of a person resident outside the Republic, or place any sum to the credit of such person; or
- (d) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) on the part of such person or any other person to receive a payment in the Republic is created or transferred as consideration:
  - (i) for the receiving by such person or any other person of a payment or the acquisition by such person or any other person of property, outside the Republic; or
  - (ii) for a right (whether actual or contingent) on the part of such person or any other person to receive a payment or acquire property outside the Republic;

or make or receive any payment as such consideration; or

- (e) grant any financial assistance to any person in the Republic, where as security for such financial assistance, the person granting the financial assistance in turn relies on any security, guarantee, undertaking or financial assistance, directly or indirectly furnished by:
  - (i) any person resident outside the Republic; or
  - (ii) an affected person;

[Para. (e) substituted by GNR.357 of 1981.]

(f) grant any financial assistance to any person in the Republic, where such person:

(i) is not resident in the Republic; or

(ii) is an affected person.

[Para. (f) inserted by GNR.650 of 1968 and substituted by GNR.357 of 1981.]

(2) Nothing in sub-regulation (1) contained shall prohibit the doing by a person authorised by the Treasury of anything within the scope of his authority.

(3) Every person who is about to leave the Republic and every person in any port or other place recognised as a place of departure from the Republic, who is requested to do so by the appropriate officer shall:

(a) declare whether or not he has with him any banknotes, gold, securities, or foreign currency; and

(b) produce any banknotes, gold, securities or foreign currency which he has with him;

and the appropriate officer and any person acting under his directions may search such person and examine or search any article which such person has with him, for the purpose of ascertaining whether he has with him any banknotes, gold, securities or foreign currency, and may seize any banknotes, gold, securities, or foreign currency produced or found upon such examination or search unless either:

(i) the appropriate officer is satisfied that such person is, in respect of any banknotes, gold, securities or foreign currency which he has with him, exempt from the prohibition imposed by sub-regulation (1); or

(ii) such person produces to the appropriate officer a certificate granted by the Treasury which shows that the exportation by such person of any banknotes, gold, securities or foreign currency, which he has with him does not involve a contravention of that sub-regulation.

No female shall be searched in pursuance of this subregulation except by a female.

(4) The appropriate officer and any person acting under his directions may examine or search any goods consigned or letters or parcels sent from the Republic to a destination outside the Republic, for the purpose of ascertaining whether there are being sent therewith any banknotes, gold, securities, or foreign currency, and may seize any banknotes, gold, securities or foreign currency found upon such examination or search, unless the appropriate officer is satisfied that the Treasury has granted a certificate which shows that the sending as aforesaid of the banknotes, gold, securities or foreign currency does not involve a contravention of sub-regulation (1) and that such certificate was not granted in reliance on any incorrect statement.

(5) All banknotes, gold, securities and foreign currency seized under sub-regulation (3) or (4) shall be forfeited for the benefit of the National Revenue Fund: Provided that the Treasury may, in its discretion, direct that any banknotes, gold, securities or foreign currency so seized, be refunded or returned, in whole or in part, to the person from whom they were taken, or who was entitled to have the custody or possession of them at the time when they were seized.

[Sub-r. (5) amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

(6) Every person who is about to enter the Republic and every person in any port or other place recognised as a place of arrival in the Republic, who is requested to do so by the appropriate officer shall:

(a) declare whether or not he has with him any South African banknotes; and

(b) produce any such banknotes which he has with him;

and the appropriate officer and any person acting under his directions may search such person and examine or search any article which such person has with him, for the purpose of ascertaining whether he has with him any South African banknotes and may seize any such banknotes produced or found upon such examination or search unless either:

(i) the appropriate officer is satisfied that such person is, in respect of any South African banknotes which he has with him, exempt from the prohibition imposed by sub-regulation (1) (b)bis; or

(ii) such person produces to the appropriate officer a certificate granted by the Treasury which shows that the importation by such person of any South African banknotes which he has with him does not involve a contravention of that sub-regulation.

No female shall be searched in pursuance of this subregulation except by a female.

[Sub-r. (6) substituted by GNR.1647 of 1966.]

(7) The appropriate officer and any person acting under his directions may examine or search any goods consigned or letters or parcels sent to the Republic from a place outside the Republic, for the purpose of ascertaining whether there are being sent therewith any South African banknotes and may seize any such banknotes found upon such examination or search, unless the appropriate officer is satisfied that the Treasury has granted a certificate which shows that the sending as aforesaid of such banknotes does not involve a contravention of sub-regulation (1) (b)bis, and that such certificate was not granted in reliance on any incorrect statement.

[Sub-r. (7) inserted by GNR.1647 of 1966.]

(8) All South African banknotes seized under sub-regulation (6) or (7) shall be forfeited for the benefit of the

National Revenue Fund: Provided that the Treasury may, in its discretion, direct that any notes so seized, be refunded or returned in whole or in part, to the person from whom they were taken, or who was entitled to have the custody or possession of them at the time when they were seized.

[Sub-r. (8) inserted by GNR.1647 of 1966 and amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

(9) For the purposes of sub-regulation (1) (a), documents of title relating to securities shall be deemed to be securities, and any reference to securities in sub-regulations (3), (4) and (5) shall be construed as including references to such documents of title.

[R. 3 amended by GNR.1647 of 1966. Sub-r. (9) inserted by GNR.1647 of 1966 and substituted by GNR.357 of 1981.]

### 3A. ....

[R. 3A inserted by GNR.1472 of 1988 and repealed by GNR.1022 of 1997.]

### 3B. ....

[R. 3B inserted by GNR.1472 of 1988 and repealed by GNR.1022 of 1997.]

**4. Blocked accounts.**-(1) In this regulation "blocked account" means an account opened with an authorised dealer for the purposes specified in the succeeding sub-regulations.

(2) Whenever a person in the Republic is under a legal obligation to make a payment to a person outside the Republic but is precluded from effecting the payment as a result of any restrictions imposed by or under these regulations, the Treasury may order such person to make the payment to a blocked account.

(3) The Treasury may by notice in the *Gazette* direct, in respect of:

- (a) persons resident in a particular country; or
- (b) any particular person whom the Treasury has reasonable grounds to suspect of having contravened any provision of these regulations relating to foreign exchange,

that all sums due by any other persons to persons referred to in (a) or (b) (hereinafter referred to as a "creditor") shall be paid into a blocked account.

(4) Whenever such direction has been given:

- (a) any person who holds or may thereafter hold moneys on behalf of any creditor (as defined in sub-regulation (3)), or who is or may thereafter become indebted to such creditor, shall forthwith, or as the case may be, on the date upon which such moneys become due or such debt becomes payable, pay the said moneys or the sum representing such debt into the said blocked account;
- (b) no person shall, without permission of the Treasury and in accordance with such conditions as the Treasury may impose, make any payment on behalf of any creditor as defined in sub-regulation (3);
- (c) any person who owes money to such creditor but is not under a legal obligation to make a payment, unless called upon by his creditor to do so, shall forthwith report to the Treasury, in writing, the amount of his indebtedness to the said creditor and the conditions on which the amount will become payable. The Treasury may thereupon, if the amount is payable at call, order him to pay the amount forthwith into a blocked account, or, if the amount is payable within a specified period after notice, order him to pay the amount into a blocked account within such period;
- (d) no person shall, without the permission of the Treasury and in accordance with such conditions as the Treasury may impose, undertake any transaction in respect of property or assets belonging to or directly or indirectly controlled by any creditor as defined in sub-regulation (3), or take any action whereby any moneys which would otherwise have accrued to such creditor, cease to become due to him or whereby any obligation resting upon such person to pay any moneys due or payable to such creditor into a blocked account would otherwise be evaded.

(5) Any payment made to a blocked account in terms of this regulation shall, to the extent of the sum paid, operate as a valid discharge to the person making payment.

(6) Where the liability to make the payment is a liability to make the payment in currency other than Republic currency, the amount of the liability in Republic currency and the extent of the discharge shall be ascertained by converting the amount into Republic currency at a rate fixed by the Treasury.

(7) No sum standing to the credit of a blocked account shall be dealt with in any way except with permission granted by the Treasury or a person authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose.

(8) The Treasury may grant exemptions from the provisions of this regulation and may authorise the refund to any person of moneys paid by him into a blocked account. To the extent of such refund no payment shall be deemed to have been made for the purposes of sub-regulation (5).



4A. ....

[R. 4A inserted by Proc. R.157 of 1985 and repealed by GNR.2868 of 1985.]

**5. Acquisition by treasury of gold.**-(1) Every person resident in the Republic who becomes entitled to sell or to procure the sale of any gold shall, within thirty days after becoming so entitled, offer that gold or cause it to be offered, for sale to the Treasury or to a person authorised by the Treasury to act under this regulation; and the Treasury or a person so authorised may purchase that gold at such price as the Treasury may fix, being a price which, in the opinion of the Treasury, is not less than the market value of the gold on the day of purchase.

(2) (a) The provisions of sub-regulation (1) of this regulation shall not impose upon any person an obligation to offer any gold for sale or to cause any gold to be offered for sale, if he is, in respect of that gold, exempted from this regulation by the Treasury or by a person so authorised.

(b) The Treasury or a person so authorised may withdraw any exemption granted in terms of paragraph (a) of this sub-regulation.

(3) In any criminal proceedings against any person for failure to comply with sub-regulation (1):

- (a) if there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any gold is held by him or on his behalf or in his name, it shall be presumed, until the contrary is proved, that such person is entitled to sell or to procure the sale of the gold in question;
- (b) if it is proved that such person is entitled to sell or to procure the sale of any gold it shall be presumed, until the contrary is proved, that the gold in question has not been offered for sale to the Treasury or to a person authorised by the Treasury within the period required by sub-regulation (1).

**6. Acquisition by treasury of foreign currency.**-(1) Every person resident in the Republic who becomes entitled to sell or to procure the sale of any foreign currency, shall within thirty days after becoming so entitled, make or cause to be made, a declaration in writing of such foreign currency to the Treasury or to an authorised dealer.

[Sub-r. (1) amended by GNR.355 of 1976 and by GNR.1022 of 1997.]

(2) Every person resident in the Republic who becomes entitled to assign or to procure the assignment of any right to receive outside the Republic, in respect of any credit or of any balance at a bank, payment of any amount in a foreign currency shall, within thirty days after becoming so entitled, make or cause to be made, a declaration in writing of such right to the Treasury or to an authorised dealer.

[Sub-r. (2) amended by GNR.355 and by GNR.1022 of 1997.]

(3) Any person who has, in terms of sub-regulation (1) or (2), made a declaration in writing to the Treasury or to an authorised dealer, shall be deemed to have offered such foreign currency or such right, as the case may be, for sale to the Treasury or to such authorised dealer and the Treasury or such authorised dealer may purchase such foreign currency or such right at a price which, in the case of foreign currency, shall not be less than the market value of that currency on the day of purchase and, in the case of a right, shall be such as the Treasury may fix.

(4) Any person from whom the Treasury or an authorised dealer purchases foreign currency or a right in terms of this regulation shall do all things necessary for the purpose of transferring that foreign currency or assigning that right to the Treasury or to such authorised dealer.

(5) No person who is entitled (whether actually or contingently) to receive a payment in a foreign currency shall, except with permission granted by or on behalf of the Treasury and in accordance with such conditions as may be imposed by the Treasury or on its behalf do, or refrain from doing, any act with intent to secure that:

- (a) the receipt by him of the whole or any part of the payment in such currency is delayed;
- (b) the payment ceases, in whole or in part, to be receivable by him or receivable in that currency;
- (c) the contingency on which the right to receive payment as aforesaid is dependent (including the declaration of a dividend or profit by a company in which such person has an interest), does not eventuate.

(6) Any foreign currency or any right in respect of which a declaration has been made in terms of sub-regulation (1) or (2) but which has not been purchased by the Treasury or by a person authorised by the Treasury to act under this regulation shall not be sold, transferred or otherwise disposed of without the permission of the Treasury and in accordance with such conditions as the Treasury may impose.

(7) The provisions of sub-regulations (3), (4) and (6) shall not impose upon any person an obligation in respect of any foreign currency or any right if he is, in respect of that currency or that right, as the case may be, exempted from this regulation by the Treasury.



(8) The Treasury may withdraw any exemption granted in terms of sub-regulation (7).

(9) For the purposes of this regulation any person who has at any time since the commencement of these regulations been in the Republic shall be deemed, until the contrary is proved, to have been and still to be resident in the Republic.

(10) (a) Subject to any exemption which may be granted by the Treasury, no person shall export goods from the Republic, unless the relative bill of entry export in respect of such goods is duly completed and signed by the consignor or a person duly authorised by the consignor.

(b) The Treasury may direct that the said bill of entry export shall be completed in respect of any commodity or article, irrespective of its value.

(c) For the purposes of this subregulation "value" shall mean-

(i) for customs purposes, the value as defined in section seventy two of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and

(ii) for the purposes of an authorised dealer, the full proceeds of the goods exported.

[Sub-r. (10) substituted by GNR.8 of 14 January 2011.]

(11) If in any criminal proceedings against any person for a contravention of sub-regulation (1) of this regulation there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any foreign currency is held by him or in his name or on his behalf, it shall be presumed, until the contrary is proved, that such person is entitled to sell or to procure the sale of the foreign currency in question.

(12) If in any criminal proceedings against any person for a contravention of sub-regulation (2) of this regulation there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any amount is standing to his credit outside the Republic or that he has any balance at a bank outside the Republic, it shall be presumed, until the contrary is proved, that such person is entitled to assign or to procure the assignment of such a right as is referred to in the said sub-regulation (2).

(13) If in any criminal proceedings against any person for a contravention of sub-regulation (1) or (2) of this regulation, it is proved that such person is entitled to sell or to procure the sale of or to assign or to procure the assignment of any foreign currency, it shall be presumed, until the contrary is proved, that a declaration in writing has not been made to the Treasury or to an authorised dealer within the period required by sub-regulation (1) or (2), as the case may be.

**7. Declaration of foreign assets and liabilities.**-(1) Every person resident in the Republic who is, or becomes, entitled to sell or to procure the sale of any foreign asset, shall within thirty days after becoming so entitled, make or cause to be made, a declaration in writing in the form prescribed by the Treasury of such foreign asset to the Treasury or to an authorised dealer. Such declaration shall state when and how such foreign asset was acquired, where it is held and whether and to what extent it is held in cover for or in respect of any foreign liability.

(2) Any foreign asset in respect of which a declaration has been made in terms of sub-regulation (1) of this regulation shall not be sold, transferred or otherwise disposed of without the permission of the Treasury, and in accordance with such conditions as the Treasury may impose.

(3) The provisions of sub-regulation (2) of this regulation shall not impose upon any person an obligation in respect of any foreign asset if he is, in respect of that asset, exempted from this regulation by the Treasury.

(4) The Treasury may withdraw any exemption granted in terms of sub-regulation (3) of this regulation.

(5) For the purposes of this regulation any person who has at any time since the date of publication thereof been in the Republic shall be deemed, until the contrary is proved, to have been and still to be resident in the Republic.

**8. Power to prescribe currencies in respect of certain transactions.**-(1) The Treasury may from time to time prescribe, by notice in the *Gazette* or by instructions to authorised dealers, the currency or currencies or the manner in which payment may or may not be made in connection with imports or exports or other transactions involving payments between persons in the Republic and persons outside the Republic, and no person shall, except with the permission of the Treasury, and in accordance with such conditions as the Treasury may impose, make or receive payment otherwise than in the currency or currencies or in the manner so prescribed.

[Sub-r. (1) amended by GNR.957 of 1987.]

(2) Without prejudice to the generality of the provisions of subregulation (1), any notice and any instructions under the said sub-regulation may relate to payments (including any particular payment):

(a) in connection with the import or export of any commodity specified in the notice or instructions:

(i) to or from all countries; or

(ii) to or from all countries except any country specified in the notice or instructions; or

(iii) to or from any country so specified; or

(b) in connection with any particular transaction.

(3) The provisions of sub-regulation (10) of regulation 6 shall apply *mutatis mutandis* to the export from the Republic of any commodity to a country in connection with the export of which commodity to that country the Treasury has in terms of sub-regulation (2) above prescribed the currency or currencies or the manner in which payment may or may not be made.

**9. Limitation of optional ports of destination.**-(1) No person may, except with permission granted by the Treasury and in accordance with such conditions as the Treasury may impose, consign any goods to any destination other than that specified in the Declaration in regard to Foreign Exchange Proceeds of Exports prescribed in terms of sub-regulation (10) (a) of regulation 6, unless the other destination is in the same monetary area, or give or accept instructions after the despatch of the goods for the diversion thereof to any other destination unless such other destination is in the same monetary area.

[Sub-r. (1) amended by GNR.957 of 1987.]

(2) If in any criminal proceedings under this regulation it is proved that goods have been diverted to a country other than that designated as the destination of such goods on the prescribed documents submitted to and accepted by the Republic authorities to cover the outward consignment of such goods, then it shall be presumed, until the contrary is proved, that the goods were consigned to and received in such other country and not the country designated on such documents.

**10. Restriction on export of capital.**-(1) No person shall, except with permission granted by the Treasury and in accordance with such conditions as the Treasury may impose:

[Sub-r. (1) amended by GNR.957 of 1987.]

- (a) export from the Republic during any period of twelve months a total quantity of goods which exceeds in value twenty rand or such greater amount as the Treasury may determine, if:
  - (i) no payment for such goods has been or is to be received in the Republic from a person outside the Republic; or
  - (ii) such goods are exported at a price which is less than the value thereof; or
  - (iii) the period within which payment for such goods is to be made exceeds six months from the date of shipment from the Republic or such shorter period as an authorised dealer may determine in respect of such goods;
- (b) take out of the Republic goods, including personal apparel, household effects and jewellery which have a value in excess of six hundred rand or of such greater amount as the Treasury may determine;
- (c) enter into any transaction whereby capital or any right to capital is directly or indirectly exported from the Republic.

(2) The provisions of sub-regulations (3), (4) and (5) of regulation 3 shall apply *mutatis mutandis* to goods referred to in sub-regulation (1) (b) of this regulation.

(3) For the purposes of this regulation "value" shall mean the value for customs purposes as defined in section one hundred and eight of the Customs Act, 1955 (55 of 1955).

(4) For the purposes of sub-regulation (1) (c)-

- (a) "capital" shall include, without derogating from the generality of that term, any intellectual property right, whether registered or unregistered; and
- (b) "exported from the Republic" shall include, without derogating from the generality of that term, the cession of, the creation of a hypothec or other form of security over, or the assignment or transfer of any intellectual property right, to or in favour of a person who is not resident in the Republic.

[Sub-r. (4) inserted by GNR.445 of 8 June 2012.]

**11. Assignment to treasury of right to exported goods.**-(1) Whenever a person has exported goods from the Republic and has failed to sell such goods within six months from the date of shipment from the Republic, or within such shorter period as may have been determined in terms of sub-regulation (1) (a) (iii) of regulation 10, without having permission in terms of sub-regulation (1) of regulation 10 aforesaid to export such goods without sale, or without payment within the period mentioned by sub-regulation (1) (a) (iii) aforesaid, then in such event such person shall within fourteen days from the date of expiry of the said period report in writing to the Treasury or to an authorised dealer that the said goods have not been sold, and the Treasury may thereupon order such person to assign to the Treasury or to a person authorised by the Treasury his right to the said goods.

The sum payable as consideration for any assignment in terms of this regulation shall be such sum as may be determined by or on behalf of the Treasury, but shall not be less than the amount realised by the Treasury after deduction of the cost of realisation.

(2) After the date on which this regulation comes into force, no person shall export any goods on conditions which would preclude him from giving effect to an order issued in terms of sub-regulation (1).

**12. Goods purchased outside the Republic.**-(1) Whenever a person in the Republic has purchased goods in any country outside the Republic and has paid for or made a payment on account of such goods, but the said goods have not been consigned to the Republic within four months from the date on which such payment was made, such person shall within fourteen days from the date of expiry of the said period of four months report in writing to the Treasury or to an authorised dealer that the goods have not been consigned to the Republic and the Treasury may thereupon order such person to assign to the Treasury or to a person authorised by the Treasury his right to the said goods.

The sum payable in consideration for any assignment made in accordance with this regulation shall be such as the Treasury may fix but shall not be less than the amount realised by the Treasury after deduction of the cost of realisation.

(2) After the date on which this regulation comes into force no person shall purchase any goods on conditions which would preclude him from giving effect to an order issued in terms of sub-regulation (1).

(3) If in any criminal proceedings against any person for failure to make a report to the Treasury or to an authorised dealer as required by sub-regulation (1), it is proved that such person was unable, after the expiration of a period of six months from the date upon which any payment referred to in the said sub-regulation was made by him, to produce a bill of entry import in respect of the goods in question after having been called upon to do so by the Treasury or by an authorised dealer, it shall be presumed until the contrary is proved, that the goods in question were not consigned to the Republic within four months from the said date.

(4) No person in the Republic who has purchased any means of transport outside the Republic shall, after such means of transport has been consigned and brought to the Republic, permit such means of transport to leave the Republic for the conveyance of any persons or goods for reward outside the Republic except with the consent of the Treasury and subject to such conditions as the Treasury may impose.

For the purposes of this sub-regulation "means of transport" includes any ship, aircraft, motor vehicle, tractor or roller.

**13. Prohibition of export of goods imported from countries outside the sterling area.**-(1) No person shall, except with permission granted by the Treasury, and in accordance with such conditions as the Treasury may impose, export from the Republic any article imported from any country outside the sterling area.

[Sub-r. (1) amended by GNR.957 of 1987.]

(2) For the purposes of this regulation an article manufactured in the Republic in whole or in part from imported products, materials or parts, shall be deemed to be of South African origin and be deemed not to have been imported from a country outside the sterling area.

(3) In this regulation "manufactured" includes processed or assembled.

**14. Restriction on dealings in securities belonging to non-residents.**-(1) No person shall, without permission granted by the Treasury or a person authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose:

- (a) acquire or dispose of in any way any controlled security;
- (b) act as nominee for a non-resident or appoint a non-resident as nominee in respect of any dealings in securities;
- (c) make any entry in a security register which involves the transfer of a security into or out of the name of a non-resident;
- (d) change an address of a non-resident in any security register except a change to an address in the same monetary area as that currently recorded in the register;
- (e) enter in a security register or do any act with intent to secure the entry in such register of an address in the Republic if he knows or has reason to believe that the purchaser of the security is a non-resident or that a non-resident has an interest in the security;
- (f) transfer a security owned by a non-resident or in which a non-resident has an interest from a United Kingdom register or from the London section of a register to a South African register or section of a South African register.

(2) (a) Any person who holds, possesses or has in his custody any controlled securities shall submit such securities to an authorised dealer within thirty days from the date of commencement of this regulation or within

thirty days from the date on which he becomes the holder of such securities or on which such securities come into his possession or are placed in his custody whichever is the later date.

(b) The securities submitted in terms of paragraph (a) must be accompanied by a list giving the following particulars:

- (i) Full name and country of residence of owner or person interested in the securities, together with a signed declaration by the holder that to the best of his knowledge, the owner or interested person is actually resident in the country stated.
- (ii) Name of company or body which issued the securities.
- (iii) Total number of securities.
- (iv) Full name and residential address of person in possession of the securities or who has the securities in his custody.

For the purpose of facilitating identification of controlled securities the Treasury may direct authorised dealers to affix to the securities so submitted to them their stamp together with such endorsement as the Treasury may determine.

(3) For the purposes of this regulation:

(a) **"controlled security"** means:

- (i) any security which is registered in the name of a non-resident, or of which a non-resident is the owner, or in which a non-resident has an interest;
- (ii) any security acquired from a non-resident or acquired outside the Republic, by any person, irrespective of the residence of such person;

(b) **"non-resident"** means a person resident outside the Republic;

(c) **"nominee"** means a person through whose agency all or any of the rights of the owner of a security are exercised.

14A. ....

[R. 14A inserted by Proc. R.157 of 1985 and repealed by GNR.427 of 1995.]

**15. Prohibition of dealings in bearer securities and bearer options.**-(1) No person shall pay any dividend or interest coupon issued in respect of any bearer security irrespective of whether such coupon became payable before or becomes payable after the commencement of this regulation.

(2) No person shall issue any bearer option or extend the currency period of any existing bearer option.

(3) No person shall dispose of, acquire or otherwise deal in:

- (a) any bearer security;
- (b) any bearer option issued after the date of publication of this Proclamation in the *Gazette*.

(4) The owner of any bearer security may with the permission of the Treasury and in accordance with such conditions as the Treasury may impose, convert such security into a registered security.

(5) Application for permission to convert any bearer security into any registered security shall be accompanied by a sworn declaration in such form as the Treasury may prescribe, duly completed by the owner of the security or his authorised agent.

(6) (a) The Treasury or a person authorised by the Treasury may grant exemptions from the provisions of subregulations (1), (2) and (3).

(b) The provisions of sub-regulation (5) shall apply *mutatis mutandis* in respect of applications for exemption under paragraph (a) of this sub-regulation relating to bearer securities or to dividend or interest coupons issued in respect of such bearer securities.

(7) The provisions of this regulation shall apply in respect of all bearer securities and bearer options irrespective of whether such securities or options were or are issued inside or outside the Republic.

(8) For the purposes of this regulation **"option"** means the right to subscribe for or take up the whole or any part of an issue of capital.

**16. Control of capital issues.**-(1) Except with the consent of the Treasury and in accordance with such conditions as the Treasury may impose, no person shall during any period of twelve months:

- (a) make in the Republic an issue or issues of capital which amount in the aggregate to more than ten



thousand rand; or

- (b) renew or postpone the date of maturity of securities maturing for repayment in the Republic which amount in the aggregate to more than ten thousand rand.

(2) The Treasury may from time to time by notice in the *Gazette*:

- (a) exempt particular classes of issuers of capital, either generally, or in respect of particular classes of issues of capital, from the operation of sub-regulation (1); or
- (b) increase, either generally or in respect of particular classes of issues or issuers of capital, the aggregate exemption limit of ten thousand rand prescribed in subregulation (1);

and may by similar notice withdraw any such aforementioned notice or reduce to not less than ten thousand rand any exemption limit prescribed in any such aforementioned notice as the case may be.

(3) For the purposes of this regulation:

- (a) a person shall be deemed to make an issue of capital who:
  - (i) raises capital in the Republic by the issue, whether within or outside the Republic, of any securities or who issues any securities whether for cash or otherwise; or
  - (ii) receives any money on loan on the terms or in the expectation that the loan will or may be repaid wholly or partly by the issue of securities or by the transfer of any securities issued after the making of the loan;
- (b) the amount of capital issued or to be issued shall be deemed to be the amount to be raised by the issue or the total nominal value of the securities whichever is the greater.

(4) The raising of any loan by any local authority shall be deemed to constitute an issue of capital whether or not securities are issued or transferred in connection with such loan.

(5) No local authority shall without the written consent of the Treasury raise any loan outside the Republic.

(6) If in any advertisement, prospectus or other document which offers for subscription any securities there be included any statement intimating or purporting to convey that the Treasury has approved or consented to the issue of the securities, such statement shall be included only at the top or commencement of the advertisement, prospectus or other document and shall be made and qualified in the following words:

"The Treasury has consented under Exchange Control Regulation 16 to the issue of the securities referred to hereunder but that consent does not imply that the Treasury has investigated or is responsible in any way for the soundness of the proposals involved or for the correctness of any statements made or opinions or estimates given in connection with such proposals."

**17. Businesses controlled by persons outside the Republic.**—Where the control of any business is established outside the Republic, any transaction with a branch or subsidiary of such business in the Republic shall be treated as if the said branch or subsidiary were a separate person. The manager or controller of such branch or subsidiary in the Republic shall assume the same obligations under these regulations as he would have been required to assume if the said branch or subsidiary were independent of control from outside the Republic.

**18. Provision of security.**—(1) The Treasury or a person authorised by the Treasury, may order any person to provide security, in such form and in such amount as the Treasury may determine, that he will comply, either generally or in respect of any particular transaction, with the provisions of any of these regulations specified by the Treasury or by a person authorised by the Treasury.

(2) Where any person who has provided security in terms of this regulation, has failed to comply with the provisions of the regulations in respect of which the security has been provided, the Treasury may direct that the said security shall be forfeited for the benefit of the National Revenue Fund.

[Sub-r. (2) amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

The forfeiture of such security shall not prevent any other action against the person concerned for his failure to comply with the provisions of these regulations.

**19. Furnishing of information.**—(1) The Treasury, or any person authorised by the Treasury, may order any person to furnish any information at such person's disposal which the Treasury or such authorised person deems necessary for the purposes of these regulations and any person generally or specifically appointed by the Treasury for the purpose may enter the residential or business premises of a person so ordered and may inspect any books or documents belonging to, or under the control of such person.

(2) If any person makes any statement in any information furnished in compliance with such an order which is in conflict with any other statement previously made by him in giving information required in connection with the subject matter of such order, he shall be deemed to have made an incorrect statement in terms of regulation 22 and may, on an indictment, summons or charge alleging that he made the two conflicting statements, be convicted



of making an incorrect statement in contravention of the said regulation 22 upon proof of the two statements in question and without proof as to which of the said statements was incorrect, unless he proves that when he made each statement he believed it to be true.

**20. Exemption from stamp duty.**-Stamp duty shall not be chargeable on any document made for the sole purpose of meeting the requirements of these regulations.

**21. Forms.**-The Treasury may prescribe such forms for the purposes of these regulations as it may think expedient.

**22. Penalty.**-Every person who contravenes or fails to comply with any provision of these regulations, or contravenes or fails to comply with the terms of any notice, order, permission, exemption or condition made, conferred or imposed thereunder, or who obstructs any person in the execution of any power or function assigned to him by or under these regulations, or who makes any incorrect statement in any declaration made or return rendered for the purposes of these regulations (unless he proves that he did not know, and could not by the exercise of a reasonable degree of care have ascertained, that the statement was incorrect) or refuses or neglects to furnish any information which he is required to furnish under these regulations, shall be guilty of an offence and liable upon conviction to a fine not exceeding two hundred and fifty thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment; provided that where he is convicted of an offence against any of these regulations in relation to any security, foreign currency, gold, banknote, cheque, postal order, bill, note, debt, payment or goods, the fine which may be imposed on him shall be a fine not exceeding two hundred and fifty thousand rand, or a sum equal to the value of the security, foreign currency, gold, banknote, postal order, bill, note, debt, payment or goods, whichever shall be greater.

[R. 22 amended by Proc. R.157 of 1985 and by GNR.957 of 1987.]

**22A. Attachment of certain money and goods, and blocking of certain accounts.**-(1) Subject to the provisions of the proviso to sub-paragraph (i) of paragraph (b) of section 9 (2) of the Act, the Treasury may in such manner as it may deem fit:

(a) attach:

(i) any money or goods, notwithstanding the person in whose possession it is, in respect of which a contravention of any provision of these regulations has been committed or in respect of which an act or omission has been committed which the Treasury on reasonable grounds suspects to constitute any such contravention, or, in the case of such money or any part thereof which has been deposited in any account, an equal amount of money which is kept in credit in that account, and shall, in the case of money attached, deposit such money in an account opened by the Treasury with an authorised dealer for such purpose, and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(ii) any money or goods, notwithstanding the person in whose possession it is:

(aa) which the Treasury on reasonable grounds suspects to be involved in a contravention of any provision of these regulations or in a failure to comply with any such provision, or which the Treasury on reasonable grounds suspects to be involved in any act or omission which the Treasury so suspects to constitute a contravention of any such provision or a failure to comply with any such provision;

(bb) which have been obtained by any person or are due to him, whether by virtue of any personal right or otherwise, and which would not have been obtained by him or would not have been due to him if any such contravention or failure or any such act or omission had not been committed;

(cc) by which any person has been benefited or enriched as a result of any such contravention or failure or any such act or omission,

or, in the case of such money or any part thereof which has been deposited in any account, an equal amount of money which is held in credit in that account, and shall, in the case of money attached, deposit such money in an account referred to in sub-paragraph (i), and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(iii) any money or goods, notwithstanding the person in whose possession it may be, into which money or goods referred to in sub-paragraph (i) or (ii) have been transformed, including any

personal right obtained with money or goods referred to in sub-paragraph (i) or (ii), or, in the case of such money or any part thereof which has been deposited into any account, an equal amount of money which is held in credit in that account and shall, in the case of money attached, deposit such money in an account referred to in sub-paragraph (i), and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person concerned in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(iv) any money which is held in a blocked account referred to in regulation 4 and which the Treasury on reasonable grounds suspects to be money:

(aa) in respect of which a contravention or act or omission referred to in sub-paragraph (i) has been committed;

(bb) which has been involved in a contravention or failure or act or omission referred to in subparagraph (ii) (aa);

(cc) which has been obtained by any person or is due to him as referred to in sub-paragraph (ii) (bb);

(dd) by which any person has been benefited or enriched as referred to in sub-paragraph (ii) (cc);

(b) if the Treasury on reasonable grounds suspects that money referred to in paragraph (a) has been deposited in any account and if it has not been attached under the said paragraph (a), issue or make an order in such manner as it may deem fit in or by which any person is prohibited to withdraw or cause to be withdrawn, without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury, any money in that account or not more than an amount determined by the Treasury, or to appropriate in any manner any credit or balance in that account, notwithstanding who may be the holder thereof;

(c) in the case of goods referred to in paragraph (a) which have been left in the possession of the person concerned, issue or make an order in such manner as it may deem fit in or by which any person is prohibited to deal, without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury, in any manner determined by the Treasury with the goods attached or any part thereof.

(2) When any immovable goods are attached under paragraph (a) of sub-regulation (1) or when an order is issued or made in respect of immovable property under paragraph (c) of that sub-regulation:

(a) the Treasury shall notify the registrar of the deeds registry where such goods are registered in writing of such attachment or order and furnish to that registrar such particulars in connection with such goods as that registrar may require;

(b) such registrar shall free of charge note particulars of such attachment or order against the title deed of such immovable property.

(3) The Treasury shall:

(a) return any money or goods attached under paragraph (a) of sub-regulation (1), including any money or goods accrued therefrom, to the person in whose possession it has been found or the person entitled thereto, on a date not later than the period referred to in paragraph (a) of section 9 (2) of the Act as from the date on which such money or goods have been attached;

[Para. (a) amended by GNR.881 of 1988.]

(b) cancel any order issued or made under paragraph (b) or (c) of sub-regulation (1), on such a date, unless such money or goods or money or goods to which such order relates are forfeited under regulation 22B before that date.

[R. 22A inserted by GNR.957 of 1987.]

**22B. Forfeiture and disposal of money or goods attached or in respect of which orders have been issued or made.**-(1) Subject to the provisions of sub-regulation (3), the Treasury may issue an order in writing in which it forfeits to the State any money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1), including any money or goods accrued therefrom, and shall:

(a) in the case of money, deposit such money into the National Revenue Fund; and  
[Para. (a) amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

(b) in the case of goods, realise such goods in such manner as it may deem fit as if it is the owner or holder thereof, and may transfer such goods to the purchaser and give a valid title thereto and, in the case of immovable goods, without submitting to the registrar of deeds the title deeds thereof, provided it is certified by the Treasury that the Treasury has been unable to obtain those title deeds.

(2) The Treasury may, if it is on reasonable grounds satisfied that money or goods attached under paragraph

(a) of regulation 22A (1) or in respect of which an order has been issued or made under paragraph (b) or (c) of that regulation are not money or goods as referred to in those paragraphs, return such money or goods, including money or goods accrued therefrom, to the person in whose possession such money or goods have been found or to any person otherwise entitled thereto, or cancel the relevant order.

(3) The Treasury shall not forfeit to the State any money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1), unless it:

- (a) has published a notice in the *Gazette* in which:
  - (i) notice is given of any decision to forfeit to the State money or goods specified in such notice;
  - (ii) particulars are furnished of the manner in which such forfeited money or goods will be disposed of; and
  - (iii) the date (which may be the date of the notice) on which the money or goods are forfeited is indicated; and
- (b) has simultaneously with the publication of the notice aforesaid sent a like notice by registered post to the person who in the opinion of the Treasury is affected by that decision or, if his address is not known, to his last known address,

and the Treasury shall not dispose of any goods forfeited to the State under sub-regulation (1), unless a period of ninety days as from the date of publication of such notice in the *Gazette* has expired or, if any proceedings have been instituted in a court of law in connection with any such decision, final judgment has been given in such proceedings.

(4) Expenditure incurred by the Treasury in connection with:

- (a) the attachment of money or goods in terms of regulation 22A (1) or 22C (1);
- (b) the keeping in custody of goods in terms of regulation 22A (1) (a); or
- (c) the issuing or making by the Treasury of, or the compliance by any person with, an order contemplated in regulation 22A (1) (b) or (c) or in regulation 22C (2);
- (d) the forfeiture or realisation of money or goods in terms of sub-regulations (1) and (3) of this regulation or in terms of the said sub-regulations read with regulation 22C (3); or
- (e) the upkeep or preservation of, or the payment of any tax or other charges in respect of, goods attached in terms of regulation 22A (1) (a) or 22C (1) or declared forfeited in terms of sub-regulations (1) and (3) of this regulation or in terms of the said sub-regulations read with regulation 22C (3), may, notwithstanding the provisions of sub-regulation (1) (a), be defrayed from the money in question, or from the proceeds of the realisation of the goods in question, insofar as such money or goods have been declared forfeited in terms of sub-regulations (1) and (3) of this regulation or in terms of the said sub-regulations read with regulation 22C (3).

[R. 22B inserted by GNR.957 of 1987. Sub-r (4) inserted by GNR.224 of 1988.]

**22C. Recovery of certain amounts by treasury.**-(1) When the Treasury has, under regulation 22B, forfeited to the State money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1) and such money and the proceeds of the realisation of such goods, if any, are less than an amount equal to an amount:

- (a) in respect of which a contravention or failure or act or omission referred to in sub-paragraph (i) of regulation 22A (1) (a) has been committed;
- (b) which was involved in a contravention or failure or act or omission referred to in sub-paragraph (ii) (aa) of that regulation;
- (c) which has been obtained by any person or is due to him as referred to in sub-paragraph (ii) (bb) of that regulation;
- (d) by which any person has been benefited or enriched as referred to in sub-paragraph (ii) (cc) of that regulation,

or when no money or goods have been forfeited for the State under the said regulation 22B, the Treasury may recover an amount equal to the difference between the last-mentioned amount and the first-mentioned amount of money and proceeds or an amount equal to the last-mentioned amount, as the case may be:

- (i) from the person who committed the contravention or failure or act or omission in question;
- (ii) from the person who the Treasury on reasonable grounds suspects to have committed the contravention or failure or act or omission in question;
- (iii) from the person benefited or enriched as a result of the contravention or failure or act or omission in question;
- (iv) if more persons have committed the contravention or failure or act or omission in question or if the Treasury on reasonable grounds suspects that more persons have committed any such contravention or failure or act or omission or if more persons have been benefited or enriched as a result of the

contravention or failure or act or omission in question, separately and jointly from those persons, by attaching in such manner as it may deem fit any other money, including money in a blocked account referred to in regulation 4, or other goods of the person or persons concerned.

(2) The Treasury may, if it on reasonable grounds suspects that it will be necessary in due course to recover under sub-regulation (1) any amount from the person or persons concerned, at any time on or after the date on which money or goods referred to in paragraph (a) of regulation 22A (1) have or could have been attached, issue or make an order in such manner as it may deem fit in or by which any person is prohibited:

- (a) to withdraw or cause to be withdrawn any money held in any account or not more than an amount of it determined in its discretion by the Treasury, with due regard to the amount which in the opinion of the Treasury will in due course be recovered, or to appropriate in any manner any credit or balance in that account;
- (b) to deal in any manner as may be determined by the Treasury with any goods as may be determined by the Treasury of the person or persons concerned,

without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury.

(3) The provisions of:

- (a) sub-regulations (1) and (3) of regulation 22B shall apply *mutatis mutandis* to any money or goods referred to in sub-regulations (1) and (2) of this regulation as if such money or goods were money or goods referred to in regulation 22A;
- (b) sub-regulation (3) of regulation 22A shall apply *mutatis mutandis* to an order issued or made under sub-regulation (2) of this regulation.

[R. 22C inserted by GNR.957 of 1987.]

**22D. Review of, or institution of actions in connection with, attachment and forfeiture of certain money or goods, and of certain orders.**—Any person who feels himself aggrieved by the attachment of any money or goods under paragraph (a) of regulation 22A (1) or regulation 22C (1) or the issue or making of an order under the provisions of paragraph (b) or (c) of regulation 22A (1) or sub-regulation (2) of regulation 22C or any condition imposed thereunder may:

- (a) in the case of an attachment under paragraph (a) of regulation 22A (1) or of regulation 22C (1) or the issue or making of an order under paragraph (b) or (c) of the said regulation 22A (1) or regulation 22C (2), bring an application in a competent court for the review of any such attachment or order or in which other appropriate relief is asked;

[Para. (a) amended by GNR.1416 of 1987.]

- (b) in the case of a decision under regulation 22B (1) or 22B (1), read with regulation 22C (3), to forfeit to the State such money or goods, at any time but not later than ninety days after the date of publication of the said notice institute an action in a competent court for the setting aside of any such decision,

and any such court may set aside any such attachment or order or decision, as the case may be, on the grounds set out in the provisions of paragraph (d) (i) or (iii) of section 9 (2) of the Act.

[R. 22D inserted by GNR.957 of 1987.]

**22E. Delegation of powers.**—(1) The Minister of Finance may delegate to any person any power or function conferred upon the Treasury by any provision of these regulations or assign to any such person a duty imposed thereunder to the Treasury.

(2) The Treasury shall not be divested of any power or function or duty delegated to any person under sub-regulation (1) and may at any time withdraw or amend any decision taken by any such person in the exercise or performance of the power or function or duty in question.

[R. 22E inserted by GNR.957 of 1987.]

**23. Withdrawal of regulations.**—(1) The regulations published under Government Notices Nos. 2800 of the 2nd November, 1951, 797 of the 6th June, 1958, 194 of the 6th February, 1959, and *Extraordinary Government Gazette* Notice No. 84 of 16th June, 1961 are hereby withdrawn.

(2) Any certificate issued, exemption, permission or consent granted, order given, period fixed, return, declaration, report, or appointment rendered or made, security provided, information furnished or act done under or in terms of the provisions of any regulation withdrawn by this regulation, shall be deemed to have been issued, granted, given, fixed, rendered, made, provided, furnished or done under or in terms of the corresponding provisions of these regulations; provided that the provisions of this sub-regulation shall not apply in respect of any power or function, vested in the Treasury by any regulation so withdrawn, which the Treasury exercised through



the medium of a notice in the *Gazette*.

**24. Administrative Relief.**-(1) The Treasury, or a person authorised by the Treasury, may authorise the regularisation of any contravention of these Regulations by allowing a person who has so contravened, to disclose such contravention to the Treasury, or such authorised person, in accordance with the provisions and in the manner set forth in this regulation 24.

(2) The regularisation of any contravention of these Regulations, by a person who is subject to these Regulations, shall take place on the basis that the Treasury, or a person authorised by the Treasury, may on written notice allow for certain types of contraventions to be regularised on application and by the making of a sworn affidavit or solemn declaration, in writing, of the contravention during the period prescribed, at the address and in the form and manner prescribed, on the basis that-

- (a) the affidavit or declaration made by such person must be made voluntarily; and
- (b) the affidavit or declaration must be in respect of a contravention by such person of these Regulations prior to the date prescribed; and
- (c) such person, when making application in terms of this regulation in respect of any foreign asset, must-
  - (i) disclose the market value of that foreign asset in the foreign currency of the country in which the foreign asset is situated; and
  - (ii) include a description of the identifying characteristics and location of that foreign asset; and
  - (iii) submit, in respect of the market value, in the foreign currency of that foreign asset, as at such date as may be prescribed-
    - (aa) a valuation certificate by a valuator of the country where that foreign asset is located; and/or
    - (bb) a valuation by a sphere of government of the country where that foreign asset is located; and/or
    - (cc) where the asset constitutes a financial instrument, an original or certified copy of a statement of account indicating the balance or market value; and/or
    - (dd) any other form of proof of value of that foreign asset as the Treasury may on good cause shown allow to be submitted; and
- (d) such person, when making application in terms of this regulation in respect of any contravention of these Regulations, must provide such additional information relating to such contravention, as may be prescribed.

(3) The provisions of this regulation 24 shall not apply to persons where, on the date on which they are afforded the opportunity to regularise any contravention of the Regulations-

- (a) there is a pending investigation by the Treasury, or any person authorised by the Treasury, into the affairs of such person; or
- (b) an investigation by the Treasury, or any person authorised by the Treasury, into the affairs of such person has commenced as at the date of an application made, or caused to be made, by such person.

(4) A person who, in terms of subregulation (3), is not permitted to make application for administrative relief, shall be entitled, with the permission of the Treasury and in accordance with such conditions as may be prescribed, to make application for the administrative relief set out in this regulation 24, provided that the Treasury or the authorised representative granting such permission, after having regard to the circumstances of the pending or current investigation into the affairs of such person, is of the view that-

- (a) the contravention of the provisions of these Regulations, for which application is made for administrative relief, would not otherwise be detected in the ordinary course of any pending or current investigation by the Treasury into the affairs of such person; and
- (b) allowing such person to make an application, in respect of the contravention of the provisions of these Regulations, would be in the interests of the administration of the Treasury and would be the best use of the resources of the Treasury.

(5) The Treasury, or any person authorised by the Treasury, may issue a non-binding opinion as to the eligibility for relief from any contravention or failure to comply with the provisions of these Regulations by a person subject to these Regulations, to the extent that it receives sufficient information in respect of such contravention or failure, which information need not include the identity of any party to the contravention or failure.

(6) If a person complies with the provisions of subregulation (2), in relation to a contravention of these Regulations, the Treasury must, subject to the provisions of subregulation (7) and subregulation (12), grant relief and regularise any contravention in respect of these Regulations.

(7) Subject to the provisions of these Regulations and the exclusion in subregulation (3), if any application for the regularisation of a contravention of these Regulations is lodged in terms of this regulation 24 the Treasury,



or any person authorised by the Treasury, shall in respect of such person and in respect of the specific contravention set out in such application, not pursue any criminal prosecution, but may-

- (a) grant to such person 100 per cent relief in respect of any levy payable by such person resulting from the contravention of the provisions of these Regulations; and/or
- (b) grant a credit in respect of the unutilised portion of the foreign invest allowance of such person; and/or
- (c) impose a levy in respect of contraventions of the provisions of these Regulations as provided for in subregulation (13); and/or
- (d) impose any other conditions as may be prescribed.

(8) The Treasury, or any person authorised by the Treasury, must deliver to the person making application for relief in terms of this regulation 24, a notice of its decision in respect of the granting or refusal, as the case may be, of such application which notice, if favourable, may include such additional conditions as the Treasury or such authorised person may impose, including-

- (a) the material facts of the relevant contravention of the provisions of these Regulation on which the application was granted; and/or
- (b) details of the levy payable (if any) by such person to the Treasury, including the arrangements and date for payment of such levy; and/or
- (c) notification of the utilisation by such person of any applicable allowance and as may be prescribed; and/or
- (d) details, in respect of such contravention, of the applicability of the provisions of these Regulations following the granting of any relief in respect thereof; and/or
- (e) details of such undertaking and conditions as may be imposed on such person.

(9) Should it be established, subsequent to the granting of relief in terms of this regulation 24, that such person failed to disclose, in the application lodged with the Treasury in terms of this regulation, any matter that may have been material for the purpose of making the disclosure, the Treasury may declare, on written notice to such person, that-

- (a) any application approved in respect of such person is void and such notice shall set out the reasons therefore; and/or
- (b) any amount paid by such person pursuant to the notification referred to in subregulation (7) will not be refunded and will be regarded as part payment of any further levies that may be imposed by the Treasury in respect of such contravention of the provisions of these Regulations; and/or
- (c) criminal prosecution may be initiated in respect of any contravention of the provisions of these Regulations,

save that the Treasury shall not use and may not rely on any information, disclosed to it in any application pursuant to this regulation 24, in any subsequent prosecution of a contravention of the Regulations.

(10) Any person aggrieved by a decision of the Treasury, or any person authorised by the Treasury, to refuse an application for regularisation or to subsequently withdraw or declare void any application previously approved under this regulation 24, may lodge an objection in the manner prescribed.

(11) All objections lodged pursuant to and in accordance with subregulation (10), shall be dealt with in the manner prescribed.

(12) If any person is required, under the notice issued in terms of subregulation (8), to make payment of a levy, the Treasury, or such person authorised by the Treasury, will issue a final notification in respect of the relief granted in terms of this regulation to such person once any such levy has been paid in full; and only upon receipt of such final notification from the Treasury, or such authorised representative, will the application be regarded as approved.

(13) Any person who has made application in terms of this regulation 24 and whose application has been approved may be required to pay a levy, as prescribed, on the market value, as at the prescribed date, of the foreign asset disclosed or the amount involved in the contravention of the provisions of these Regulations.

(14) The levy payable, as set out in subregulation (13), must be paid by such person from foreign funds repatriated, or to the extent that such person does not have any foreign funds, the aforementioned levy may be paid from local funds, provided that in such instance an additional levy, as prescribed, will be payable.

(15) All amounts payable as a levy must be paid by such person to an authorised dealer by no later than the date prescribed after the date of approval of the application and, if paid from foreign funds repatriated, must be converted into South African Rand by using the ruling spot exchange rate on the date of payment.

(16) The authorised dealer must pay all amounts received in terms of subregulation (15) into an account held for that purpose at the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), within the period and under the terms prescribed, for subsequent transfer to the National Revenue Fund.

(17) A reference in this regulation 24 to "prescribed" shall be as prescribed by the Treasury from time to time.

(18) Any contravention of the Regulations and which has been regularised in terms of this regulation 24 shall, subject to compliance with regulation 24, be deemed not to have been a contravention of these Regulations.

(19) No person may rely on the provisions of this regulation 24 and claim relief in terms hereof, unless the Treasury, or a person authorised by the Treasury, has in a notice (and within the period stipulated in such notice) authorised the regularisation of a contravention(s) of these Regulations by allowing disclosure of such contravention and which shall take place in the manner set forth herein.

[R. 24 inserted by GNR.999 of 1 November 2010.]

# **GNR.1112 of 1 December 1961: Orders and rules under the Exchange Control Regulations**

as amended by		
Notice	Government Gazette	Date
R.791	18970	5 June 1998
R.5	21958	5 January 2001
R.6	21958	5 January 2001
R.576	30051	13 July 2007
R.577	30051	13 July 2007
R.302	30875	20 March 2008
R.663	31153	17 June 2008
R.698	31181	26 June 2008
R.699	31181	26 June 2008
R.918	32582	25 September 2009
R.1176	32796	11 December 2009
R.293	33112	13 April 2010
R.435	33211	28 May 2010
R.540	33286	18 June 2010
R.541	33286	18 June 2010
R.741	33483	27 August 2010
R.742	33483	27 August 2010
R.1194	33860	17 December 2010
R.9	33926	14 January 2011
R.273	34159	1 April 2011
R.274	34159	1 April 2011
R.466	35450	22 June 2012
R.966	35910	30 November 2012
R.134	36184	1 March 2013
R.453	36607	28 June 2013
R.520	36684	26 July 2013
R.551	36725	8 August 2013
R.641	36780	30 August 2013
R.826	38129	31 October 2014
R.907	38216	21 November 2014
R.334	37606	9 May 2014
R.826	38129	31 October 2014
R.907	38216	21 November 2014
R.938	38233	28 November 2014
996	38291	12 December 2014
997	38291	12 December 2014
R.349	38736	30 April 2015
955	40526	30 December 2016
956	40526	30 December 2016

## **ARRANGEMENT OF REGULATIONS**

1. Definition of sterling area
2. Appointment of the South African Reserve Bank to carry out the functions assigned to the Treasury
3. Appointment of authorised dealers
4. Exemption of Namibia, Lesotho and Swaziland from the provisions of regulation 3
5. . . . .
6. Declaration of foreign assets and liabilities
7. Foreign exchange proceeds of exports to Lesotho, Namibia and Swaziland
8. Restriction on receiving of payments in republic currency for exports
9. Control of capital issues - exemption and issues by local authorities
10. Advice, information, permits or forms relating to exchange control or currency matters under the regulations
11. Withdrawal of orders and rules
12. Order and general exemption in terms of regulation 3 (1) (c)

**1. Definition of sterling area.**-In addition to the territories, viz. the Republic of South Africa and South-West Africa, mentioned in Regulation 1, the following areas are hereby declared to be included in the sterling area:-

The United Kingdom, the Channel Islands and the Isle of Man, the Commonwealth of Australia, the State of Bahrain, Bangladesh, Barbados, Botswana, the British Solomon Islands and Brunei, Ceylon, the Republic of Cyprus, Fiji, the Gambia, Ghana, Guiana, Iceland, India (including Sikkim), the Republic of Ireland, Jamaica, the Hashemite Kingdom of Jordan, Kenya, the State of Kuwait, Lesotho, Malawi, Malaysia, Malta, Mauritius, New Zealand, Nigeria, Pakistan, the State of Qatar, Sierra Leone, Singapore, the People's Democratic Republic of Yemen, Swaziland, the United Republic of Tanzania, Tonga, Trinidad and Tobago, Uganda, the United Arab Emirates, Western Samoa, Zambia, any protectorate, protected state or trust territory within the meaning of the British Nationality Acts, 1948 and 1958, and any British dominion not mentioned before, except Canada and Rhodesia.

**2. Appointment of the South African Reserve Bank to carry out the functions assigned to the Treasury.**-The Minister of Finance has appointed the South African Reserve Bank to carry out all the powers and functions assigned to the Treasury by these regulations with the exception of the powers and functions assigned to the Treasury by regulations 3 (5) and (8), 16, 20 and 22.

**3. Appointment of authorised dealers.**-(a) The banks specified hereunder have been appointed as authorised dealers for the purposes of the regulations:

.....

["ABN AMRO Bank N.V." deleted by GNR.741 of 27 August 2010.]

ABSA Bank Limited

Ace Currency Exchange (Pty) Ltd

["Ace Currency Exchange (Pty) Ltd" inserted by GNR.540 of 18 June 2010.]

.....

["Albaraka Bank Limited" inserted by GNR.302 of 20 March 2008 and by GNR.273 of 1 April 2011 and deleted by GNR.966 of 30 November 2012.]

Ayoba Foreign Exchange (Pty) Limited

["Ayoba Foreign Exchange (Pty) Limited" inserted by GNR.134 of 1 March 2013.]

Bank of Baroda

Bank of China Johannesburg Branch

Bank of Taiwan South Africa Branch

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["Bank of Taiwan (South Africa) Limited" deleted by GNR.5 of 5 January 2001.]

Barclays Bank PLC, South Africa Branch

Bidvest Bank Limited

["Bidvest Bank Limited" inserted by GNR.699 of 26 June 2008.]

BNP Paribas SA - South Africa Branch

["BNP Paribas SA - South Africa Branch" inserted by GNR.453 of 28 June 2013.]

.....

["Calyon" deleted by GNR.520 of 26 July 2013.]

Capitec Bank Limited

["Capitec Bank Limited" inserted by GNR.466 of 22 June 2012.]

China Construction Bank, Johannesburg Branch

Citibank, N.A., South Africa

.....

["Commerzbank Aktiengesellschaft" deleted by GNR.918 of 25 September 2009.]

.....

["Credit Agricole Corporate and Investment Bank" inserted by GNR.551 of 8 August 2013 and deleted by GNR.641

of 30 August 2013.]

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Deutsche Bank AG, Johannesburg Branch

.....

["EuroDollar Foreign Exchange (Pty) Limited" inserted by GNR.541 of 18 June 2010 and deleted by GNR.349 of 30 April 2015.]

Exchange4free South Africa (Pty) Limited

["Exchange4free South Africa (Pty) Limited" inserted by GNR.907 of 21 November 2014.]

First Rand Bank Limited

Forex World (Pty) Limited

["Forex World (Pty) Limited" inserted by GNR.1194 of 17 December 2010.]

Habib Overseas Bank Limited

HBZ Bank Limited

HSBC Bank plc - Johannesburg Branch

["HSBC Bank plc - Johannesburg Branch" inserted by GN 956 of 30 December 2016.]

Hello Paisa (Pty) Limited

["Hello Paisa (Pty) Limited" inserted by GNR.826 of 31 October 2014.]

Interchange RSA (Pty) Limited

["Interchange RSA (Pty) Limited" inserted by GNR.334 of 9 May 2014.]

Investec Bank Limited

JPMorgan Chase Bank, Johannesburg Branch

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["MEEG Bank Limited" deleted by GNR.435 of 28 May 2010.]

Mama Money (Pty) Limited

["Mama Money (Pty) Limited" inserted by GN 996 of 12 December 2014.]

Mercantile Bank Limited

Mukuru Africa (Pty) Limited

["Mukuru Africa (Pty) Limited" inserted by GNR.938 of 28 November 2014.]

Nedbank Limited

Nedcor Investment Bank Limited

Rand Bureau de Change (Pty) Ltd

["Rand Bureau de Change (Pty) Ltd" inserted by GNR.1176 of 11 December 2009.]

.....

["Rennies Bank Limited" inserted by GNR.6 of 5 January 2001 and deleted by GNR.698 of 26 June 2008.]

Sikhona Forex (Pty) Ltd

["Sikhona Forex (Pty) Ltd" inserted by GNR.293 of 13 April 2010.]

Société Générale

Southeast Exchange Company (South Africa) (Pty) Limited

["Southeast Exchange Company (South Africa) (Pty) Limited" inserted by GN 997 of 12 December 2014.]

Standard Chartered Bank, Johannesburg Branch

State Bank of India

.....

["The Hongkong and Shanghai Banking Corporation Limited - Johannesburg Branch" deleted by GN 955 of 30 December 2016.]

The Royal Bank of Scotland. N.V., South African Branch

["The Royal Bank of Scotland. N.V., South African Branch" inserted by GNR.742 of 27 August 2010 and by GNR.274 of 1 April 2011.]

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The South African Bank of Athens Limited

The Standard Bank of South Africa Limited

[Para (a) amended by GNR.791 of 1998; GNR.5 of 5 January 2001, by GNR.6 of 5 January 2001, by GNR.576 of 2007, by GNR.577 of 2007, by GNR.302 of 20 March 2008, by GNR.699 of 26 June 2008, by GNR.918 of 25 September 2009, by GNR.1176 of 11 December 2009, by GNR.293 of 13 April 2010, by GNR.435 of 28 May 2010, by GNR.540 of 18 June 2010, by GNR.541 of 18 June 2010, by GNR.741 of 27 August 2010, by GNR.742 of 27 August 2010, by GNR.1194 of 17 December 2010, by GNR.273 of 1 April 2011, by GNR.274 of 1 April 2011, by GNR.466 of 22 June 2012, by GN 955 of 30 December 2016 and by GN 956 of 30 December 2016.]

(b) The Minister has, in terms of Regulation 19, also authorised the banks referred to in sub-paragraph (a) to order any person to furnish information required by them for the purposes of, and in connection with, their functions under the regulations.

**4. Exemption of Namibia, Lesotho and Swaziland from the provisions of regulation 3.**-In terms of Regulation 3, exemption is hereby granted from the obligation to obtain the permission of the Treasury-

- (a) to take or send out of the Republic any bank notes to Namibia, Lesotho and Swaziland;
  - (b) to draw or negotiate any bill of exchange or promissory note, or to transfer any security or to acknowledge any debt, so that a right (whether actual or contingent) on the part of such person or any other person to receive a payment in the Republic is created or transferred as consideration for-
    - (i) the receiving by such person or any other person of a payment or the acquisition by such person or any other person of property in Namibia, Lesotho and Swaziland; or
    - (ii) a right (whether actual or contingent) on the part of such person or any other person to receive a payment or acquire property in Namibia, Lesotho and Swaziland;
- or to make or receive any payment as such consideration.

5. ....

[R. 5 deleted by GNR.9 of 14 January 2011.]

**6. Declaration of foreign assets and liabilities.**-In terms of sub-regulation (1) of Regulation 6 and sub-regulation (1) of Regulation 7, the Treasury hereby prescribes that the declaration to be completed in respect of foreign assets and liabilities shall be in following form:-

**DECLARATION OF FOREIGN ASSETS AND LIABILITIES AS AT  
IN TERMS OF EXCHANGE CONTROL REGULATIONS 6 AND 7.**

Name and address of resident  
individual/branch/company/unincorporated  
enterprise (delete inapplicable terms - see  
Instructions 5 and 6 below):-

I declare that the information submitted in  
this return is complete and correct to the  
best of my knowledge.

(Signature)

(Official position)

My/our bankers are (give branch address):-

**INSTRUCTIONS**

1. Returns are to be rendered to a commercial bank or the South African Reserve Bank not later than
2. Foreign assets and liabilities should be recorded in rand as at and the rate used for converting foreign currencies as well as the basis of valuing securities, fixed property and inventories, should be stated at the end of this form.
3. Namibia, Lesotho and Swaziland should be treated as part of the domestic territory and not as foreign.
4. South African branches and subsidiaries of foreign companies are "residents" of South Africa for exchange control purposes and must report their position vis-à-vis their head offices or parent companies accordingly.
5. If doubt is experienced whether foreign activities should be regarded as those of a foreign branch, Section C below may be omitted provided that all relevant foreign assets and liabilities are reported under Sections A and B.
6. A share or beneficial interest in a foreign unincorporated enterprise(s) (i.e. partnerships, sole proprietorships, etc.) should be reported in Item 9 below and a copy



- of the latest balance sheet(s) of such enterprise(s) should be appended.
7. The latest balance sheet of each foreign subsidiary should be appended.

	United Kingdom R	Federation of Rhodesia and Nyasaland R	All other foreign countries R
<b>A. - FOREIGN ASSETS</b>			
1. Cash at foreign banks, including foreign currency notes held in South Africa or abroad			
2. Current and other short-term foreign assets, including call and time deposits, bills and intercompany current accounts			
3. Inventories and merchandise stocks located abroad (excluding stocks in transit to South Africa)			
4. Investments in ordinary and limited vote-bearing shares of foreign companies (excluding shares listed on the Johannesburg Stock Exchange)			
5. Investments in foreign preference shares, debentures, loan-stock similar securities (excluding securities listed on the Johannesburg Stock Exchange)			
6. Mortgages and long-term loans supplied to foreign residents			
7. Capital balance due to head office in South Africa by a foreign branch(es) (must agree with Item 17 in the balance sheet of the foreign branch in Section C below)			
8. Fixed property			
9. Other foreign assets (specify)			
<b>B. - FOREIGN LIABILITIES</b>			
10. Current and other short-term liabilities to foreign residents, including inter-company current accounts and bank overdrafts abroad			
11. Debentures, loan-stock and similar securities owned or beneficially owned by foreigners			
12. Preference shares owned or beneficially owned by foreigners			
13. Ordinary and limited vote-bearing shares owned or beneficially owned by foreigners			
14. Mortgages and long-term loans (not securities) obtained from foreigners			
15. Capital liability of a South African branch (not subsidiary) to its foreign head office (i.e. excess of assets over liabilities of the branch)			
16. Other foreign liabilities (specify)			
<b>C. - FULL BALANCE SHEET OF ALL FOREIGN BRANCHES</b>  (Note - All assets and liabilities of foreign branches, but not of subsidiaries or unincorporated enterprises, should be reported here. However, the latest balance sheets of foreign subsidiaries and unincorporated enterprises should be appended)			

17. Capital balance due to head office in South Africa (i.e. excess of the assets over the liabilities quoted below)			
18. Current and other short-term liabilities			
19. All other liabilities of the branch(es) (specify)			
20. Total of Items 17 to 19			
21. Fixed assets of the branch(es)			
22. Investments in shares, debentures and similar securities			
23. Inventories			
24. Current and other short-term assets, including bills and cash			
25. All other assets of the branch(es) (specify)			
26. Total of Items 21 to 25			

#### D. - FUTURE COMMITMENTS

Set out below the dates and amounts of important commitments (in excess of R10 000 each)

to be met to the end of in the case of the liabilities

quoted in Sections B and C above, and also of foreign subsidiaries and unincorporated enterprises.

Item no.	Description of item	Due date of commitment	Amount towards-		
			United Kingdom R	Federation of Rhodesia and Nyasaland R	All other foreign countries R
Total					

Conversion rates; basis of valuing securities, fixed property and inventories; and other notes:

**7. Foreign exchange proceeds of exports to Lesotho, Namibia and Swaziland.**-Goods exported to Lesotho, Namibia and Swaziland are hereby exempted from the provisions of sub-regulation (10) (a) of Regulation 6.

**8. Restriction on receiving of payments in republic currency for exports.**-In terms of the powers vested in it by Regulation 8, the Treasury hereby prescribes that, except with the permission of a bank authorised under the Exchange Control Regulations to deal in foreign exchange, Republic currency may not be received in payment by any person in respect of goods exported by him from the Republic.

**9. Control of capital issues - exemption and issues by local authorities.**-By virtue of the powers conferred upon him by Regulation 16 (2), the Minister of Finance has exempted all companies and persons from the operation of Regulation 16 (1) until further notice.

[R. 9 substituted by GNR.663 of 17 of June 2008.]

**10. Advice, information, permits or forms relating to exchange control or currency matters under the regulations.**-(a) Persons who desire information or advice on exchange or currency matters governed by the regulations or who require approval or permission in respect of exchange, currency or gold transactions so governed, should apply to the Exchange Control through their bankers in the Republic or, if they have no such bankers, through one of the banks referred to in paragraph 3 hereof.

(b) The forms of returns, applications, declarations and permits prescribed by the Treasury for use in connection with transactions governed by such of the regulations as apply to the Control, export or import, of exchange, currency or gold are not stocked by the Treasury or the Government Printer but by the banks referred to in paragraph 3 hereof, from whom they may be obtained by applicants.

**11. Withdrawal of orders and rules.**—The Orders and Rules made under the regulations published under Government Notice No. 2800 of 2 November 1951, as amended, and published under Government Notices Nos. 2801 of 2 November 1951, 3105 of 7 December 1951, 850 of 18 April 1952, 5 of 6 January 1956, 798 of 6 June 1958, 1612 of 31 October 1958, 1866 of 12 December 1958, 195 of 6 February 1959, 215 of 13 February 1959, 1115 of 24 July 1959, 1313 of 21 August 1959, 1348 of 28 August 1959, 1532 of 2 October 1959, R1902 of 25 November 1960 and 228 of 14 July 1961, are hereby withdrawn.

#### Explanatory Note

The withdrawal of the Government Notices referred to in paragraph 11 and their substitution by paragraphs 1 to 10 of this Government Notice, has the effect of consolidating and amending all existing Orders and Rules issued under the Exchange Control Regulations.

**12. Order and general exemption in terms of regulation 3 (1) (c).**—(a) In terms of regulation 4 (2) of the Exchange Control Regulations published under Government Notice R1111 of 1 December 1961, as amended, the Treasury hereby orders that all payments which a person in the Republic is under legal obligation to make to a person outside the Republic in terms of or as a result of any judgement granted by a court in the Republic, must be paid into a blocked account, as intended in regulation 4 (1) of the above-mentioned Exchange Control Regulations, for the credit of such person outside the Republic, unless permission has been granted in terms of the above-mentioned Exchange Control Regulations to otherwise make such payment in a different manner.

(b) In terms of regulation 3 of the Exchange Control Regulations published under Government Notice R1111 of 1 December 1961, as amended, the Treasury hereby exempts, in all cases where the permission of the Treasury would otherwise be necessary, any person from the obligation to obtain, as a prerequisite to the institution of any court action in connection with a transaction mentioned in regulation 3 (1) (c) of the above-mentioned Exchange Control Regulations, or as a prerequisite to obtain any judgement in such court action, or to execute upon any such judgement, the permission of the Treasury.

### GNR.603 of 27 March 1986: Currency and Exchanges Act, 1933 (Act 9 of 1933)

#### EXCHANGE CONTROL REGULATIONS, 1986

#### DEPARTMENT OF FINANCE

#### as amended by

Notice	Government Gazette	Date
R.1078	10258	9 June 1986
R.1190	10757	29 May 1987
R.1140	12484	25 May 1990
R.2016	15211	22 October 1993

The State President has in terms of section 9 of the Currency and Exchanges Act, 1933 (Act 9 of 1933), made the regulations contained in the Schedule:

#### SCHEDULE

1. In these Regulations, unless the context indicates otherwise—

"approved" means approved for the specific purposes of these Regulations;

"documentary bill" means a bill of exchange under which an amount is payable only against or after presentation of a specified bill of lading or any other similar document which serves as evidence of the despatch or receipt of specific goods or services;

"documentary letter of credit" means a letter of credit in terms of which an amount is to be paid or a bill is to be drawn or accepted only against or after presentation of a specified bill of lading or any other similar document which serves as evidence of the despatch or receipt of specific goods or services;

"foreign government" means any foreign government excluding the Government of the Republic of Transkei, Bophuthatswana, Venda or Ciskei;

"Public Investment Commissioners" means the Public Investment Commissioners established by the Public Investment Commissioners Act, 1984 (Act 45 of 1984);

"special restricted account" means an account opened with the Public Investment Commissioners for the purpose of the payment into such account of any amount which may in terms of regulation 2 not be paid to or in

favour of, a foreign creditor.

**2.** No person shall with effect from 1 January 1994 until 15 August 2001 make payment to or in favour of any foreign creditor except payment into a special restricted account and except payment in respect of-

- (a) an agreement entered into by an importer for the importation of goods or services, including payment for freight, insurance and other costs relating to such imports, provided-
  - (i) such goods or services were not delivered or rendered in the Republic prior to 1 January 1985; and
  - (ii) in the case of such goods or services which were or are delivered or rendered in the Republic during the period from 1 January 1985 up to and including 31 May 1986-
    - (aa) payment is made in terms of a documentary letter of credit or in terms of any acceptance or bill drawn under such letter of credit; or
    - (bb) payment is made directly to the foreign supplier of such goods or services or to a collecting banker on his behalf; or
    - (cc) payment is made in terms of a documentary bill accepted by the importer of such goods or services or by a banker on behalf of such importer;  
 [Para. (a) substituted by GNR.1078 of 1986.]
- (b) interest in accordance with a rate and reasonable costs payable on outstanding loans as approved by the Minister of Finance or a person designated by him;
- (c)
  - (i) bearer bonds or bearer notes listed or quoted on any stock exchange on 28 August 1985 and issued by or on behalf of the State or any other person; or
  - (ii) notes issued by the Public Investment Commissioners in accordance with their powers under regulation 4 of these regulations; or
  - (iii) bearer bonds or bearer notes, as approved by the Minister of Finance or a person designated by him, issued by or on behalf of the State or any other person;  
 [Para. (c) substituted by GNR.2016 of 1993.]
- (d) loans guaranteed by a foreign government or an agency of such government;
- (e) debts payable to international organisations of the United Nations or the Bank for International Settlements;
- (f) the financial obligations of the South African Reserve Bank, provided that such obligations do not arise from a special restricted account as defined in regulation 4A of the Exchange Control Regulations published under Government Notice R.1111 of 1 December 1961, as amended, or from a currency transfer guarantee issued by the South African Reserve Bank prior to 2 September 1985;
- (g)
  - (i) new loans, including interest and costs thereon provided such loans, interest and costs have been approved by the Minister of Finance or a person designated by him, and provided such loans have been granted on or after 2 September 1985 to any person in the Republic and are not for the replacement of an existing loan; or
  - (ii) such portions of loans, including interest and costs thereon, granted to any person in the Republic prior to 2 September 1985, which are drawn by or paid to the borrower on or after 2 September 1985 with the approval of the Minister of Finance or a person designated by him;
- (h) any amount from an account with a registered financial institution of a person resident outside the Republic, provided such payment has been approved by the Minister of Finance or a person designated by him; or
- (i) any payment of a current nature as authorised under the Exchange Control Regulations published by Government Notice R.1111 of 1 December 1961, as amended.  
 [R. 2 amended by GNR.1190 of 1987, by GNR.1140 of 1990 and by GNR.2016 of 1993.]

**3.** A banking institution which has outside the Republic established or acquired a subsidiary or opened a branch office shall take the necessary steps to freeze and prevent the repayment by such subsidiary or branch office of liabilities of such subsidiary or branch office except in respect of-

- (a) the repayment of such liability which is made out of the proceeds of the realisation of any asset which is held by such subsidiary or branch office outside the Republic; or
- (b) the repayment of liabilities aggregating, in respect of any single creditor, an amount of less than 50 000 United States Dollars (or an equivalent amount in any other currency) approved by the Minister of Finance or by a person designated by him.

**4.** (a) Notwithstanding anything to the contrary contained in any other law the Public Investment Commissioners shall-

- (i) open and administer special restricted accounts for the achievement of the purposes of these regulations; and
- (ii) have power to issue notes, subject to such provisions as they may from time to time determine, in exchange for any foreign creditor's claims, or part thereof, in respect of a special restricted account, but not otherwise.

[Para. (a) substituted by GNR.2016 of 1993.]

(b) Any payment made into a special restricted account in terms of these regulations shall, to the extent of the sum so paid and upon the issuance by the Public Investment Commissioners of a confirmation of deposit, in relation to the deposit resulting from such payment, to the foreign creditor in whose favour such payment has been made, in a form approved by the Minister of Finance or by a person designated by him, operate as a valid discharge to the person so making payment.

[Para. (b) substituted by GNR.1078 of 1986.]

(c) The sum standing to the credit of a special restricted account shall-

- (i) bear interest which shall be calculated and be payable in a manner, and at a rate, which shall be determined from time to time by the Minister of Finance or by a person designated by him;
- (ii) be a debt due by and be repaid by the Public Investment Commissioners in such manner and in such instalments and on such conditions as may be determined from time to time by the Minister of Finance or by a person designated by him, to the foreign creditor in whose favour such sum has been paid into the special restricted account;
- (iii) until such time as it is repaid to the foreign creditor in terms of subparagraph (ii) or is paid to another person at the request of the foreign creditor-
  - (aa) be held and retained by the Public Investment Commissioners on such terms and conditions as may be determined by the Minister of Finance or a person designated by him;
  - (bb) be dealt with only in such manner and in accordance with such conditions as may be determined from time to time by the Minister of Finance or by a person designated by him.

(d) All the obligations and liabilities of the Public Investment Commissioners with regard to-

- (i) amounts paid into special restricted accounts and any resulting deposits; or
- (ii) any notes issued by the Public Investment Commissioners in accordance with their powers under paragraph (a),

shall be the obligations and liabilities of the State.

[Para. (d) substituted by GNR.2016 of 1993.]

#### 5. The Minister of Finance-

- (a) or a person designated by him may, on such conditions as he may deem fit, exempt any person from any of or all the provisions of these regulations, and may at any time amend or withdraw such exemption or condition;
- (b) may, on such conditions (which may include warranties, waivers, undertakings and guarantees) as he may deem fit, on behalf of the State enter into agreements with and make offers to such persons as he may deem necessary, with regard to any matter which directly or indirectly relates to payments which are prohibited in terms of these regulations.

6. These regulations shall be in addition to and shall not be in substitution of the Exchange Control Regulations published by Government Notice R.1111 of 1 December 1961, as amended.

7. Any person who contravenes or fails to comply with any provision of regulation 2 or 3 or any condition referred to in regulation shall be guilty of an offence and liable on conviction to a fine not exceeding R250 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

8. (a) The regulations published by Government Notice R.2868 of 23 December 1985, are hereby repealed.

(b) A special restricted account opened by virtue of the provisions of regulation 2 of the regulations repealed by subregulation (a), shall continue to exist and shall be deemed to have been opened by virtue of the provisions of regulation 2.

9. These Regulations shall come into operation on 1 April 1986.



## PERISHABLE EXPORT CONTROL BOARD

In terms of section 17 (f) of the Perishable Products Export Control Act, 1983 (Act No. 9 of 1983), and by virtue of the Board's appointment as Assignee in terms of Regulation 1978 of the Agricultural Products Standards Act, 1990 (Act No. 119 of 1990), the Board hereby imposes the following fee, levy and tariff adjustments in respect of each of the products specified below, which may be exported from the Republic of South Africa. These fees and levies will be valid from 1 October 2010 until further notice.

**INSPECTION FEE (AGRICULTURAL PRODUCT STANDARDS)**

<u>Products</u>	<u>Inspection Fee</u>
Grapes (less than 5 kilograms)	41.2 cents per container in a consignment
Grapes (more than 5 kilograms)	82.4 cents per container in a consignment
Pome fruit	43.3 cents per container in a consignment
Pome fruit in bulk bins	43.3 cents per 12.5 kilograms or part thereof
Stone fruit	45.5 cents per container in a consignment

Above fees exclude VAT of 14%.

In all instances where a service is delivered and unit rates are not sufficient to cover costs, PPECB will retain the right to, at its discretion, charge hour and or kilometre rates instead of or in addition to the published fees above. For administrative purposes hour and kilometre rates may be adapted to an equivalent tariff per unit.

Until further notice, all other fees and levies charged by the Perishable Products Export Control Board including hour and kilometer rates, will remain unchanged.

(updated 01/10/2010)

**CURRENCY AND EXCHANGES ACT,  
NO. 9 OF 1933**

**(Prior to amendment by Act No. 49 of 1996)**

**Section 9 (6)**

(6) The Treasury may consider and grant or refuse any application to purchase foreign currency by utilising a computer system or other electronic device or apparatus capable of absorbing and processing data and, in accordance with instructions given by the Treasury, of making available information indicating the refusal or approval of that application, in the form of a document.

**(Prior to amendment by Act No. 23 of 1996)**

**Section 9 (6)**

(6) The provisions of this section shall apply also to the Territory of South-West Africa.

**(Prior to amendment by Act No. 48 of 1988)**

**Section 9 (2) (b) (i), the words preceding item (aa)**

the blocking, attachment and obtaining of interdicts for a period not exceeding 12 months by the Treasury and the forfeiture and disposal by the Treasury of any money or goods referred to or defined in the regulations or determined in terms of the regulations or any money or goods into which such money or goods have been transformed by any person, and-

**(Prior to amendment by Act No. 92 of 1977)**

Section 8

**8. Revaluation of gold reserves held by the South African Reserve Bank as at 30th June, 1950, and valuation of gold subsequently acquired.**-(1) The gold reserves held by the South African Reserve Bank (hereinafter referred to as the bank) as at the thirtieth day of June, 1950, shall be revalued at a price of twelve pounds eight shillings per ounce of fine gold (hereinafter referred to as the statutory price).

(2) Any gold acquired by the bank after the thirtieth day of June, 1950, shall be valued in its Gold Coin and Bullion Account at the statutory price.

Section 8bis

**8bis. Gold held by the South African Reserve Bank after 30th June, 1946.**-(1) All gold held by the bank after the thirtieth day of June, 1946, shall be for the profit or loss of the Union Government.

(2) The bank shall account, in a Gold Price Adjustment Account, for any difference between the statutory price and the price at which it buys or sells gold after the thirtieth day of June, 1946.

(3) Any debit balance on the Gold Price Adjustment Account shall be a charge against the Consolidated Revenue Fund, and any credit balance shall be held for the benefit of the Consolidated Revenue Fund.

(4) The bank shall render to the Treasury, at such times as the Treasury may direct, returns reflecting the operations on the Gold Price Adjustment Account, and any debit or credit balance on that account may be carried forward until such times as either the Treasury or the bank deems it desirable that a settlement of the outstanding balance shall be effected.

(5) The bank shall render to the Treasury, at such times as the Treasury may direct, a statement of the potential profit or loss on its total gold holdings at the current market price in the Union as compared with the statutory price; but settlement of any such loss or profits shall only be effected as and when the statutory price is altered by Act of Parliament.

Section 8ter

**8ter. Foreign currencies held by the South African Reserve Bank.**-(1) All assets expressed in currencies other than that of the Union which are held by the bank at the commencement of the Finance Act, 1946, or which are acquired thereafter by the bank shall, apart from the discount or interest earned thereon and the usual exchange margins, be for the profit or loss of the Union Government.

(2) The bank shall render to the Treasury monthly returns reflecting its operations in such currencies.

(3) Any loss suffered by the bank as a result of the depreciation of any such currency in relation to Union currency or the appreciation of Union currency in relation to any such currency shall be a charge against the Consolidated Revenue Fund, and any profit earned by the bank as a result of the appreciation of any such currency in relation to Union currency or the depreciation of Union currency in relation to any such currency shall be held for the benefit of the Consolidated Revenue Fund.

(4) Any profit or loss in terms of this section may be carried forward until such times as either the Treasury or the bank deems it desirable that a settlement of the outstanding balance shall be effected.

(5) . . . . .

(6) . . . . .

Section 8quater

**8quater. Forward exchange contracts entered into, and foreign currencies borrowed, by the South African Reserve Bank.**-(1) Any profit or loss on-

(a) any current or future forward exchange contract entered into by the Bank (excluding the usual exchange margins earned or paid thereon) and

(b) any sum borrowed by the Bank in any currency other than that of the Union (excluding any interest, commission or other charges, or the usual exchange margins, earned or paid thereon),

shall be for the account of the Union Government.

(2) The bank shall render to the Treasury, at such times as the Treasury may direct, a return or returns reflecting in summarized form its operations in forward exchange and in borrowings of foreign currencies.

(3) Any loss suffered by the bank on such forward exchange contracts or borrowings in currencies other than that of the Union, as a result of the depreciation of Union currency in relation to any such currency or the appreciation of any such currency in relation to Union currency shall be a charge against the Consolidated Revenue Fund, and any profit earned by the bank on such forward exchange contracts or borrowings in currencies other than that of the Union, as a result of the appreciation of Union currency in relation to any such currency or the

depreciation of any such currency in relation to Union currency shall be held for the benefit of the Consolidated Revenue Fund.

(4) Any profit or loss in terms of this section may be carried forward until such times as either the Treasury or the bank deems it desirable that a settlement of the outstanding balance shall be effected.

(5) Any loss in terms of this section or sections eight bis and *eight ter* shall be defrayed from monies appropriated by Parliament for the purpose.

(6) The Controller and Auditor-General may accept as correct a certificate by the auditors of the bank that any statement of account to which such certificate refers is a true and complete statement of all transactions, receipts and payments by the bank by virtue of the provisions of this section and sections eight, eight bis and *eight ter*, during the period covered by the statement.



## Annexure “SEM4”



**GNR.1111 of 1 December 1961: Regulations made under the Currency and Exchanges Act, 1933 (Act 9 of 1933)**

**"SEM 4"**

**EXCHANGE CONTROL REGULATIONS, 1961**

**DEPARTMENT OF FINANCE**

**as amended by**

<b>Notice</b>	<b>Government Gazette</b>	<b>Date</b>
R.872	1458	3 June 1966
R.1647	1570	21 October 1966
R.650	2048	19 April 1968
R.355	4996	5 March 1976
R.357	7415	20 February 1981
Proc. R.157	9926	1 September 1985
R.2868	10054	23 December 1985
R.957	10730	4 May 1987
R.1416	10803	23 June 1987
R.224	11140	19 February 1988
R.881	11287	29 April 1988
R.1472	11434	18 July 1988
R.427	16316	12 March 1995
R.1022	18170	1 August 1997
R.885	20299	23 July 1999
R.999	33717	1 November 2010
R.8	33926	14 January 2011
R.445	35430	8 June 2012

It is hereby notified that the State President has, in terms of section nine of the Currency and Exchanges Act, 1933 (Act 9 of 1933), made the Exchange Control Regulations as contained in the Schedule in this notice.

**SCHEDULE**

**ARRANGEMENT OF REGULATIONS**

1. Definitions of terms
2. Restriction on purchase, sale and loan of foreign currency and gold
3. Restriction on the export of currency, gold, securities, etc., and the import of South African banknotes
- 3A. .....
- 3B. .....
4. Blocked accounts
- 4A. .....
5. Acquisition by treasury of gold
6. Acquisition by treasury of foreign currency
7. Declaration of foreign assets and liabilities
8. Power to prescribe currencies in respect of certain transactions
9. Limitation of optional ports of destination
10. Restriction on export of capital
11. Assignment to treasury of right to exported goods
12. Goods purchased outside the Republic
13. Prohibition of export of goods imported from countries outside the sterling area
14. Restriction on dealings in securities belonging to non-residents
- 14A. .....
15. Prohibition of dealings in bearer securities and bearer options
16. Control of capital issues
17. Businesses controlled by persons outside the Republic
18. Provision of security
19. Furnishing of information
20. Exemption from stamp duty
21. Forms
22. Penalty
- 22A. Attachment of certain money and goods, and blocking of certain accounts
- 22B. Forfeiture and disposal of money or goods attached or in respect of which orders have been issued or made
- 22C. Recovery of certain amounts by treasury
- 22D. Review of, or institution of actions in connection with, attachment and forfeiture of certain money or goods, and of certain orders
- 22E. Delegation of powers
23. Withdrawal of regulations
24. Administrative Relief



**1. Definitions of terms.**-In these regulations, unless the context otherwise indicates:

**"affected person"** means a body corporate, foundation, trust or partnership operating in the Republic, or an estate, in respect of which:

- (i) 75 per cent or more of the capital, assets or earnings thereof may be utilised for payment to, or to the benefit in any manner of, any person who is not resident in the Republic; or
- (ii) 75 per cent or more of the voting securities, voting power, power of control, capital, assets or earnings thereof, are directly or indirectly vested in, or controlled by or on behalf of, any person who is not resident in the Republic;

[Definition of "affected person" inserted by GNR.357 of 1981 and amended by GNR.1022 of 1997 and by GNR.885 of 1999 w.e.f. 11 March 1998.]

**"appropriate officer"** means any officer of customs or excise, any immigration officer, any member of the South African Police, any member of the South African Railways and Harbours Police or any person authorised by the Treasury to act as such;

[Definition of "appropriate officer" substituted by GNR.357 of 1981.]

**"authorised dealer"** means, in respect of any transaction in respect of gold, a person authorised by the Treasury to deal in gold, and in respect of any transaction in respect of foreign exchange, a person authorised by the Treasury to deal in foreign exchange;

**"bond"** includes any mortgage bond or notarial bond registered or registrable in any registration office in the Republic;

**"Consolidated Revenue Fund"** . . . . .

[Definition of "Consolidated Revenue Fund" deleted by GNR.1022 of 1997.]

**"financial assistance"** includes the lending of currency, the granting of credit, the taking up of securities, the conclusion of a hire purchase or a lease, the financing of sales or stocks, discounting, factoring, the guaranteeing of acceptance credits, the guaranteeing or acceptance of any obligation, a suretyship, a buy-back and a lease-back but excluding:

- (a) the granting of credit by a seller in respect of any commercial transaction directly involving the passing of ownership of the goods sold from seller to purchaser; and
- (b) the granting of credit solely in respect of the payment for services rendered;

[Definition of "financial assistance" inserted by GNR.357 of 1981.]

**"foreign currency"** means any currency which is not legal tender in the Republic, and includes any bill of exchange, letter of credit, money order, postal order, promissory note, traveller's cheque or any other instrument for the payment of currency payable in a currency unit which is not legal tender in the Republic;

[Definition of "foreign currency" substituted by GNR.357 of 1981.]

**"Gazette"** . . . . .

[Definition of "Gazette" deleted by GNR.1022 of 1997.]

**"gold"** means gold in any form, except in regulations 2 and 5 in which "gold" means any gold other than wrought gold;

**"goods"** includes any immovable goods or security;

[Definition of "goods" inserted by GNR.957 of 1987.]

**"money"** includes foreign currency or any bill of exchange or other negotiable instrument;

[Definition of "money" inserted by GNR.957 of 1987.]

**"owner"** in respect of any security, includes any person who has the right to dispose of or transfer that security, or who has the custody thereof, or who receives or has the right to receive, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any other interest therein;

**"Republic of South Africa"** . . . . .

[Definition of "Republic of South Africa" deleted by GNR.1022 of 1997.]

**"security"** means shares, stock, bonds, debentures, debenture stock, unit certificates and includes any letter or other document conferring or containing any evidence of rights in respect of any security;

**"sterling area"** . . . . .

[Definition of "sterling area" deleted by GNR.1022 of 1997.]

**"the Act"** means the Currency and Exchanges Act, 1933 (Act 9 of 1933);

[Definition of "the Act" inserted by GNR.957 of 1987.]

**"transfer"** includes transfer by way of loan or security, and for the purposes of these regulations a person shall be deemed to transfer securities from the Republic elsewhere if he transfers securities from a register in the Republic to a register outside the Republic;

**"Treasury"** in relation to any matter contemplated in these regulations, means the Minister of Finance or an officer in the Department of Finance who, by virtue of the division of work in that Department, deals with the matter on the authority of the Minister of Finance.

[Definition of "Treasury" substituted by GNR.957 of 1987.]

**2. Restriction on purchase, sale and loan of foreign currency and gold.**-(1) Except with permission granted by the Treasury, and in accordance with such conditions as the Treasury may impose, no person other than an authorised dealer shall buy or borrow any foreign currency or any gold from, or sell or lend any foreign currency or any gold to any person not being an authorised dealer.

(2) (a) An authorised dealer shall not buy, borrow or receive or sell, lend or deliver any foreign currency or gold except for such purposes or on such conditions, as the Treasury may determine.

(b) The Treasury may, in its discretion, by order prohibit all authorised dealers or any one or more of them:

- (i) from selling, lending or delivering to, or buying, borrowing or receiving from, any specified person, fund or foreign Government any foreign currency or gold; or
- (ii) from so selling, lending, delivering, buying, borrowing or receiving any foreign currency or gold for any specified purpose or except for such purposes or on such conditions as the Treasury may determine.

[Sub-r. (2) substituted by GNR.872 of 1966.]

(3) Every person other than an authorised dealer desiring to buy or borrow or sell or lend foreign currency or gold shall make application to an authorised dealer and shall furnish such information and submit such documents as the authorised dealer may require for the purpose of ensuring compliance with any conditions determined under sub-regulation (2) of this regulation.

(4) No person other than an authorised dealer shall:

- (a) use or apply any foreign currency or gold acquired from an authorised dealer for or to any purpose other than that stated in his application to be the purpose for which it was required; or
- (b) do any act calculated to lead to the use or application of such foreign currency or gold for or to any purpose other than that so stated.

(5) If a person has, as a result of an application in terms of sub-regulation (3) of this regulation, obtained from an authorised dealer any gold or foreign currency and no longer requires all or any part of such gold or foreign currency for the purpose stated in his application, he shall forthwith offer for sale to the Treasury or an authorised dealer that gold or foreign currency which is not so required, which may be repurchased at the price at which it was sold to him or such other price as the Treasury may determine.

### **3. Restriction on the export of currency, gold, securities, etc., and the import of South African banknotes.-**

(1) Subject to any exemption which may be granted by the Treasury or a person authorised by the Treasury, no person shall, without permission granted by the Treasury or a person authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose:

- (a) take or send out of the Republic any banknotes, gold, securities or foreign currency, or transfer any securities from the Republic elsewhere; or
- (b) send, consign or deliver any banknotes, gold, securities or foreign currency to any person for the purpose of taking, sending or removing such banknotes, gold, securities or foreign currency out of the Republic; or
- (b)bis take any South African banknotes into the Republic or send or consign any such notes to the Republic; or

[Para. (b)bis inserted by GNR.1647 of 1966.]

- (c) make any payment to, or in favour, or on behalf of a person resident outside the Republic, or place any sum to the credit of such person; or
- (d) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) on the part of such person or any other person to receive a payment in the Republic is created or transferred as consideration:
  - (i) for the receiving by such person or any other person of a payment or the acquisition by such person or any other person of property, outside the Republic; or
  - (ii) for a right (whether actual or contingent) on the part of such person or any other person to

receive a payment or acquire property outside the Republic;

or make or receive any payment as such consideration; or

- (e) grant any financial assistance to any person in the Republic, where as security for such financial assistance, the person granting the financial assistance in turn relies on any security, guarantee, undertaking or financial assistance, directly or indirectly furnished by:

- (i) any person resident outside the Republic; or
- (ii) an affected person;

[Para. (e) substituted by GNR.357 of 1981.]

- (f) grant any financial assistance to any person in the Republic, where such person:

- (i) is not resident in the Republic; or
- (ii) is an affected person.

[Para. (f) inserted by GNR.650 of 1968 and substituted by GNR.357 of 1981.]

(2) Nothing in sub-regulation (1) contained shall prohibit the doing by a person authorised by the Treasury of anything within the scope of his authority.

(3) Every person who is about to leave the Republic and every person in any port or other place recognised as a place of departure from the Republic, who is requested to do so by the appropriate officer shall:

- (a) declare whether or not he has with him any banknotes, gold, securities, or foreign currency; and
- (b) produce any banknotes, gold, securities or foreign currency which he has with him;

and the appropriate officer and any person acting under his directions may search such person and examine or search any article which such person has with him, for the purpose of ascertaining whether he has with him any banknotes, gold, securities or foreign currency, and may seize any banknotes, gold, securities, or foreign currency produced or found upon such examination or search unless either:

- (i) the appropriate officer is satisfied that such person is, in respect of any banknotes, gold, securities or foreign currency which he has with him, exempt from the prohibition imposed by sub-regulation (1); or
- (ii) such person produces to the appropriate officer a certificate granted by the Treasury which shows that the exportation by such person of any banknotes, gold, securities or foreign currency, which he has with him does not involve a contravention of that sub-regulation.

No female shall be searched in pursuance of this subregulation except by a female.

(4) The appropriate officer and any person acting under his directions may examine or search any goods consigned or letters or parcels sent from the Republic to a destination outside the Republic, for the purpose of ascertaining whether there are being sent therewith any banknotes, gold, securities, or foreign currency, and may seize any banknotes, gold, securities or foreign currency found upon such examination or search, unless the appropriate officer is satisfied that the Treasury has granted a certificate which shows that the sending as aforesaid of the banknotes, gold, securities or foreign currency does not involve a contravention of sub-regulation (1) and that such certificate was not granted in reliance on any incorrect statement.

(5) All banknotes, gold, securities and foreign currency seized under sub-regulation (3) or (4) shall be forfeited for the benefit of the National Revenue Fund: Provided that the Treasury may, in its discretion, direct that any banknotes, gold, securities or foreign currency so seized, be refunded or returned, in whole or in part, to the person from whom they were taken, or who was entitled to have the custody or possession of them at the time when they were seized.

[Sub-r. (5) amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

(6) Every person who is about to enter the Republic and every person in any port or other place recognised as a place of arrival in the Republic, who is requested to do so by the appropriate officer shall:

- (a) declare whether or not he has with him any South African banknotes; and
- (b) produce any such banknotes which he has with him;

and the appropriate officer and any person acting under his directions may search such person and examine or search any article which such person has with him, for the purpose of ascertaining whether he has with him any South African banknotes and may seize any such banknotes produced or found upon such examination or search unless either:

- (i) the appropriate officer is satisfied that such person is, in respect of any South African banknotes which he has with him, exempt from the prohibition imposed by sub-regulation (1) (b)bis; or
- (ii) such person produces to the appropriate officer a certificate granted by the Treasury which shows that the importation by such person of any South African banknotes which he has with him does not involve a contravention of that sub-regulation.

No female shall be searched in pursuance of this subregulation except by a female.

[Sub-r. (6) substituted by GNR.1647 of 1966.]

(7) The appropriate officer and any person acting under his directions may examine or search any goods consigned or letters or parcels sent to the Republic from a place outside the Republic, for the purpose of ascertaining whether there are being sent therewith any South African banknotes and may seize any such banknotes found upon such examination or search, unless the appropriate officer is satisfied that the Treasury has granted a certificate which shows that the sending as aforesaid of such banknotes does not involve a contravention of sub-regulation (1) (b)bis, and that such certificate was not granted in reliance on any incorrect statement.

[Sub-r. (7) inserted by GNR.1647 of 1966.]

(8) All South African banknotes seized under sub-regulation (6) or (7) shall be forfeited for the benefit of the National Revenue Fund: Provided that the Treasury may, in its discretion, direct that any notes so seized, be refunded or returned in whole or in part, to the person from whom they were taken, or who was entitled to have the custody or possession of them at the time when they were seized.

[Sub-r. (8) inserted by GNR.1647 of 1966 and amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

(9) For the purposes of sub-regulation (1) (a), documents of title relating to securities shall be deemed to be securities, and any reference to securities in sub-regulations (3), (4) and (5) shall be construed as including references to such documents of title.

[R. 3 amended by GNR.1647 of 1966. Sub-r. (9) inserted by GNR.1647 of 1966 and substituted by GNR.357 of 1981.]

3A. ....

[R. 3A inserted by GNR.1472 of 1988 and repealed by GNR.1022 of 1997.]

3B. ....

[R. 3B inserted by GNR.1472 of 1988 and repealed by GNR.1022 of 1997.]

**4. Blocked accounts.**-(1) In this regulation "blocked account" means an account opened with an authorised dealer for the purposes specified in the succeeding sub-regulations.

(2) Whenever a person in the Republic is under a legal obligation to make a payment to a person outside the Republic but is precluded from effecting the payment as a result of any restrictions imposed by or under these regulations, the Treasury may order such person to make the payment to a blocked account.

(3) The Treasury may by notice in the *Gazette* direct, in respect of:

- (a) persons resident in a particular country; or
- (b) any particular person whom the Treasury has reasonable grounds to suspect of having contravened any provision of these regulations relating to foreign exchange,

that all sums due by any other persons to persons referred to in (a) or (b) (hereinafter referred to as a "creditor") shall be paid into a blocked account.

(4) Whenever such direction has been given:

- (a) any person who holds or may thereafter hold moneys on behalf of any creditor (as defined in sub-regulation (3)), or who is or may thereafter become indebted to such creditor, shall forthwith, or as the case may be, on the date upon which such moneys become due or such debt becomes payable, pay the said moneys or the sum representing such debt into the said blocked account;
- (b) no person shall, without permission of the Treasury and in accordance with such conditions as the Treasury may impose, make any payment on behalf of any creditor as defined in sub-regulation (3);
- (c) any person who owes money to such creditor but is not under a legal obligation to make a payment, unless called upon by his creditor to do so, shall forthwith report to the Treasury, in writing, the amount of his indebtedness to the said creditor and the conditions on which the amount will become payable. The Treasury may thereupon, if the amount is payable at call, order him to pay the amount forthwith into a blocked account, or, if the amount is payable within a specified period after notice, order him to pay the amount into a blocked account within such period;
- (d) no person shall, without the permission of the Treasury and in accordance with such conditions as the Treasury may impose, undertake any transaction in respect of property or assets belonging to or directly or indirectly controlled by any creditor as defined in sub-regulation (3), or take any action whereby any moneys which would otherwise have accrued to such creditor, cease to become due to him or whereby any obligation resting upon such person to pay any moneys due or payable to such creditor into a blocked account would otherwise be evaded.

(5) Any payment made to a blocked account in terms of this regulation shall, to the extent of the sum paid, operate as a valid discharge to the person making payment.



(6) Where the liability to make the payment is a liability to make the payment in currency other than Republic currency, the amount of the liability in Republic currency and the extent of the discharge shall be ascertained by converting the amount into Republic currency at a rate fixed by the Treasury.

(7) No sum standing to the credit of a blocked account shall be dealt with in any way except with permission granted by the Treasury or a person authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose.

(8) The Treasury may grant exemptions from the provisions of this regulation and may authorise the refund to any person of moneys paid by him into a blocked account. To the extent of such refund no payment shall be deemed to have been made for the purposes of sub-regulation (5).

#### 4A. ....

[R. 4A inserted by Proc. R.157 of 1985 and repealed by GNR.2868 of 1985.]

**5. Acquisition by treasury of gold.**-(1) Every person resident in the Republic who becomes entitled to sell or to procure the sale of any gold shall, within thirty days after becoming so entitled, offer that gold or cause it to be offered, for sale to the Treasury or to a person authorised by the Treasury to act under this regulation; and the Treasury or a person so authorised may purchase that gold at such price as the Treasury may fix, being a price which, in the opinion of the Treasury, is not less than the market value of the gold on the day of purchase.

(2) (a) The provisions of sub-regulation (1) of this regulation shall not impose upon any person an obligation to offer any gold for sale or to cause any gold to be offered for sale, if he is, in respect of that gold, exempted from this regulation by the Treasury or by a person so authorised.

(b) The Treasury or a person so authorised may withdraw any exemption granted in terms of paragraph (a) of this sub-regulation.

(3) In any criminal proceedings against any person for failure to comply with sub-regulation (1):

- (a) if there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any gold is held by him or on his behalf or in his name, it shall be presumed, until the contrary is proved, that such person is entitled to sell or to procure the sale of the gold in question;
- (b) if it is proved that such person is entitled to sell or to procure the sale of any gold it shall be presumed, until the contrary is proved, that the gold in question has not been offered for sale to the Treasury or to a person authorised by the Treasury within the period required by sub-regulation (1).

**6. Acquisition by treasury of foreign currency.**-(1) Every person resident in the Republic who becomes entitled to sell or to procure the sale of any foreign currency, shall within thirty days after becoming so entitled, make or cause to be made, a declaration in writing of such foreign currency to the Treasury or to an authorised dealer.

[Sub-r. (1) amended by GNR.355 of 1976 and by GNR.1022 of 1997.]

(2) Every person resident in the Republic who becomes entitled to assign or to procure the assignment of any right to receive outside the Republic, in respect of any credit or of any balance at a bank, payment of any amount in a foreign currency shall, within thirty days after becoming so entitled, make or cause to be made, a declaration in writing of such right to the Treasury or to an authorised dealer.

[Sub-r. (2) amended by GNR.355 and by GNR.1022 of 1997.]

(3) Any person who has, in terms of sub-regulation (1) or (2), made a declaration in writing to the Treasury or to an authorised dealer, shall be deemed to have offered such foreign currency or such right, as the case may be, for sale to the Treasury or to such authorised dealer and the Treasury or such authorised dealer may purchase such foreign currency or such right at a price which, in the case of foreign currency, shall not be less than the market value of that currency on the day of purchase and, in the case of a right, shall be such as the Treasury may fix.

(4) Any person from whom the Treasury or an authorised dealer purchases foreign currency or a right in terms of this regulation shall do all things necessary for the purpose of transferring that foreign currency or assigning that right to the Treasury or to such authorised dealer.

(5) No person who is entitled (whether actually or contingently) to receive a payment in a foreign currency shall, except with permission granted by or on behalf of the Treasury and in accordance with such conditions as may be imposed by the Treasury or on its behalf do, or refrain from doing, any act with intent to secure that:

- (a) the receipt by him of the whole or any part of the payment in such currency is delayed;
- (b) the payment ceases, in whole or in part, to be receivable by him or receivable in that currency;
- (c) the contingency on which the right to receive payment as aforesaid is dependent (including the



declaration of a dividend or profit by a company in which such person has an interest), does not eventuate.

(6) Any foreign currency or any right in respect of which a declaration has been made in terms of sub-regulation (1) or (2) but which has not been purchased by the Treasury or by a person authorised by the Treasury to act under this regulation shall not be sold, transferred or otherwise disposed of without the permission of the Treasury and in accordance with such conditions as the Treasury may impose.

(7) The provisions of sub-regulations (3), (4) and (6) shall not impose upon any person an obligation in respect of any foreign currency or any right if he is, in respect of that currency or that right, as the case may be, exempted from this regulation by the Treasury.

(8) The Treasury may withdraw any exemption granted in terms of sub-regulation (7).

(9) For the purposes of this regulation any person who has at any time since the commencement of these regulations been in the Republic shall be deemed, until the contrary is proved, to have been and still to be resident in the Republic.

(10) (a) Subject to any exemption which may be granted by the Treasury, no person shall export goods from the Republic, unless the relative bill of entry export in respect of such goods is duly completed and signed by the consignor or a person duly authorised by the consignor.

(b) The Treasury may direct that the said bill of entry export shall be completed in respect of any commodity or article, irrespective of its value.

(c) For the purposes of this subregulation "value" shall mean-

(i) for customs purposes, the value as defined in section seventy two of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and

(ii) for the purposes of an authorised dealer, the full proceeds of the goods exported.  
[Sub-r. (10) substituted by GNR.8 of 14 January 2011.]

(11) If in any criminal proceedings against any person for a contravention of sub-regulation (1) of this regulation there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any foreign currency is held by him or in his name or on his behalf, it shall be presumed, until the contrary is proved, that such person is entitled to sell or to procure the sale of the foreign currency in question.

(12) If in any criminal proceedings against any person for a contravention of sub-regulation (2) of this regulation there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any amount is standing to his credit outside the Republic or that he has any balance at a bank outside the Republic, it shall be presumed, until the contrary is proved, that such person is entitled to assign or to procure the assignment of such a right as is referred to in the said sub-regulation (2).

(13) If in any criminal proceedings against any person for a contravention of sub-regulation (1) or (2) of this regulation, it is proved that such person is entitled to sell or to procure the sale of or to assign or to procure the assignment of any foreign currency, it shall be presumed, until the contrary is proved, that a declaration in writing has not been made to the Treasury or to an authorised dealer within the period required by sub-regulation (1) or (2), as the case may be.

**7. Declaration of foreign assets and liabilities.**-(1) Every person resident in the Republic who is, or becomes, entitled to sell or to procure the sale of any foreign asset, shall within thirty days after becoming so entitled, make or cause to be made, a declaration in writing in the form prescribed by the Treasury of such foreign asset to the Treasury or to an authorised dealer. Such declaration shall state when and how such foreign asset was acquired, where it is held and whether and to what extent it is held in cover for or in respect of any foreign liability.

(2) Any foreign asset in respect of which a declaration has been made in terms of sub-regulation (1) of this regulation shall not be sold, transferred or otherwise disposed of without the permission of the Treasury, and in accordance with such conditions as the Treasury may impose.

(3) The provisions of sub-regulation (2) of this regulation shall not impose upon any person an obligation in respect of any foreign asset if he is, in respect of that asset, exempted from this regulation by the Treasury.

(4) The Treasury may withdraw any exemption granted in terms of sub-regulation (3) of this regulation.

(5) For the purposes of this regulation any person who has at any time since the date of publication thereof been in the Republic shall be deemed, until the contrary is proved, to have been and still to be resident in the Republic.

**8. Power to prescribe currencies in respect of certain transactions.**-(1) The Treasury may from time to time prescribe, by notice in the *Gazette* or by instructions to authorised dealers, the currency or currencies or the manner in which payment may or may not be made in connection with imports or exports or other transactions involving payments between persons in the Republic and persons outside the Republic, and no person shall, except with the permission of the Treasury, and in accordance with such conditions as the Treasury may impose, make or receive

payment otherwise than in the currency or currencies or in the manner so prescribed.

[Sub-r. (1) amended by GNR.957 of 1987.]

(2) Without prejudice to the generality of the provisions of subregulation (1), any notice and any instructions under the said sub-regulation may relate to payments (including any particular payment):

- (a) in connection with the import or export of any commodity specified in the notice or instructions:
  - (i) to or from all countries; or
  - (ii) to or from all countries except any country specified in the notice or instructions; or
  - (iii) to or from any country so specified; or
- (b) in connection with any particular transaction.

(3) The provisions of sub-regulation (10) of regulation 6 shall apply *mutatis mutandis* to the export from the Republic of any commodity to a country in connection with the export of which commodity to that country the Treasury has in terms of subregulation (2) above prescribed the currency or currencies or the manner in which payment may or may not be made.

**9. Limitation of optional ports of destination.**-(1) No person may, except with permission granted by the Treasury and in accordance with such conditions as the Treasury may impose, consign any goods to any destination other than that specified in the Declaration in regard to Foreign Exchange Proceeds of Exports prescribed in terms of subregulation (10) (a) of regulation 6, unless the other destination is in the same monetary area, or give or accept instructions after the despatch of the goods for the diversion thereof to any other destination unless such other destination is in the same monetary area.

[Sub-r. (1) amended by GNR.957 of 1987.]

(2) If in any criminal proceedings under this regulation it is proved that goods have been diverted to a country other than that designated as the destination of such goods on the prescribed documents submitted to and accepted by the Republic authorities to cover the outward consignment of such goods, then it shall be presumed, until the contrary is proved, that the goods were consigned to and received in such other country and not the country designated on such documents.

**10. Restriction on export of capital.**-(1) No person shall, except with permission granted by the Treasury and in accordance with such conditions as the Treasury may impose:

[Sub-r. (1) amended by GNR.957 of 1987.]

- (a) export from the Republic during any period of twelve months a total quantity of goods which exceeds in value twenty rand or such greater amount as the Treasury may determine, if:
  - (i) no payment for such goods has been or is to be received in the Republic from a person outside the Republic; or
  - (ii) such goods are exported at a price which is less than the value thereof; or
  - (iii) the period within which payment for such goods is to be made exceeds six months from the date of shipment from the Republic or such shorter period as an authorised dealer may determine in respect of such goods;
- (b) take out of the Republic goods, including personal apparel, household effects and jewellery which have a value in excess of six hundred rand or of such greater amount as the Treasury may determine;
- (c) enter into any transaction whereby capital or any right to capital is directly or indirectly exported from the Republic.

(2) The provisions of sub-regulations (3), (4) and (5) of regulation 3 shall apply *mutatis mutandis* to goods referred to in sub-regulation (1) (b) of this regulation.

(3) For the purposes of this regulation "value" shall mean the value for customs purposes as defined in section one hundred and eight of the Customs Act, 1955 (55 of 1955).

(4) For the purposes of sub-regulation (1) (c)-

- (a) "capital" shall include, without derogating from the generality of that term, any intellectual property right, whether registered or unregistered; and
- (b) "exported from the Republic" shall include, without derogating from the generality of that term, the cession of, the creation of a hypothetical or other form of security over, or the assignment or transfer of any intellectual property right, to or in favour of a person who is not resident in the Republic.

[Sub-r. (4) inserted by GNR.445 of 8 June 2012.]

**11. Assignment to treasury of right to exported goods.**-(1) Whenever a person has exported goods from the Republic and has failed to sell such goods within six months from the date of shipment from the Republic, or within such shorter period as may have been determined in terms of subregulation (1) (a) (iii) of regulation 10, without having permission in terms of sub-regulation (1) of regulation 10 aforesaid to export such goods without sale, or without payment within the period mentioned by sub-regulation (1) (a) (iii) aforesaid, then in such event such person shall within fourteen days from the date of expiry of the said period report in writing to the Treasury or to an authorised dealer that the said goods have not been sold, and the Treasury may thereupon order such person to assign to the Treasury or to a person authorised by the Treasury his right to the said goods.

The sum payable as consideration for any assignment in terms of this regulation shall be such sum as may be determined by or on behalf of the Treasury, but shall not be less than the amount realised by the Treasury after deduction of the cost of realisation.

(2) After the date on which this regulation comes into force, no person shall export any goods on conditions which would preclude him from giving effect to an order issued in terms of sub-regulation (1).

**12. Goods purchased outside the Republic.**-(1) Whenever a person in the Republic has purchased goods in any country outside the Republic and has paid for or made a payment on account of such goods, but the said goods have not been consigned to the Republic within four months from the date on which such payment was made, such person shall within fourteen days from the date of expiry of the said period of four months report in writing to the Treasury or to an authorised dealer that the goods have not been consigned to the Republic and the Treasury may thereupon order such person to assign to the Treasury or to a person authorised by the Treasury his right to the said goods.

The sum payable in consideration for any assignment made in accordance with this regulation shall be such as the Treasury may fix but shall not be less than the amount realised by the Treasury after deduction of the cost of realisation.

(2) After the date on which this regulation comes into force no person shall purchase any goods on conditions which would preclude him from giving effect to an order issued in terms of sub-regulation (1).

(3) If in any criminal proceedings against any person for failure to make a report to the Treasury or to an authorised dealer as required by sub-regulation (1), it is proved that such person was unable, after the expiration of a period of six months from the date upon which any payment referred to in the said sub-regulation was made by him, to produce a bill of entry import in respect of the goods in question after having been called upon to do so by the Treasury or by an authorised dealer, it shall be presumed until the contrary is proved, that the goods in question were not consigned to the Republic within four months from the said date.

(4) No person in the Republic who has purchased any means of transport outside the Republic shall, after such means of transport has been consigned and brought to the Republic, permit such means of transport to leave the Republic for the conveyance of any persons or goods for reward outside the Republic except with the consent of the Treasury and subject to such conditions as the Treasury may impose.

For the purposes of this sub-regulation "means of transport" includes any ship, aircraft, motor vehicle, tractor or roller.

**13. Prohibition of export of goods imported from countries outside the sterling area.**-(1) No person shall, except with permission granted by the Treasury, and in accordance with such conditions as the Treasury may impose, export from the Republic any article imported from any country outside the sterling area.

[Sub-r. (1) amended by GNR.957 of 1987.]

(2) For the purposes of this regulation an article manufactured in the Republic in whole or in part from imported products, materials or parts, shall be deemed to be of South African origin and be deemed not to have been imported from a country outside the sterling area.

(3) In this regulation "manufactured" includes processed or assembled.

**14. Restriction on dealings in securities belonging to non-residents.**-(1) No person shall, without permission granted by the Treasury or a person authorised by the Treasury and in accordance with such conditions as the Treasury or such authorised person may impose:

- (a) acquire or dispose of in any way any controlled security;
- (b) act as nominee for a non-resident or appoint a non-resident as nominee in respect of any dealings in securities;
- (c) make any entry in a security register which involves the transfer of a security into or out of the name of a non-resident;
- (d) change an address of a non-resident in any security register except a change to an address in the same monetary area as that currently recorded in the register;

- (e) enter in a security register or do any act with intent to secure the entry in such register of an address in the Republic if he knows or has reason to believe that the purchaser of the security is a non-resident or that a non-resident has an interest in the security;
- (f) transfer a security owned by a non-resident or in which a non-resident has an interest from a United Kingdom register or from the London section of a register to a South African register or section of a South African register.

(2) (a) Any person who holds, possesses or has in his custody any controlled securities shall submit such securities to an authorised dealer within thirty days from the date of commencement of this regulation or within thirty days from the date on which he becomes the holder of such securities or on which such securities come into his possession or are placed in his custody whichever is the later date.

(b) The securities submitted in terms of paragraph (a) must be accompanied by a list giving the following particulars:

- (i) Full name and country of residence of owner or person interested in the securities, together with a signed declaration by the holder that to the best of his knowledge, the owner or interested person is actually resident in the country stated.
- (ii) Name of company or body which issued the securities.
- (iii) Total number of securities.
- (iv) Full name and residential address of person in possession of the securities or who has the securities in his custody.

For the purpose of facilitating identification of controlled securities the Treasury may direct authorised dealers to affix to the securities so submitted to them their stamp together with such endorsement as the Treasury may determine.

(3) For the purposes of this regulation:

(a) **"controlled security"** means:

- (i) any security which is registered in the name of a non-resident, or of which a non-resident is the owner, or in which a non-resident has an interest;
- (ii) any security acquired from a non-resident or acquired outside the Republic, by any person, irrespective of the residence of such person;

(b) **"non-resident"** means a person resident outside the Republic;

(c) **"nominee"** means a person through whose agency all or any of the rights of the owner of a security are exercised.

14A. ....

[R. 14A inserted by Proc. R.157 of 1985 and repealed by GNR.427 of 1995.]

**15. Prohibition of dealings in bearer securities and bearer options.**-(1) No person shall pay any dividend or interest coupon issued in respect of any bearer security irrespective of whether such coupon became payable before or becomes payable after the commencement of this regulation.

(2) No person shall issue any bearer option or extend the currency period of any existing bearer option.

(3) No person shall dispose of, acquire or otherwise deal in:

- (a) any bearer security;
- (b) any bearer option issued after the date of publication of this Proclamation in the *Gazette*.

(4) The owner of any bearer security may with the permission of the Treasury and in accordance with such conditions as the Treasury may impose, convert such security into a registered security.

(5) Application for permission to convert any bearer security into any registered security shall be accompanied by a sworn declaration in such form as the Treasury may prescribe, duly completed by the owner of the security or his authorised agent.

(6) (a) The Treasury or a person authorised by the Treasury may grant exemptions from the provisions of subregulations (1), (2) and (3).

(b) The provisions of sub-regulation (5) shall apply *mutatis mutandis* in respect of applications for exemption under paragraph (a) of this sub-regulation relating to bearer securities or to dividend or interest coupons issued in respect of such bearer securities.

(7) The provisions of this regulation shall apply in respect of all bearer securities and bearer options irrespective of whether such securities or options were or are issued inside or outside the Republic.



(8) For the purposes of this regulation "**option**" means the right to subscribe for or take up the whole or any part of an issue of capital.

**16. Control of capital issues.**-(1) Except with the consent of the Treasury and in accordance with such conditions as the Treasury may impose, no person shall during any period of twelve months:

- (a) make in the Republic an issue or issues of capital which amount in the aggregate to more than ten thousand rand; or
- (b) renew or postpone the date of maturity of securities maturing for repayment in the Republic which amount in the aggregate to more than ten thousand rand.

(2) The Treasury may from time to time by notice in the *Gazette*:

- (a) exempt particular classes of issuers of capital, either generally, or in respect of particular classes of issues of capital, from the operation of sub-regulation (1); or
- (b) increase, either generally or in respect of particular classes of issues or issuers of capital, the aggregate exemption limit of ten thousand rand prescribed in subregulation (1);

and may by similar notice withdraw any such aforementioned notice or reduce to not less than ten thousand rand any exemption limit prescribed in any such aforementioned notice as the case may be.

(3) For the purposes of this regulation:

- (a) a person shall be deemed to make an issue of capital who:
  - (i) raises capital in the Republic by the issue, whether within or outside the Republic, of any securities or who issues any securities whether for cash or otherwise; or
  - (ii) receives any money on loan on the terms or in the expectation that the loan will or may be repaid wholly or partly by the issue of securities or by the transfer of any securities issued after the making of the loan;
- (b) the amount of capital issued or to be issued shall be deemed to be the amount to be raised by the issue or the total nominal value of the securities whichever is the greater.

(4) The raising of any loan by any local authority shall be deemed to constitute an issue of capital whether or not securities are issued or transferred in connection with such loan.

(5) No local authority shall without the written consent of the Treasury raise any loan outside the Republic.

(6) If in any advertisement, prospectus or other document which offers for subscription any securities there be included any statement intimating or purporting to convey that the Treasury has approved or consented to the issue of the securities, such statement shall be included only at the top or commencement of the advertisement, prospectus or other document and shall be made and qualified in the following words:

"The Treasury has consented under Exchange Control Regulation 16 to the issue of the securities referred to hereunder but that consent does not imply that the Treasury has investigated or is responsible in any way for the soundness of the proposals involved or for the correctness of any statements made or opinions or estimates given in connection with such proposals."

**17. Businesses controlled by persons outside the Republic.**-Where the control of any business is established outside the Republic, any transaction with a branch or subsidiary of such business in the Republic shall be treated as if the said branch or subsidiary were a separate person. The manager or controller of such branch or subsidiary in the Republic shall assume the same obligations under these regulations as he would have been required to assume if the said branch or subsidiary were independent of control from outside the Republic.

**18. Provision of security.**-(1) The Treasury or a person authorised by the Treasury, may order any person to provide security, in such form and in such amount as the Treasury may determine, that he will comply, either generally or in respect of any particular transaction, with the provisions of any of these regulations specified by the Treasury or by a person authorised by the Treasury.

(2) Where any person who has provided security in terms of this regulation, has failed to comply with the provisions of the regulations in respect of which the security has been provided, the Treasury may direct that the said security shall be forfeited for the benefit of the National Revenue Fund.

[Sub-r. (2) amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

The forfeiture of such security shall not prevent any other action against the person concerned for his failure to comply with the provisions of these regulations.

**19. Furnishing of information.**-(1) The Treasury, or any person authorised by the Treasury, may order any



person to furnish any information at such person's disposal which the Treasury or such authorised person deems necessary for the purposes of these regulations and any person generally or specifically appointed by the Treasury for the purpose may enter the residential or business premises of a person so ordered and may inspect any books or documents belonging to, or under the control of such person.

(2) If any person makes any statement in any information furnished in compliance with such an order which is in conflict with any other statement previously made by him in giving information required in connection with the subject matter of such order, he shall be deemed to have made an incorrect statement in terms of regulation 22 and may, on an indictment, summons or charge alleging that he made the two conflicting statements, be convicted of making an incorrect statement in contravention of the said regulation 22 upon proof of the two statements in question and without proof as to which of the said statements was incorrect, unless he proves that when he made each statement he believed it to be true.

**20. Exemption from stamp duty.**-Stamp duty shall not be chargeable on any document made for the sole purpose of meeting the requirements of these regulations.

**21. Forms.**-The Treasury may prescribe such forms for the purposes of these regulations as it may think expedient.

**22. Penalty.**-Every person who contravenes or fails to comply with any provision of these regulations, or contravenes or fails to comply with the terms of any notice, order, permission, exemption or condition made, conferred or imposed thereunder, or who obstructs any person in the execution of any power or function assigned to him by or under these regulations, or who makes any incorrect statement in any declaration made or return rendered for the purposes of these regulations (unless he proves that he did not know, and could not by the exercise of a reasonable degree of care have ascertained, that the statement was incorrect) or refuses or neglects to furnish any information which he is required to furnish under these regulations, shall be guilty of an offence and liable upon conviction to a fine not exceeding two hundred and fifty thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment; provided that where he is convicted of an offence against any of these regulations in relation to any security, foreign currency, gold, banknote, cheque, postal order, bill, note, debt, payment or goods, the fine which may be imposed on him shall be a fine not exceeding two hundred and fifty thousand rand, or a sum equal to the value of the security, foreign currency, gold, banknote, postal order, bill, note, debt, payment or goods, whichever shall be greater.

[R. 22 amended by Proc. R.157 of 1985 and by GNR.957 of 1987.]

**22A. Attachment of certain money and goods, and blocking of certain accounts.**-(1) Subject to the provisions of the proviso to sub-paragraph (i) of paragraph (b) of section 9 (2) of the Act, the Treasury may in such manner as it may deem fit:

(a) attach:

(i) any money or goods, notwithstanding the person in whose possession it is, in respect of which a contravention of any provision of these regulations has been committed or in respect of which an act or omission has been committed which the Treasury on reasonable grounds suspects to constitute any such contravention, or, in the case of such money or any part thereof which has been deposited in any account, an equal amount of money which is kept in credit in that account, and shall, in the case of money attached, deposit such money in an account opened by the Treasury with an authorised dealer for such purpose, and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(ii) any money or goods, notwithstanding the person in whose possession it is:

(aa) which the Treasury on reasonable grounds suspects to be involved in a contravention of any provision of these regulations or in a failure to comply with any such provision, or which the Treasury on reasonable grounds suspects to be involved in any act or omission which the Treasury so suspects to constitute a contravention of any such provision or a failure to comply with any such provision;

(bb) which have been obtained by any person or are due to him, whether by virtue of any personal right or otherwise, and which would not have been obtained by him or would not have been due to him if any such contravention or failure or any such act or omission had not been committed;

(cc) by which any person has been benefited or enriched as a result of any such contravention or failure or any such act or omission,

or, in the case of such money or any part thereof which has been deposited in any account, an

equal amount of money which is held in credit in that account, and shall, in the case of money attached, deposit such money in an account referred to in sub-paragraph (i), and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

- (iii) any money or goods, notwithstanding the person in whose possession it may be, into which money or goods referred to in sub-paragraph (i) or (ii) have been transformed, including any personal right obtained with money or goods referred to in sub-paragraph (i) or (ii), or, in the case of such money or any part thereof which has been deposited into any account, an equal amount of money which is held in credit in that account and shall, in the case of money attached, deposit such money in an account referred to in sub-paragraph (i), and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person concerned in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;
- (iv) any money which is held in a blocked account referred to in regulation 4 and which the Treasury on reasonable grounds suspects to be money:
  - (aa) in respect of which a contravention or act or omission referred to in sub-paragraph (i) has been committed;
  - (bb) which has been involved in a contravention or failure or act or omission referred to in subparagraph (ii) (aa);
  - (cc) which has been obtained by any person or is due to him as referred to in sub-paragraph (ii) (bb);
  - (dd) by which any person has been benefited or enriched as referred to in sub-paragraph (ii) (cc);
- (b) if the Treasury on reasonable grounds suspects that money referred to in paragraph (a) has been deposited in any account and if it has not been attached under the said paragraph (a), issue or make an order in such manner as it may deem fit in or by which any person is prohibited to withdraw or cause to be withdrawn, without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury, any money in that account or not more than an amount determined by the Treasury, or to appropriate in any manner any credit or balance in that account, notwithstanding who may be the holder thereof;
- (c) in the case of goods referred to in paragraph (a) which have been left in the possession of the person concerned, issue or make an order in such manner as it may deem fit in or by which any person is prohibited to deal, without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury, in any manner determined by the Treasury with the goods attached or any part thereof.

(2) When any immovable goods are attached under paragraph (a) of sub-regulation (1) or when an order is issued or made in respect of immovable property under paragraph (c) of that sub-regulation:

- (a) the Treasury shall notify the registrar of the deeds registry where such goods are registered in writing of such attachment or order and furnish to that registrar such particulars in connection with such goods as that registrar may require;
- (b) such registrar shall free of charge note particulars of such attachment or order against the title deed of such immovable property.

(3) The Treasury shall:

- (a) return any money or goods attached under paragraph (a) of sub-regulation (1), including any money or goods accrued therefrom, to the person in whose possession it has been found or the person entitled thereto, on a date not later than the period referred to in paragraph (g) of section 9 (2) of the Act as from the date on which such money or goods have been attached;

[Para. (a) amended by GNR.881 of 1988.]

(b) cancel any order issued or made under paragraph (b) or (c) of sub-regulation (1), on such a date, unless such money or goods or money or goods to which such order relates are forfeited under regulation 22B before that date.

[R. 22A inserted by GNR.957 of 1987.]

**22B. Forfeiture and disposal of money or goods attached or in respect of which orders have been issued or made.**-(1) Subject to the provisions of sub-regulation (3), the Treasury may issue an order in writing in which it forfeits to the State any money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1), including any money or goods accrued therefrom, and shall:

- (a) in the case of money, deposit such money into the National Revenue Fund; and  
[Para. (a) amended by GNR.885 of 1999 w.e.f. 11 March 1998.]

- (b) in the case of goods, realise such goods in such manner as it may deem fit as if it is the owner or holder thereof, and may transfer such goods to the purchaser and give a valid title thereto and, in the case of immovable goods, without submitting to the registrar of deeds the title deeds thereof, provided it is certified by the Treasury that the Treasury has been unable to obtain those title deeds.

(2) The Treasury may, if it is on reasonable grounds satisfied that money or goods attached under paragraph (a) of regulation 22A (1) or in respect of which an order has been issued or made under paragraph (b) or (c) of that regulation are not money or goods as referred to in those paragraphs, return such money or goods, including money or goods accrued therefrom, to the person in whose possession such money or goods have been found or to any person otherwise entitled thereto, or cancel the relevant order.

(3) The Treasury shall not forfeit to the State any money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1), unless it:

- (a) has published a notice in the *Gazette* in which:
- (i) notice is given of any decision to forfeit to the State money or goods specified in such notice;
  - (ii) particulars are furnished of the manner in which such forfeited money or goods will be disposed of; and
  - (iii) the date (which may be the date of the notice) on which the money or goods are forfeited is indicated; and
- (b) has simultaneously with the publication of the notice aforesaid sent a like notice by registered post to the person who in the opinion of the Treasury is affected by that decision or, if his address is not known, to his last known address,

and the Treasury shall not dispose of any goods forfeited to the State under sub-regulation (1), unless a period of ninety days as from the date of publication of such notice in the *Gazette* has expired or, if any proceedings have been instituted in a court of law in connection with any such decision, final judgment has been given in such proceedings.

(4) Expenditure incurred by the Treasury in connection with:

- (a) the attachment of money or goods in terms of regulation 22A (1) or 22C (1);
- (b) the keeping in custody of goods in terms of regulation 22A (1) (a); or
- (c) the issuing or making by the Treasury of, or the compliance by any person with, an order contemplated in regulation 22A (1) (b) or (c) or in regulation 22C (2);
- (d) the forfeiture or realisation of money or goods in terms of sub-regulations (1) and (3) of this regulation or in terms of the said sub-regulations read with regulation 22C (3); or
- (e) the upkeep or preservation of, or the payment of any tax or other charges in respect of, goods attached in terms of regulation 22A (1) (a) or 22C (1) or declared forfeited in terms of sub-regulations (1) and (3) of this regulation or in terms of the said sub-regulations read with regulation 22C (3), may, notwithstanding the provisions of sub-regulation (1) (a), be defrayed from the money in question, or from the proceeds of the realisation of the goods in question, insofar as such money or goods have been declared forfeited in terms of sub-regulations (1) and (3) of this regulation or in terms of the said sub-regulations read with regulation 22C (3).

[R. 22B inserted by GNR.957 of 1987. Sub-r (4) inserted by GNR.224 of 1988.]

**22C. Recovery of certain amounts by treasury.**-(1) When the Treasury has, under regulation 22B, forfeited to the State money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1) and such money and the proceeds of the realisation of such goods, if any, are less than an amount equal to an amount:

- (a) in respect of which a contravention or failure or act or omission referred to in sub-paragraph (i) of regulation 22A (1) (a) has been committed;
- (b) which was involved in a contravention or failure or act or omission referred to in sub-paragraph (ii) (aa) of that regulation;
- (c) which has been obtained by any person or is due to him as referred to in sub-paragraph (ii) (bb) of that regulation;
- (d) by which any person has been benefited or enriched as referred to in sub-paragraph (ii) (cc) of that regulation,

or when no money or goods have been forfeited for the State under the said regulation 22B, the Treasury may recover an amount equal to the difference between the last-mentioned amount and the first-mentioned amount of money and proceeds or an amount equal to the last-mentioned amount, as the case may be:

- (i) from the person who committed the contravention or failure or act or omission in question;

- (ii) from the person who the Treasury on reasonable grounds suspects to have committed the contravention or failure or act or omission in question;
- (iii) from the person benefited or enriched as a result of the contravention or failure or act or omission in question;
- (iv) if more persons have committed the contravention or failure or act or omission in question or if the Treasury on reasonable grounds suspects that more persons have committed any such contravention or failure or act or omission or if more persons have been benefited or enriched as a result of the contravention or failure or act or omission in question, separately and jointly from those persons,

by attaching in such manner as it may deem fit any other money, including money in a blocked account referred to in regulation 4, or other goods of the person or persons concerned.

(2) The Treasury may, if it on reasonable grounds suspects that it will be necessary in due course to recover under sub-regulation (1) any amount from the person or persons concerned, at any time on or after the date on which money or goods referred to in paragraph (a) of regulation 22A (1) have or could have been attached, issue or make an order in such manner as it may deem fit in or by which any person is prohibited:

- (a) to withdraw or cause to be withdrawn any money held in any account or not more than an amount of it determined in its discretion by the Treasury, with due regard to the amount which in the opinion of the Treasury will in due course be recovered, or to appropriate in any manner any credit or balance in that account;
- (b) to deal in any manner as may be determined by the Treasury with any goods as may be determined by the Treasury of the person or persons concerned,

without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury.

(3) The provisions of:

- (a) sub-regulations (1) and (3) of regulation 22B shall apply *mutatis mutandis* to any money or goods referred to in sub-regulations (1) and (2) of this regulation as if such money or goods were money or goods referred to in regulation 22A;
- (b) sub-regulation (3) of regulation 22A shall apply *mutatis mutandis* to an order issued or made under sub-regulation (2) of this regulation.

[R. 22C inserted by GNR.957 of 1987.]

**22D. Review of, or institution of actions in connection with, attachment and forfeiture of certain money or goods, and of certain orders.**—Any person who feels himself aggrieved by the attachment of any money or goods under paragraph (a) of regulation 22A (1) or regulation 22C (1) or the issue or making of an order under the provisions of paragraph (b) or (c) of regulation 22A (1) or sub-regulation (2) of regulation 22C or any condition imposed thereunder may:

- (a) in the case of an attachment under paragraph (a) of regulation 22A (1) or of regulation 22C (1) or the issue or making of an order under paragraph (b) or (c) of the said regulation 22A (1) or regulation 22C (2), bring an application in a competent court for the review of any such attachment or order or in which other appropriate relief is asked;

[Para. (a) amended by GNR.1416 of 1987.]

- (b) in the case of a decision under regulation 22B (1) or 22B (1), read with regulation 22C (3), to forfeit to the State such money or goods, at any time but not later than ninety days after the date of publication of the said notice institute an action in a competent court for the setting aside of any such decision,

and any such court may set aside any such attachment or order or decision, as the case may be, on the grounds set out in the provisions of paragraph (d) (i) or (iii) of section 9 (2) of the Act.

[R. 22D inserted by GNR.957 of 1987.]

**22E. Delegation of powers.**—(1) The Minister of Finance may delegate to any person any power or function conferred upon the Treasury by any provision of these regulations or assign to any such person a duty imposed thereunder to the Treasury.

(2) The Treasury shall not be divested of any power or function or duty delegated to any person under sub-regulation (1) and may at any time withdraw or amend any decision taken by any such person in the exercise or performance of the power or function or duty in question.

[R. 22E inserted by GNR.957 of 1987.]



**23. Withdrawal of regulations.**-(1) The regulations published under Government Notices Nos. 2800 of the 2nd November, 1951, 797 of the 6th June, 1958, 194 of the 6th February, 1959, and *Extraordinary Government Gazette* Notice No. 84 of 16th June, 1961 are hereby withdrawn.

(2) Any certificate issued, exemption, permission or consent granted, order given, period fixed, return, declaration, report, or appointment rendered or made, security provided, information furnished or act done under or in terms of the provisions of any regulation withdrawn by this regulation, shall be deemed to have been issued, granted, given, fixed, rendered, made, provided, furnished or done under or in terms of the corresponding provisions of these regulations; provided that the provisions of this sub-regulation shall not apply in respect of any power or function, vested in the Treasury by any regulation so withdrawn, which the Treasury exercised through the medium of a notice in the *Gazette*.

**24. Administrative Relief.**-(1) The Treasury, or a person authorised by the Treasury, may authorise the regularisation of any contravention of these Regulations by allowing a person who has so contravened, to disclose such contravention to the Treasury, or such authorised person, in accordance with the provisions and in the manner set forth in this regulation 24.

(2) The regularisation of any contravention of these Regulations, by a person who is subject to these Regulations, shall take place on the basis that the Treasury, or a person authorised by the Treasury, may on written notice allow for certain types of contraventions to be regularised on application and by the making of a sworn affidavit or solemn declaration, in writing, of the contravention during the period prescribed, at the address and in the form and manner prescribed, on the basis that-

- (a) the affidavit or declaration made by such person must be made voluntarily; and
- (b) the affidavit or declaration must be in respect of a contravention by such person of these Regulations prior to the date prescribed; and
- (c) such person, when making application in terms of this regulation in respect of any foreign asset, must-
  - (i) disclose the market value of that foreign asset in the foreign currency of the country in which the foreign asset is situated; and
  - (ii) include a description of the identifying characteristics and location of that foreign asset; and
  - (iii) submit, in respect of the market value, in the foreign currency of that foreign asset, as at such date as may be prescribed-
    - (aa) a valuation certificate by a valuator of the country where that foreign asset is located; and/or
    - (bb) a valuation by a sphere of government of the country where that foreign asset is located; and/or
    - (cc) where the asset constitutes a financial instrument, an original or certified copy of a statement of account indicating the balance or market value; and/or
    - (dd) any other form of proof of value of that foreign asset as the Treasury may on good cause shown allow to be submitted; and
- (d) such person, when making application in terms of this regulation in respect of any contravention of these Regulations, must provide such additional information relating to such contravention, as may be prescribed.

(3) The provisions of this regulation 24 shall not apply to persons where, on the date on which they are afforded the opportunity to regularise any contravention of the Regulations-

- (a) there is a pending investigation by the Treasury, or any person authorised by the Treasury, into the affairs of such person; or
- (b) an investigation by the Treasury, or any person authorised by the Treasury, into the affairs of such person has commenced as at the date of an application made, or caused to be made, by such person.

(4) A person who, in terms of subregulation (3), is not permitted to make application for administrative relief, shall be entitled, with the permission of the Treasury and in accordance with such conditions as may be prescribed, to make application for the administrative relief set out in this regulation 24, provided that the Treasury or the authorised representative granting such permission, after having regard to the circumstances of the pending or current investigation into the affairs of such person, is of the view that-

- (a) the contravention of the provisions of these Regulations, for which application is made for administrative relief, would not otherwise be detected in the ordinary course of any pending or current investigation by the Treasury into the affairs of such person; and
- (b) allowing such person to make an application, in respect of the contravention of the provisions of these Regulations, would be in the interests of the administration of the Treasury and would be the best use of the resources of the Treasury.

(5) The Treasury, or any person authorised by the Treasury, may issue a non-binding opinion as to the



eligibility for relief from any contravention or failure to comply with the provisions of these Regulations by a person subject to these Regulations, to the extent that it receives sufficient information in respect of such contravention or failure, which information need not include the identity of any party to the contravention or failure.

(6) If a person complies with the provisions of subregulation (2), in relation to a contravention of these Regulations, the Treasury must, subject to the provisions of subregulation (7) and subregulation (12), grant relief and regularise any contravention in respect of these Regulations.

(7) Subject to the provisions of these Regulations and the exclusion in subregulation (3), if any application for the regularisation of a contravention of these Regulations is lodged in terms of this regulation 24 the Treasury, or any person authorised by the Treasury, shall in respect of such person and in respect of the specific contravention set out in such application, not pursue any criminal prosecution, but may-

- (a) grant to such person 100 per cent relief in respect of any levy payable by such person resulting from the contravention of the provisions of these Regulations; and/or
- (b) grant a credit in respect of the unutilised portion of the foreign invest allowance of such person; and/or
- (c) impose a levy in respect of contraventions of the provisions of these Regulations as provided for in subregulation (13); and/or
- (d) impose any other conditions as may be prescribed.

(8) The Treasury, or any person authorised by the Treasury, must deliver to the person making application for relief in terms of this regulation 24, a notice of its decision in respect of the granting or refusal, as the case may be, of such application which notice, if favourable, may include such additional conditions as the Treasury or such authorised person may impose, including-

- (a) the material facts of the relevant contravention of the provisions of these Regulation on which the application was granted; and/or
- (b) details of the levy payable (if any) by such person to the Treasury, including the arrangements and date for payment of such levy; and/or
- (c) notification of the utilisation by such person of any applicable allowance and as may be prescribed; and/or
- (d) details, in respect of such contravention, of the applicability of the provisions of these Regulations following the granting of any relief in respect thereof; and/or
- (e) details of such undertaking and conditions as may be imposed on such person.

(9) Should it be established, subsequent to the granting of relief in terms of this regulation 24, that such person failed to disclose, in the application lodged with the Treasury in terms of this regulation, any matter that may have been material for the purpose of making the disclosure, the Treasury may declare, on written notice to such person, that-

- (a) any application approved in respect of such person is void and such notice shall set out the reasons therefore; and/or
- (b) any amount paid by such person pursuant to the notification referred to in subregulation (7) will not be refunded and will be regarded as part payment of any further levies that may be imposed by the Treasury in respect of such contravention of the provisions of these Regulations; and/or
- (c) criminal prosecution may be initiated in respect of any contravention of the provisions of these Regulations,

save that the Treasury shall not use and may not rely on any information, disclosed to it in any application pursuant to this regulation 24, in any subsequent prosecution of a contravention of the Regulations.

(10) Any person aggrieved by a decision of the Treasury, or any person authorised by the Treasury, to refuse an application for regularisation or to subsequently withdraw or declare void any application previously approved under this regulation 24, may lodge an objection in the manner prescribed.

(11) All objections lodged pursuant to and in accordance with subregulation (10), shall be dealt with in the manner prescribed.

(12) If any person is required, under the notice issued in terms of subregulation (8), to make payment of a levy, the Treasury, or such person authorised by the Treasury, will issue a final notification in respect of the relief granted in terms of this regulation to such person once any such levy has been paid in full; and only upon receipt of such final notification from the Treasury, or such authorised representative, will the application be regarded as approved.

(13) Any person who has made application in terms of this regulation 24 and whose application has been approved may be required to pay a levy, as prescribed, on the market value, as at the prescribed date, of the foreign asset disclosed or the amount involved in the contravention of the provisions of these Regulations.

(14) The levy payable, as set out in subregulation (13), must be paid by such person from foreign funds repatriated, or to the extent that such person does not have any foreign funds, the aforementioned levy may be paid from local funds, provided that in such instance an additional levy, as prescribed, will be payable.

(15) All amounts payable as a levy must be paid by such person to an authorised dealer by no later than the

date prescribed after the date of approval of the application and, if paid from foreign funds repatriated, must be converted into South African Rand by using the ruling spot exchange rate on the date of payment.

(16) The authorised dealer must pay all amounts received in terms of subregulation (15) into an account held for that purpose at the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), within the period and under the terms prescribed, for subsequent transfer to the National Revenue Fund.

(17) A reference in this regulation 24 to "prescribed" shall be as prescribed by the Treasury from time to time.

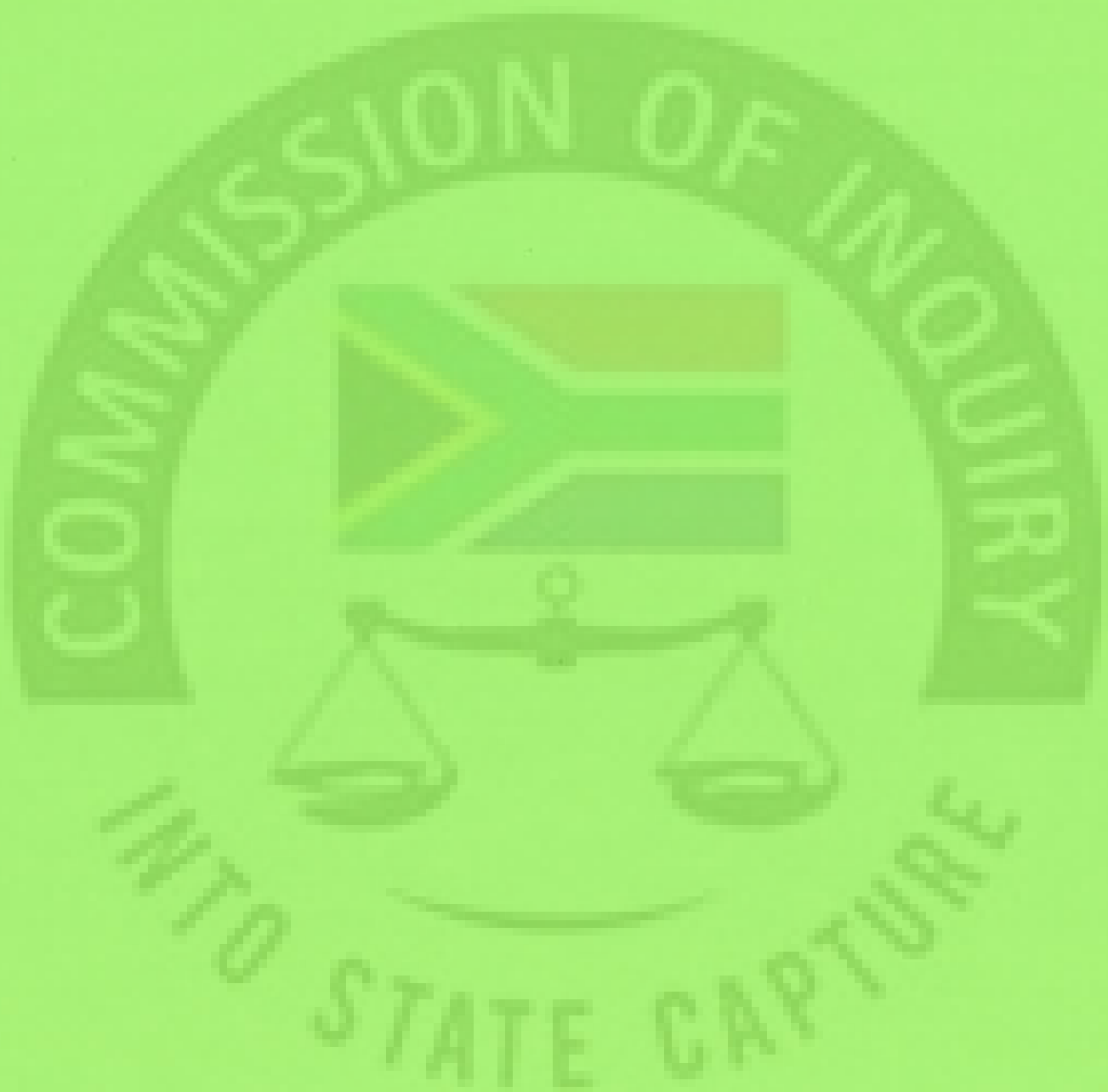
(18) Any contravention of the Regulations and which has been regularised in terms of this regulation 24 shall, subject to compliance with regulation 24, be deemed not to have been a contravention of these Regulations.

(19) No person may rely on the provisions of this regulation 24 and claim relief in terms hereof, unless the Treasury, or a person authorised by the Treasury, has in a notice (and within the period stipulated in such notice) authorised the regularisation of a contravention(s) of these Regulations by allowing disclosure of such contravention and which shall take place in the manner set forth herein.

[R. 24 inserted by GNR.999 of 1 November 2010.]



## Annexure “SEM5”



**"SEM 5" 235****B.1 Payment for imports****(A) Import permits**

- (i) Authorised Dealers must advise importers that they must ensure that a covering import permit issued by ITAC, is available or is not required, prior to processing any import related and/or hedging transaction.

**(B) Requisite documentation**

- (i) Authorised Dealers may only effect foreign currency payments for imports against the following documentation:
  - (a) commercial invoices issued by the supplier;
  - (b) any one of the transport documents as prescribed by the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits (UCP 600) and its supplement for electronic presentation, the eUCP, evidencing transport of the relative goods to South Africa; or
  - (c) Freight Forwarders Certificate of Receipt or Freight Forwarders Certificate of Transport; and
  - (d) consignee's copy of the prescribed SARS Customs Declaration.
- (ii) In lieu of the documents referred to in (i)(b) and (c) above, arrival notifications issued by shipping companies may be tendered.
- (iii) Imports from Botswana may, however, be paid for against a commercial invoice issued by the supplier and the consignee's copy of the prescribed SARS Customs Declaration.

**(C) Payment for imports****(i) Import payments**

Foreign currency may be provided to pay for the following:

- (a) the actual price of imported goods;
- (b) bona fide freight charges;
- (c) insurance cover;
- (d) buying commissions and retainer fees due to agents, provided that the rate of commission or fee is normal in the particular trade concerned;

- (e) other incidental charges incurred in the purchase and shipment of the goods and/or cancellation of orders, but not included in the actual price; and/or
  - (f) interest payments of up to the applicable base rate plus 3 per cent for credit extended shorter than one year.
- (ii) Final settlement for imports
- (a) Authorised Dealers may approve requests for final settlement adjustments on imports (e.g. amounts due in respect of weight adjustments, quality allowances) against documentary evidence confirming the purpose and amounts involved.

**(D) Terms of payment for imports**

**(i) Advance payments**

- (a) Authorised Dealers may provide foreign currency in respect of advance payments to cover the cost of permissible imports, other than capital goods, against the presentation of an invoice.
- (b) Authorised Dealers must, in respect of payments in excess of R50 000, subsequently view a copy of the prescribed SARS Customs Declaration bearing the MRN, to ensure that the foreign currency provided had been utilised for the purpose stated and that the goods have been imported into South Africa.
- (c) All foreign exchange transactions involving advance payments for imports are subject to the condition that the Authorised Dealer making the advance payment has procedures in place to follow up and report non-compliance to the Financial Surveillance Department.
- (d) Authorised Dealers must also inform importers of their obligations in terms of Regulation 12.

**(ii) Capital goods**

- (a) Foreign currency may be provided for advance payments up to 100 per cent of the ex-factory cost of capital goods to be imported not exceeding a total value of R10 million.
- (b) Payment for the importation of capital goods in excess of R10 million may only be provided up to 50 per cent of the ex-factory cost of the goods to be imported. Clients must confirm to their Authorised Dealer that the order would otherwise be refused and that such payment is normal in the trade concerned.



## (iii) Cash-on-delivery consignments

- (a) Authorised Dealers may provide foreign currency to meet import payments relating to goods that have been consigned by air on a cash-on-delivery basis against submission of a copy of the relevant transport document dated and signed by a member of the South African Association of Freight Forwarders.
- (b) Authorised Dealers must satisfy themselves, by viewing the commercial invoice and the prescribed SARS Customs Declaration within 14 days thereafter, that the foreign currency provided has been used for the purpose stated and that the goods have been imported into South Africa.

## (iv) Extended credit terms

- (a) The establishment of documentary credits, stand-by letters of credit, arranging to guarantee payments (e.g. by aval) or open account payments in connection with the importation of goods into South Africa, where the credit terms extended to the local importer exceed 12 months, requires the prior written approval of the Financial Surveillance Department. Such extended credit terms would normally relate to the importation of capital goods. Also see section 1.3(C) of the Authorised Dealer Manual.

## (v) Payments older than 12 months

- (a) Payments in respect of imports where the required import documents are older than 12 months may be effected, provided that no interest has been charged by the foreign supplier.

## (vi) Cross-border foreign exchange reporting categories

- (a) Payments for imports against an invoice only should be reported under the advance payment category 101-01 to 101-11.
- (b) Payment for imports against an invoice and transport documents should also be reported under the advance payment category 101-01 to 101-11.
- (c) Advance payments for clients availing of the imports undertaking dispensation must be reported under category 102-01 to 102-11.
- (d) Payments for imports where the goods have already been released by Customs and the prescribed SARS Customs Declaration bearing the MRN has been issued, the applicable import category, excluding category 101-01 to 101-11, must be used.

**(E) Computer software**

- (i) Importation of computer software
  - (a) Authorised Dealers may effect payment in respect of the importation of computer software and specific custom-made computer software products, including any licence fees payable, against the production of documentary evidence confirming the purpose and amount payable.
  - (b) The requirements of subsection (B)(i)(a) above should be adhered to, where applicable.
- (ii) Local reproduction or copying of computer software packages
  - (a) Authorised Dealers may approve royalty payments to non-residents, including any licence fees payable from the local reproduction or copying of computer software packages provided that:
    - (aa) the licensor is an unrelated party (i.e. none of the parties have any direct and/or indirect interest or shareholding in each other); and
    - (bb) the application is accompanied by documentary evidence confirming the purpose and amount payable.
  - (b) Where applicable, minimum payments, advance payments and down payments are permissible provided that the advance payments and down payments are recoupable from future royalties or fees payable.
  - (c) In addition, payment of percentage-based fees is permissible provided that the client confirms it is normal in the trade concerned.
- (iii) Maintenance payments to non-residents in respect of computer software
  - (a) Authorised Dealers may effect maintenance payments applicable to computer software packages in advance and/or retrospectively against documentary evidence confirming the purpose and amount payable.
- (iv) Payment for computer software downloaded electronically via the Internet
  - (a) Authorised Dealers may effect payment in respect of software downloaded via the Internet (the actual program and/or the

activation code) against documentary evidence confirming the purpose and amount payable.

(v) Extension of agreements

Authorised Dealers may, where applicable, approve the extension of the agreements authorised in (i) to (iv) above as well as agreements previously approved by the Financial Surveillance Department, provided that the agreement originally entered into makes provision for an extension or an addendum to the agreement is viewed confirming the extension thereof.

**(F) Evidence of importation**

- (i) Authorised Dealers must insist upon the presentation to them of the prescribed SARS Customs Declaration bearing the MRN as evidence that goods in respect of which transfers have been effected in terms of subsection (C) above have been cleared by Customs. These documents must be presented at the time foreign currency payments for imports are made where the goods have already been cleared by Customs, or in the case of advance payments in excess of R50 000 within four months of the date of payment. The detailed information shown on these documents must be checked against the information obtained at the time payment for the relative import was made in order to verify that the payment made relates to the goods that have been cleared.
- (ii) Where the prescribed SARS Customs Declaration reflects the Customs Requested Procedure Code indicating that the goods are held in bonded warehouse, Authorised Dealers must diarise to view subsequent documentation from Customs, confirming the removal of the goods in bonded warehouse.
- (iii) Authorised Dealers must be alert to the presentation of documentation that would indicate that the goods have been exported from South Africa. Such transactions are regarded as merchanting transactions and are subject to the provisions outlined in section B.12(A) of the Authorised Dealer Manual.
- (iv) Where goods for which payment has been made from South Africa have not been or will not be consigned to South Africa within four months of the date of payment, the importer must within 14 days of the expiry of such period advise the Authorised Dealer concerned in writing, who should report the matter to the Financial Surveillance Department.
- (v) Authorised Dealers should on a monthly basis diarise to pursue all outstanding import verifications with the importers concerned in writing (via registered mail or email) during the above-mentioned four month period. Should no response or an unsatisfactory response be received,

the matter should at any time after the four month period has lapsed but not later than ten months from the original payment date, be reported to the Financial Surveillance Department. In this regard, a fully motivated application must be submitted providing details of the transaction(s) including the customer name, value date, transaction reference number, Rand amount, and the Customs client number (CCN) reported on the FinSurv Reporting System. The outstanding advance payment transaction may be discharged from the Import Verification System only after confirmation has been received from the Financial Surveillance Department.

- (vi) Where the relative consignment has been lost or resold in the country of supply, Authorised Dealers are responsible for ensuring that the foreign currency proceeds of any insurance claim or of the sale of the goods are properly accounted for in terms of the provisions of Regulation 6. The Import Verification System must be updated accordingly.
- (vii) Authorised Dealers should note that non-compliance with the above directives will be viewed in a serious light.
- (viii) All documentation must be retained by the client for a period of at least five years.

#### **(G) General**

- (i) Philatelic imports
  - (a) Authorised Dealers may grant applicants foreign currency in payment for imports from abroad for philatelic purposes.
  - (b) No import permit will be issued in cases of this nature, but Authorised Dealers must furnish the applicant with a letter of authority, on the following lines, for submission to the appropriate government department:
 

"To whom it may concern

I/We hereby certify that ..... (full name and address of the applicant) is/are authorised, in terms of the Exchange Control Regulations, 1961, to import postage stamps, postage stamps on covers and postal stationery.

This authority expires on 31 December ..... (Signed)."
  - (c) The government department concerned will endorse, on the face of the letter, the value of each parcel received in South Africa during the relative period.

- (d) When this authority has been fully used or on the date of its expiry, the relative letter of authority must be returned to the Authorised Dealer concerned before a new letter in respect of any subsequent period is issued.
- (ii) Numismatic imports
  - (a) Authorised Dealers may grant applicants foreign currency in payment of other numismatic imports, excluding South African gold coins minted in 1962 and thereafter, imported from abroad.
  - (b) No import permit will be issued in cases of this nature, but Authorised Dealers must furnish the applicant with a letter of authority on the following lines for submission to the appropriate government department:
 

"To whom it may concern

I/We hereby certify that ..... (full name and address of the applicant) is/are authorised, in terms of the Exchange Control Regulations, 1961, to import currency coins, excluding South African Gold coins minted in 1962 and thereafter and also excluding medals and medallions or necklaces, pendants, girdles and brooches containing medallions.

This authority expires on 31 December ..... (Signed)."
  - (c) The government department concerned will endorse, on the face of the letter, the value of each parcel received in South Africa during the relative period.
  - (d) When this authority has been fully used or on the date of its expiry, the relative letter of authority must be returned to the Authorised Dealer concerned before a new letter in respect of any subsequent period is issued.
  - (e) Matters relating to the importation of medals, medallions, pendants and other similar non-currency articles must be referred to ITAC.
  - (f) To obviate the issue of numerous letters of authority, an Authorised Dealer may apply in its own name, on behalf of its clients, for a single letter of authority in respect of a specific issue of commemorative currency coins abroad.



## (iii) Importation of new motor vehicles and caravans

- (a) Authorised Dealers may provide residents with the necessary foreign currency to cover the cost of motor vehicles and caravans purchased outside South Africa for subsequent importation into South Africa, as well as freight, handling charges and other related costs, provided that:
  - (aa) the applicant undertakes, in terms of the provisions of Regulation 2(5), to offer for sale to an Authorised Dealer any part of the foreign currency allocation that was not used for the purchase of a motor vehicle or caravan; and
  - (bb) the Authorised Dealer calls for the subsequent submission of documentary evidence of importation of the motor vehicle or caravan and the cost thereof, and ensures that any difference between the foreign currency allocation and the cost of purchasing the motor vehicle or caravan is accounted for in terms of (aa) above.
- (b) Applications submitted through a motor trader on behalf of a South African resident may be approved subject to the same conditions.

**(H) Imports undertaking dispensation**

- (i) The Financial Surveillance Department would, on application through an Authorised Dealer, be prepared to consider requests to grant a dispensation to certain companies from the requirement to submit supporting documentation to their Authorised Dealers for every foreign exchange transaction related to an import transaction.
- (ii) The imports undertaking dispensation application form may be downloaded from the South African Reserve Bank's website: [www.reservebank.co.za](http://www.reservebank.co.za), by following the links: Home>Regulation and supervision>Financial surveillance and exchange controls>Guidelines>Imports Undertaking Dispensation.
- (iii) The imports undertaking dispensation application form must be accompanied by a resolution of the board of directors of the company, authorising the company to partake in the imports undertaking dispensation.
- (iv) This dispensation is only applicable to companies, excluding Close Corporations, Trusts, Partnerships and Sole Proprietors, that in the course of their business:
  - (a) are involved in the regular importation of goods into South Africa from countries outside the Common Monetary Area;

- (b) make foreign currency payments and/or payments to the credit of Non-resident Rand accounts in consideration of the importation of the goods referred to in (a);
  - (c) conclude a minimum of 120 import transactions per annum and have an import turnover in excess of R20 million per annum; and
  - (d) have been active in the import industry for a minimum period of three years.
- (v) Where the Financial Surveillance Department has granted a company an imports undertaking dispensation, the company is required to adhere to the following conditions:
- (a) an integrated form must be completed in all instances when foreign currency is purchased, either spot or forward, from an Authorised Dealer to make a foreign currency payment;
  - (b) the company must advise its Authorised Dealer that the transaction(s) is in respect of the business activities described in (iv) above;
  - (c) the company must create and maintain an audit trail within its records which should consist of the logical and orderly retention of the following documents for a period of five years for inspection purposes:
    - (aa) integrated form; and
    - (bb) supporting documentation required in terms of subsection (B) above;
  - (d) the directors of the company will be responsible for:
    - (aa) the design, implementation and effective operation of an adequate internal control system over import transactions;
    - (bb) the maintenance of related supporting documentation that will facilitate the prevention and detection of fraud and error; and
    - (cc) the establishment of policies and procedures that ensure compliance with the terms of the imports undertaking dispensation;
  - (e) an authorised representative of the Financial Surveillance Department may at any time inspect the records of the company to ascertain whether the Regulations and Authorised Dealer Manual are being complied with; and

- (f) a letter of compliance, on the company's official letterhead and signed by two executive directors, confirming that the conditions applicable to the imports undertaking dispensation have been complied with, must be submitted to the Financial Surveillance Department on an annual basis. The letter of compliance must be emailed to SARBUndertakings@resbank.co.za, specifying the wording "Imports Undertaking Letter of Compliance" in the subject field.
- (vi) The company may, under the control of an Authorised Dealer and in accordance with the requirements of the Authorised Dealer Manual, continue to operate and maintain a CFC account in terms of section E.(B) of the Authorised Dealer Manual.
- (vii) The company must inform the Financial Surveillance Department in writing through their Authorised Dealer of:
  - (a) any addition or amendment of an Authorised Dealer as identified on the imports undertaking dispensation application form;
  - (b) any addition or amendment to section B: Group Company of the imports undertaking dispensation application form; and
  - (c) any amendment to the information stated on the imports undertaking dispensation application form.
- (viii) No addition or amendment referred to in (vii) above will be binding on the Financial Surveillance Department, unless such amendment and/or addition has:
  - (a) been recorded in writing within a period of one month from the date of such addition and/or amendment;
  - (b) been signed on behalf of the company by an authorised official;
  - (c) been submitted to the Financial Surveillance Department through the company's Authorised Dealer, together with a certified extract of a resolution of the board of directors of the company, in terms of which the authorised official has been authorised to bind the company to such addition and/or amendment; and
  - (d) been approved by the Financial Surveillance Department under the signature of a duly authorised Financial Surveillance Department official.

- (ix) The Financial Surveillance Department may at any time, by notice in writing to the company or its Authorised Dealer, amend and/or supplement the requirements relating to the imports undertaking dispensation.
- (x) Any instances of non-compliance with the conditions outlined above will be viewed in a serious light and the Financial Surveillance Department reserves the right to deal with such matters in a manner as contemplated in the Regulations.
- (xi) All other foreign exchange transactions not related to imports do not form part of this dispensation and should be dealt with in terms of the provisions outlined in the Authorised Dealer Manual.



## Annexure “SEM6”





## "SEM 6" 246

Effective 29 March 2019

### **CUSTOMS**

### **EXTERNAL POLICY**

### **CLEARANCE DECLARATION**



South African Revenue Service

Effective 29 March 2019

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## 1 SUMMARY OF MAIN POINTS

- a) Importers and exporters and their clearing or registered agents must be registered or licensed as prescribed in SC-CF-19, before submitting a Customs Clearance Declaration (CCD).
- b) Every importer or exporter of goods must lodge a CCD when goods are imported into or exported from South Africa, except when exempted by Rule. Declarants makes a self-assessment with the transaction documentation and submits the CCD to Customs either electronically or manual. Customs replies with a CUSRES message. The status codes and completion of the CCD are explained in SC-CF-04.
- c) Electronic Data Interchange (EDI) users experiencing technical problems or difficulty, for example difficulty to insert the provisional payment (PP) requirements, must contact their Service Providers or the SARS Contact Centre to log a call.
- d) Customs can release the consignment or request supporting documents to validate the correctness of the CCD by means of a documentary inspection. The declarant submits the supporting documents via e@syscan or hard copies, which is scanned at the Customs Office for attachment to the relevant case on the system. Declarants are required to prove the origin of the goods when preferential rate of duty is applied. If all the supporting documents as requested are received the case is routed for an inspection.
- e) If the supporting documents are not on hand the declarant may apply for a sight declaration (DA 22).
- f) Declarants may request expedited clearances, conditional- or embargo release if the set criteria are complied with.
- g) Goods may only enter or leave South Africa through ports of entry or exit designated for that purpose in the Rules. Goods may be imported or exported via rail, air, sea or road. Some imports or exports may require an import or export permit.
- h) Declarants dealing with goods moved in transit with the temporary suspension of duties and VAT must retain the proof of export (paragraph 2.4(I) of this document) and to acquit them of their liability for the duties and taxes. See SC-TR-01-02 for acquittal of declarations.
- i) Any goods that are being recovered from an abandoned wreck are regarded as imported goods and the local or registered foreign principal (searcher) must submit a CCD bringing revenue to account.
- j) Export declarations where a drawback of duty and taxes are envisaged must at time of lodgement of the CCD contain the appropriate drawback item in terms of the applicable Schedule as well as the correct CPC. All the notes and specific requirements for the specific drawback item must also be adhered to. Exporters and declarants who wish to claim a drawback in terms of Schedule 5 must be registered with Customs. Refer to SC-CF-19. Exportation of any goods under the provisions of a drawback item is subjected to the approval of the Commissioner.
  - i) When it is a requirement of the applicable drawback item it is the responsibility of the declarant to apply for an examination without prejudice (EWP) in order for the container to be packed or sealed under Customs supervision.
  - ii) Drawback applications are submitted and processed as prescribed in terms of SC-DT-C-13.
- k) CCDs may be required to be amended, substituted or cancelled depending on the circumstances.
- l) Certain imported goods (Section 38) are cleared on a simplified clearance procedure (DA 306) instead of a CCD if the Controller / Branch Manager grants permission. Reusable transport equipment is also cleared in this fashion.
- m) Any person whose rights have been adversely affected by administrative action has the right to be given written reasons, as contemplated in the Constitution of South Africa.

## 2 POLICY

### 2.1 Licensing and Registration

- a) Importers and exporters and their clearing or registered agents must be registered or licensed as prescribed in SC-CF-19, before submitting a CCD. A special client type may also be registered as an "approved importer or exporter" if the predefined criteria are met to qualify for specific Customs procedures. Refer to SC-CF-19 for more detailed information.
- b) Customs client number 70707070 must only be used if the importer or exporter:
  - i) Imports or exports goods with a value less than R50 000 per consignment, limited to three (3) consignments per calendar year;
  - ii) Declares the goods for:
    - A) Home consumption (code A11 and A12);
    - B) Temporary exports (code A13); or
    - C) Export (code H60 and H61).
  - iii) Is a natural person located in South Africa; and
  - iv) Reflects his / her identity number or taxpayer reference number in the field provided on the CCD. Refer to SC-CF-04.
- c) To amend or cancel a CCD, which was processed with the Customs client number 70707070, the client must adhere to the following rules:
  - i) The changing of a Customs client number on the original or substitute CCD to a 70707070 number on an amendment or cancellation is not allowed.
  - ii) If the Importer or exporter is a registered (non 70707070) client then the Clearing Agent may not use 70707070.

### 2.2 Designated ports

- a) Commercial goods must be imported into or exported from South Africa through ports designated for the purpose prescribed in paragraph 200.03(a) of the Schedule to the Rules and Rule 120A.03(b), with the exception of goods that fall within the ambit of the SC-CF-13 on the use of Non-Designated ports of exit.
- b) Rule 120A.03(d) allows the import or export of commercial goods, between SACU member countries, through other places in exceptional circumstances, on such conditions as the Commissioner may prescribe. To make use of this facility, clients must apply to the Commissioner on SC-CF-12-FR01. Refer to SC-CF-13 in this regard.

### 2.3 Imports

- a) Section 10 stipulates that all goods consigned to or brought into South Africa is deemed to be imported into South Africa, in the case of goods:
  - i) Consigned to a place in South Africa in a ship or aircraft, at the time when the ship or aircraft first came within the control area of the port or airport authority at that place.
  - ii) Not consigned to a place in South Africa but brought thereto by and landed there from a ship or aircraft, at the time when the goods were landed.
  - iii) Brought to South Africa overland, at the time when the goods entered South Africa, unless entered at a place outside South Africa deemed by Commissioner under Section 6(1A) or 50A to be a place of entry.
  - iv) Brought to South Africa by post, at the time of importation in terms of the above paragraphs according to the means of transport (mode) of the goods.
  - v) Brought to South Africa in any manner not specified in this section at the time specified in the General Notes to Schedule 1 or, if no time is specified in the said General Notes in respect of the goods in question, at the time the goods are considered by the Commissioner to have entered South Africa.



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- b) Importers have in terms of Section 38, seven (7) days in which to make due entry of the goods except in respect of goods in a container depot as provided for in Section 43(1)(a). The seven (7) days are calculated from the time which goods are deemed imported in terms of Section 10. The proviso "or within such further time as the Commissioner may allow" means that the Commissioner may consider allowing:
- Loose or break bulk cargo, imported by sea, air or rail a period of fourteen (14) days [seven (7) plus seven (7) days] for clearance.
  - Containerised cargo (FCL or LCL) is allowed 28 days [seven (7) plus 21 days].
  - The above-mentioned periods pertain only to imported goods, which are under the control of Customs. Any persons entering a land port or entering South Africa with goods and who wishes to leave the Customs Controlled Area or any persons wishing to remove any imported goods from a Customs Controlled Area must, prior to the removal, make due entry. Any person(s) outside any Customs Controlled Area in possession of imported goods which have not been duly entered, is considered to have contravened the Customs and Excise Act and the goods is deemed smuggled or "illicit goods".
- c) Goods that are not cleared within the time period mentioned in (b) above must be removed to the States Warehouse (SC-CW-01-02).
- d) Goods may be cleared prior to their arrival, at any place appointed under the provisions of the Act to be a place of entry for goods, if the goods have been loaded on a ship or aircraft or delivered to a carrier that conveys the goods by vehicle to South Africa. If any goods cleared "pre-arrival" are found not to have been so loaded at the time of entry, the importer is guilty of an offence and the goods so cleared shall be deemed not to have been entered.
- e) **Waste or Scrap**
- Waste or scrap cannot be landed in South Africa without obtaining clearance and release. The client must submit a CCD to declare the importation into South Africa.
  - All import requirements must be met.
- f) In certain circumstances the declarant must lodge a provisional payment (PP) as a guarantee, for example temporary imports. PPs for imports are declaration based and must be captured on a CCD. For any other PPs, refer to SC-CF-25.
- g) **Temporary Imports**
- The declarant completes a CCD which reflects the applicable rebate item, CPC and submits the CCD to Customs, refer to paragraph 2.9.
  - A PP may be called for to cover possible duties and taxes due pending re-exportation of temporary imported goods (PPT). Refer to paragraph 2.12.
  - When the goods which were received for repair or processing are exported the declarant submits proof of export to Customs in order to acquit the declarant of his / her liability for the duties and taxes. Refer to SC-TR-01-02.
  - In cases where the conditions of the relevant rebate item cannot be met, the declarant remains liable for the duties and taxes.
  - Upon re-exportation the goods must be entered according to the relevant process.
  - When goods are temporarily imported under an ATA or CPD Carnet, no CCD is required. Refer to SC-TA-01-04 and SC-TA-01-06.
  - Reusable transport equipment temporarily imported must be cleared on a DA 306. Refer to paragraph 2.22.2.
- h) **For assistance with:**
- The value of goods imported see SC-CR-A-03 and SC-CR-A-05;
  - Tariff classification refer to SC-CR-A-09;
  - Goods liable to control requirements set by OGAs refer to SC-CC-32 as well as paragraph 2.6.
  - The acquittal of the import CCD refer to SC-TR-01-05; and
  - Refunds payable following any payment, refer to SD-DT-C-19.

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## 2.4 Exports

- a) Goods for export must not be loaded onto any carrier which will remove it from South Africa unless:
  - i) For sea, air and rail modalities a release notification authorising the export has been obtained; or
  - ii) For road freight:
    - A) Free circulation (paragraph b) goods received a 'proceed to border' response message authorising the export of the goods; or
    - B) Ex-warehouse goods (paragraph c) received a release notification prior to the removal of the goods from the warehouse.
- b) Goods are deemed to be exported from South Africa:
  - i) By sea at the time when the goods are delivered to the port authority, a depot operator, the master of the ship or a container operator;
  - ii) By air at the time when the goods are delivered to the pilot of the aircraft concerned or are brought into the control area;
  - iii) By train at the time when the goods are delivered to the railway authority; or
  - iv) Overland in a vehicle once the goods are loaded on the vehicle concerned.
- c) If goods removed in terms of any procedure regulated by the Act, are to be transferred from one (1) vehicle to another the Controller / Branch Manager where this procedure was authorised must be informed of the time and manner prescribed by the Rules.
- d) Goods exported to Marion and Gough islands are considered to be exports.
- e) The exportation of aircraft are subject to the normal export formalities but in addition thereto a notification is to be sent immediately to the Department of Transport, Private Bag X193, Pretoria, 0001, supplying the following particulars:
  - i) Date of export;
  - ii) Aircraft registration number;
  - iii) Type;
  - iv) Date;
  - v) Aerodrome at which cleared; and
  - vi) Declared destination.
- f) **Temporary Exports**
  - i) The declarant completes the export CCD and submits the CCD to Customs, refer to paragraph 2.9.
  - ii) When the goods which were sent abroad for repair or processing are returned, duty must be brought to account only on the cost or value of the repair or processing in terms of the provisions of rebate item 409.04 of Schedule 4, provided the goods:
    - A) Were exported (Customs to verify);
    - B) Have retained their essential characteristics;
    - C) Are returned to the exporter, no change of ownership having taken place in the interim; and
    - D) Are identifiable on re-importation.
  - iii) Only the cost or value of the repair or processing must be reflected in the field "additional info" (Box 44) on the CCD since that is the amount for import control purposes where applicable.
  - iv) In cases where the conditions prescribed in Item 409.04 cannot be met, duty must be brought to account on the full value, namely the value of the product when exported plus the cost or value of the repair or processing.
  - v) Upon re-importation the goods must be entered according to the relevant process.
  - vi) When goods are temporarily exported under an ATA or CPD Carnet, no CCD is required. Refer to SC-TA-01-04 and SC-TA-01-06.
  - vii) Reusable transport equipment temporarily exported must be cleared on a DA 306. Refer to paragraph 2.22.2.

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g) **Export of Motor Vehicles**

- i) The export of motor vehicles purchased in South Africa which are driven over the border by the owner requires a declaration the same as that of commercial goods and will need to pass through the commercial process and not through the traveller area of the port of entry.
- ii) This includes vehicles brought in to South Africa as new or second hand but excludes second hand motor vehicles from Special Bonded Warehouse facilities. Refer to SC-CF-19.
- h) It is the responsibility of the declarant to apply for packing under Customs supervision for export, if applicable and the procedure for special and extra attendance must be followed. Refer to SC-CF-22.
- i) The value of goods exported is discussed in SC-CR-A-07.
- j) Where the goods concerned are to be re-imported; the declarant must complete a DA 65 and take it to Customs to check and stamp prior to export.

k) **Goods cleared for export not to be removed or returned without approval**

- i) Goods cleared for export and loaded onto any vehicle exporting the goods or placed into any Customs Controlled Area such as export stacks or cargo depots may not be removed there from and returned to the country without the permission of Customs.
- ii) Permission is requested by submitting:
  - A) Where the entire consignment is to be returned – a cancellation CCD; or
  - B) Where part of the consignment is to be returned – an amended CCD.
- iii) Customs may request supporting documentation to verify the reason for the request.
- iv) Where supporting documents are requested a letter clearly explaining why the goods need to be removed from the export stack must be submitted with the normal supporting documents, see paragraph 2.7.2.
- v) Where required Customs may request a physical inspection.
- vi) If the cancellation or amended CCD is released, Customs has granted permission and the goods may be removed from the export stack.
- vii) To resume the export an additional amended CCD may be submitted provided the original consignment has not yet departed or a new export CCD must be submitted.

l) **Proof of export requirements**

- i) Container operators must keep copies of container lists and manifests supported by acquitting export CCDs, which must be made available to Customs Officers for verification on demand. These documents must be kept for five (5) days after which they must be destroyed.
- ii) The procedure for the acceptance of an electronically generated bill of lading "shipped on board date" must not influence the submission period for acquittal purposes.
- iii) A declarant cannot submit electronically generated bills of lading as proof of export if South African Port Authority (Portnet) or the shipping line cannot provide online validation. This bill must be processed with a CCD.
- iv) Branch Offices may validate the correctness of the printout submitted either by utilising the shipping line's website or the Transnet web site the container number must be used to access the information.
- v) Electronically generated bills of lading must be accepted without the endorsement "Shipped on Board" but must conform to the following:
  - A) The shipped on board date must be clearly printed on the presented bill of lading (not the "Shipped on Board stamp impression).
  - B) The print date from the SARS system must be the same as or must be greater than the shipped on board date.
  - C) The date of issue as on the bill of lading must not be accepted as the shipped on board date.
  - D) An electronically generated bill of lading can be processed and printed at any place, for example Swaziland, Zimbabwe, etc.
  - E) Electronically generated bill of lading with disclaimers must not be accepted, for example dates or times are estimates without guarantee and subject to change at any time without prior notice, etc.

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- F) The following information on the electronically generated bill of lading must correspond with the information on the processed CCD:
- I) Bill of lading number;
  - II) Exporter's name and address;
  - III) Consignee name and address;
  - IV) Consignee number, if applicable; and
  - V) Voyage or flight number and date.
- G) The website address of the shipping or airline must be printed on the electronically generated bill of lading.
- H) If the declarant cannot comply with the above requirements, the bill of lading as prescribed below must be presented.

<b>Bill of lading</b>	<p>A duly signed copy of the bill of lading indicating sufficient particulars for identification purposes, duly authenticated by the issuing carrier (by means of the carrier's stamp where there is provision made for a signature on the bill of lading by the freight clerk authenticating it as an identical copy of the original bill of lading) and super-imposed by a stamp "not negotiable".</p> <p>Where commodities are imported in bulk and packed into containers for export, a copy of the bill of lading as described in the paragraph above and endorsed "Shipped on board" may be accepted as proof of export.</p> <p>A bill of lading endorsed "Received for Shipment" or a mate's receipt is not acceptable for containerised cargo. If insufficient particulars of the contents of the containers are reflected on the bill of lading, a packer's declaration regarding the contents must also be produced.</p>
<b>"House" bill of lading</b>	Where "house" bills of lading are presented in respect of groupage consignments they may be accepted as proof of shipment provided they are supported by written confirmation from the groupage applicants in the country of export confirming the vessel's name, giving particulars of the on board bill of lading number and date and bearing a reference to the relative groupage container manifest. The "on board bill of lading" number and date as well as the "house bill of lading" number and date can also be accepted as proof of shipment if they are supported by a certified copy of the relative "on board bill of lading".
<b>Through bill of lading</b>	<p>A through bill of lading is used where the goods are consigned from one port via an intermediate place where transshipment takes place, to a specified destination, for example Antwerp to London to Cape Town or vice versa). A copy of the manifest certified by the vessel's agent to the clearing client to the effect that consignments in question were shipped; or</p> <p>A copy of a shipping list (computer generated) prepared by the remover certified and date stamped by the vessel's agent; or if a bill of lading is presented for acquittal document purposes it must be stamped "Shipped on board", and signed by the shipping company and must be an ocean bill of lading. The details of the vessel, weight, description and marks and numbers must correspond with the details on the CCD.</p>
<b>Sea freight</b>	A duly signed copy of the mate's receipt and bill of lading. (Break bulk cargo.) A mate's receipt is a document signed by an office of a vessel evidencing receipt of a shipment on board the vessel. It is not a document of title and is issued as an interim measure until a proper bill of lading can be issued.
<b>N 76</b>	A certified copy of Portnet's load list (N 76). Under no circumstances must a container terminal order (CTO) only be accepted as proof of export.
<b>Fast Forwarded or PX</b>	Fast forwarded or PX which is a division of Transnet must remove goods by rail. The PX slip must be accepted provided that it has been stamped by Spoornet.
<b>N 81 and CTO</b>	A container terminal order (CTO) can only be accepted as proof of export if accompanied by a rail manifest (N 81). These documents must be stamped by SPOORNET reflecting the siding from where the goods have been railed. These documents must only be accepted as an acquittal document if the CCD was processed in the same control area as where the siding was situated. The weight, description, marks and numbers agree with the details on the acquittal document and must correspond to that on the CCD.



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Rail consignment note or Freight Transit Order	Rail consignment notes or Freight Transit Order must be date stamped and signed by Customs and Spoornet together with a copy of the export invoice.
Rail manifest	When vehicles are railed they sometimes have a block train that transports just motor vehicles (like a car carrier) directly from the terminal in these instances a rail manifest indicating all vehicles loaded must be accepted provided it has been stamped by Spoornet.
Road export CCD	<p>For proof of export purposes; traders will not be required to submit CN 1 and CN 2 hard copies as proof, since Customs will ascertain on the SARS system that the exit scan took place. Customs Officers must ensure that all the CN 2s presented at the exit gate are scanned.</p> <p>In the event that the exit scan did not take place and / or could not be located on the SARS system it will be regarded as if the goods were not exported from South Africa and revenue liability will not cease, unless other satisfactory proof can be produced that the goods were not dealt with irregularly.</p> <p>The following additional documentation may be required as proof of export:</p> <ol style="list-style-type: none"> <li>A SAD 502 or SAD 505, if required by Rule, must be duly completed at all Customs Offices and authenticated by an official Customs date stamp. These endorsed forms will be a requirement as proof of export in conjunction with the CN 2 exit scan;</li> <li>Where goods were packed and sealed under Customs supervision a copy of the inspection report and the endorsed application letter of the declarant must be provided. This verification in conjunction with the other documents already mentioned will be accepted for refund or drawback applications.</li> <li>Bonded cargo, for example national transit, international transit and ex-warehouse, requires the completion and submission of the duly completed DA 187.</li> <li>It is the responsibility of the trader to approach Customs in order to obtain endorsed copies of relevant documents.</li> <li>In cases where it is a requirement for the production of the additional documentation, as mentioned above, the exit scan on its own as proof of export is not permissible.</li> </ol> <p><b>Liability</b></p> <p>Liability will only cease, for Customs purposes, once it is proved that the goods physically left the common Customs area and for VAT purposes left South Africa.</p> <p><b>Proof of export from the common Customs area</b> is required in terms of Rule 18A. Export must only take place through the following ports of exit from SACU:</p> <ol style="list-style-type: none"> <li>Beit Bridge;</li> <li>Lomahasha;</li> <li>Mhlumeni (Swaziland);</li> <li>Kazangula Road or Ferry (Botswana);</li> <li>Ramokgwebane (between Botswana and Zimbabwe);</li> <li>Lebombo; or</li> <li>Oshikango (Namibia).</li> </ol>
Airfreight	<p>A copy of the relative air consignment note provided it contains the under mentioned endorsement which must be duly signed and date stamped by an official of the airline who accepts the goods concerned.</p> <p>"The goods described herein were accepted for removal to the destination indicated herein and must not be returned or delivered to any party in the country without the prior authority of the Controller / Branch Manager of SARS (Customs) Branch Office".</p> <p>.....</p> <p><b>SIGNATURE FOR AND ON BEHALF OF AIRLINE</b></p>



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**Airfreight (cont.)****AIRLINE DATE STAMP**

The foreign air carrier declaration must be signed on its own and not as part of other declaration signatures on the air waybill. The declaration by the shipper or his / her applicant must also be signed. A "House" air waybill cannot be accepted as proof of export as the "House" air waybills are issued by groupage applicants in the country of export in respect of consolidated consignments. House air waybills are issued by the groupage applicants on receipt of individual consignments at their premises; therefore it cannot be said with certainty that the goods in question were in actual fact exported. House air waybills can only be accepted as proof of export if accompanied by a Master air waybill.

- m) Goods exported through the mail / post office is discussed in SC-MT-02.

**2.5 Where origin must be proved****2.5.1 Import**

- a) The declarant is required to prove the origin of the goods when preferential rate of duty is applied.
- i) DA 59 is accepted if issued by the following bodies within the exporting country:
    - A) Recognised Chambers of Commerce;
    - B) Government Departments; or
    - C) Statutory Bodies (i.e. legislative bodies).
  - ii) The certificates must clearly indicate that the goods concerned originate in that country and contain all other information required on the DA 59.
- b) Controller / Branch Managers may use discretion when establishing the authenticity of the DA 59.
- c) For assistance with the requirements of whether Rules of Origin permit or certificate is required refer to the Preferential Rules of Origin – Internal Guide (SC-RO-01-02).

**2.5.2 Export**

- a) The declarant obtains certificates of origin from the Customs certification office where he / she is registered for SADC purposes.
- b) These offices are listed in Rule 46A1.02(iii).

**2.6 Prohibited and Restricted Goods**

- a) Certain items listed under Section 113(1) are totally prohibited from being imported into or exported from South Africa while others may be imported under certain conditions only, for example under a permit issued by the Commissioner of the South African Police Service or a permit issued by International Trade Administration Commission of South Africa (ITAC).
- b) Apart from the goods listed under Section 113(1) there are also restrictions on the importation or exportation of other goods under Acts and regulations which are primarily the concern of other Departments or controlling bodies of which certain provisions are administered by Customs. Such goods are listed in the Consolidated List of Prohibited and Restricted Imports or Exports and reference must therefore be made to this list, when necessary. Refer to SC-CC-32.
- c) Section 113A provides for the powers and duties of Officers regarding the seizure and detention of goods in accordance with the provisions of the Counterfeit Goods Act No. 37 of 1997.
- d) Where the declarant has a permit which restricts:
  - i) The value of goods, only the value must be marked off;
  - ii) The quantity or mass of the goods, only the quantity or mass must be marked off; or
  - iii) Both the value and the quantity or mass of the goods, both must be marked off.

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- e) In instances where the:
- i) Quantity or mass of the permits is exceeded, the permits must not be utilised as the permit will be rejected by Customs. There are no allowances permitted on this condition.
  - ii) Value is exceeded, but the quantity or mass is still within the limit, the permit may be utilised. The emphasis is therefore on the quantity and mass and it must be ensured at all times that permits have adequate balances prior to the use thereof.

## 2.7 Supporting Documents

### 2.7.1 Submission of supporting documents for Customs clearance declaration processing

- a) CCDs submitted must at time of lodgement not be accompanied by supporting documents.
- b) Where the declarant receives a CUSRES 13 (Query) notification supporting documents must be submitted within one (1) working day from being requested. The declaration system will update once the supporting documents are received.
- c) Non-submittal may result in a penalty imposed on the declarant who lodged the CCD.
- d) Supporting documents can be submitted in two (2) ways:
  - i) **e@syscan**
    - A) e@syscan is a software package developed by SARS which is made available to declarants.
    - B) Declarants may download the software from the official SARS website or alternatively they may request a CD containing the software.
    - C) The declarant scans the supporting documents using e@syscan software.
    - D) The scanned supporting documents are submitted via an online gateway.
    - E) **Bulk Scanning:** This option is only available at the following offices:
      - I) ORTIA;
      - II) Johannesburg;
      - III) Durban; and
      - IV) Cape Town.
      - V) Supporting documents must upon receipt be acknowledged and scanned within four (4) working hours where after the originals is returned to the declarant accompanied by the cover sheet.
  - ii) **Acquittal documents:** The Bond holder is responsible for production of the acquittal document to Customs via any third party of his / her choice, for example clearing agent or importer, when SARS calls for the supporting documents. Refer to SC-TR-01-02 and paragraph 2.4 of this document.
- e) **Scanning of supporting documents:**
  - i) When scanning documents the declarant must:
    - A) Place the coversheet on top;
    - B) Verify all the pages are facing up;
    - C) Arrange documents as per the coversheet;
    - D) Review the scanned images to ensure that the documents are legible.
  - ii) If the supporting documents are not acceptable (unclear or illegible), the Customs Officer will reject the case to the declarant and request the documents to be submitted again which will delay the release of the CCD.
- f) **Hard copy documents**
  - i) Hard copy documents is accepted if handed in at the front office. Before submitting the supporting documents in hard copy to the Customs Office for scanning or bulk scanning the declarant must:
    - A) Verify if the pack of supporting documents does not contain any original documentation;
    - B) Verify if the copies of any certificates included in the pack of supporting documents is certified;

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- C) Assess the quality of the supporting documents;
- D) Verify that all the pages are facing up;
- E) Make sure duplicate scanning of documents do not take place;
- F) Divide the supporting documents in each case into batches of ten (10) pages; and
- G) Ensure that all paperclips and staples are removed.
- ii) The declarant arrives at the Customs Front End Office and submits the under-mentioned documents, in respect of CCD in hard copy to the Controller / Branch Managers in order to effect clearance:
  - A) A CCD in one (1) of the permissible submission methods i.e. manual (hard copies) or via Electronic Data Interchange (EDI);
  - B) Full particulars of the goods being cleared;
  - C) The purpose of the clearance in terms of the legislated CPC;
  - D) A set of the standard set of supporting documents, see paragraph 2.7.2; and
  - E) The completed declaration declaring the correctness of the particulars and purpose shown on the CCDs.
- iii) The Customs Officer verifies if the supporting documents is sufficient. If the supporting documents are not sufficient or acceptable (unclear or illegible), the Customs Officer returns the documents to the declarant and provide reasons.

### 2.7.2 Standard set of supporting documents

- a) The standard set of supporting documents (Section 39) the declarant must submit to Customs for all CCDs lodged with the exception of amended CCD where a refund is being applied for must comprise of but is not limited to:
  - i) The client's written and signed clearing instructions (where not exempted from this requirement).
  - ii) Invoices in the prescribed form. The requirements of a supplier's invoice are prescribed in Section 41 together with the relevant Rules. Refer to SC-CF-30.
  - iii) Packing list, if required to verify the CCD.
  - iv) Certificates, declarations or permits (if not produced and marked off electronically) if applicable.
  - v) Transport document or other documents in lieu thereof as may be approved by the Commissioner, for example:
    - A) Sea freight – bill of lading;
    - B) Rail freight – rail consignment note;
    - C) Air freight – air waybill;
    - D) Road freight - signed document confirming what was loaded / accepted onto the truck, for example a road consignment note (contract of carriage) or any other transport document applicable;
    - E) Delivery or release order issued by shipping companies; and / or
    - F) Advice and delivery note or any other transport document applicable.
  - vi) The Shippers' covering statements of expenses if a shipper is employed or in the case of direct transaction, between a buyer and supplier proof of payment to be produced which may be either a draft or bill of exchange, sight draft, bank debit note, bank conversion slip or a bank notification of a drawing against an irrevocable letter of credit - if it is clear from documents produced, for example indents, commercial invoices, etc., that no further F.O.B. charges and commission will accrue the covering statement need not be called for.
  - vii) Landing, delivery order and / or forwarding order (LD&FO).
  - viii) A worksheet, showing value calculations, the rate of exchange and conversion into South African currency as well as factor calculation with regards to dutiable charges calculated proportionately, per line of the CCD.
  - ix) Any information regarding the tariff classification of the goods being imported, for example blueprint, illustration, drawing, plan or illustrated and descriptive literature in respect of the goods especially in instances where the classification is in doubt.
  - x) If a CCD is amended or cancelled resulting in an "over entry" the supporting documents listed in SC-DT-C-13 must be attached.
  - xi) Any other documents which may be required by Controller / Branch Managers in connection with a particular type of import or export transaction.

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- b) In the case of road freight clearances – every vehicle must be accompanied with the following document set, before driving to the place of entry or exit:
  - i) A single Road Freight Manifest (RFM) listing all goods on board must accompany the vehicle at all times (See SC-CC-38);
  - ii) Bonded cargo including International transit must also be accompanied by the DA 187 manifest and SAD 502, SAD 505 or SAD 507 dependant on the specific requirements;
  - iii) A copy of the export CCD reflecting the Local Reference Number (LRN) and Movement Reference Number (MRN) (if it is a multi-line CCD only the first page);
  - iv) A printed copy of the CUSRES message for the Electronic Data Interchange (EDI) enabled clients and for manual clients the copy printed by the Customs Office; and
  - v) In the case of goods imported into South Africa, all supporting documents pertaining to all the CCDs, in the event of Customs requesting the documentation.
- c) The standard set of supporting documents the declarant must submit for amended CCDs where a refund is being applied for are listed in SC-DT-C-13.
- d) In the case of a possible drawback item 522.03 a copy of the processed DA 63 must be included in the standard set of supporting documents. The document inspector may in these instances contact the Branch Office that processed the DA 63 to obtain further information if required.

### 2.7.3 Clearing Instructions

- a) Importers and exporters are required to give written clearing instructions to their agents in an effort to avoid careless mistakes and to place clearing agents in a better position to avoid under entries and wrong clearances and thereby eliminating unnecessary work at a later stage. Blanket clearing instruction [one (1) clearing instruction used for all repetitive clearances] is not allowed. It is mandatory for importers and exporters to provide their clearing agents with clearance instructions in an approved form (see paragraph b below), for each CCD submitted to Customs, except where:
  - i) A single warehouse CCD is subsequently cleared out of the bonded warehouse on multiple CCDs. If the circumstances and purpose of each subsequent CCD is identical to the first ex warehouse CCD copies of this original clearing instruction can be used to clear all the ex warehouse CCDs.
  - ii) A single consignment is being cleared on more than one (1) CCD (split consignment). A copy of the clearing instruction used to clear the first part of the consignment can be used to clear all the CCDs related to that single consignment.
- b) Clearing instructions must contain the following minimum information:
  - i) Purpose of transaction and if known the Customs Procedure Code (CPC);
  - ii) Destination country of the goods;
  - iii) Tariff determination, reflecting the tariff decision number (TDN) and tariff heading if applicable;
  - iv) Customs valuation, as applicable:
    - A) Valuation code;
    - B) Valuation method;
    - C) Value Decision Number (VDN);
    - D) Mark-ups; and
    - E) Invoice number(s)
  - v) Import permit particulars;
  - vi) Other permits or certificates;
  - vii) Insert the declaration as below:
    - A) "I <insert full names>, request <insert clearing or registered agent company name>, to clear and deliver these goods under the abovementioned conditions. I further declare that no other clearing instruction has been given to any other person to effect clearance on my behalf.
    - B) This signature certifies that the signatory is <an employee duly authorised to issue this clearing instruction, the importer or the exporter> (delete what is not applicable); and
  - viii) Signature, initials, surname, capacity and date.
- c) The other information may be modified to suit agents' or their declarants' individual requirements.



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- d) In cases where use is made of faxed or telephonic instructions as outlined above, it must be noted that the clearing instruction forms must be properly completed by clearing agents and that a stamp impression or endorsement "INFORMATION OBTAINED: TELEPHONICALLY OR BY FAX/E-MAIL" must be placed on the face of the clearing instruction.
- e) In cases where faxed information is furnished a copy of the fax must be attached to the clearing instruction form. As far as telephonic instructions are concerned clearing agents must, for their own record purposes, request importers or exporters to confirm the instructions in writing.
- f) If an importer desires to amend the Customs Procedure Code (CPC) under which a consignment was originally cleared, a fresh clearing instruction form must be completed (See SC-CF-04).
- g) The following goods are exempted from the issue of clearing instructions (Rule 39.03):
  - i) Unaccompanied baggage;
  - ii) Household effects, etc. of rebate item 407.06; and
  - iii) Goods cleared in terms of the simplified clearance procedure, Section 38(1).
- h) Clearing documents presented without clearing instructions must be rejected except in the instances listed above.

#### 2.7.4 Bills Of Lading

- a) A bill of lading is a contract between the shipper and the shipping company for the conveyance of certain goods from a specified port to another specified port.
- b) The information contained in a bill of lading can be of material assistance and this document may be called for at inland ports for comparison with invoiced and entered particulars.
- c) The numbers and dates of bills of lading are required to be reflected on manifests and CCDs for identification purposes.
- d) Bills of lading may be made out "To Order" or to a specified consignee.
- e) In order to comply with the requirements of Section 38(1)(b) CCDs may only be accepted provided proof is furnished, to the satisfaction of the Controller / Branch Manager that the goods have been loaded on a ship or vehicle for discharge at that place, notwithstanding the fact that the ship or vehicle has not yet arrived at that place.
- f) Bills of lading acknowledge receipt of packages but not necessarily the contents aboard ship. The shipper, i.e. the exporter, however, is responsible for framing the bill of lading and must know the nature of the goods being shipped.
- g) The full marks and numbers of packages, nature of packages and description of the goods described on bills of lading must correspond to the particulars listed on the manifests. This is necessary to ensure that delivery of the correct cases, containing the actual goods which have been cleared, are delivered to the correct consignee.
- h) Where there is undoubted variance between the bill of lading and the CCD descriptions and this is noted after an inspection or examination, the ship's agents must be called upon for prompt amendment of the necessary information on the manifests. However, goods correctly entered originally or by an amended CCD must not be further detained pending amendment of the manifest.
- i) In instances where the bill of lading or shipper's statement reflects alternative numbers or marks, the packages must be stopped and the contents verified with the invoices.
- j) With regards to ownership in respect of over plus, (i.e. where the owner claims surplus proceeds) the negotiable copy of the bill of lading establishes ownership and this bill of lading must be included in the claim. Claims for over plus by other persons must contain the negotiable copy of the bill of lading endorsed in favour of the claimant (See SC-CW-01-04).



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- k) The shipped on board dates can serve as the date of shipment of containerised goods and the bill of lading date must be used for bulk and break bulk cargo. This date is necessary to establish the rate of exchange to be applied in the conversion of foreign currency into Rand. The use of house bills of lading and received for shipment bills of lading for the purposes of establishing the date of shipment must be supported by written confirmation from the groupage agents overseas confirming the vessels name and giving particulars of the on board bill of lading number. The on board bill of lading number as well as the house bill of lading number and date must be reflected on CCDs. Alternatively, house bills of lading may also be accepted as proof of shipment if supported by a certified copy of the relative on board bill of lading. In the case of "received for shipment bills of lading" such may be accepted provided they are endorsed by the vessels agents to the effect that the goods have been shipped on board and the date of shipment is indicated thereon.
- l) Bills of lading dates are used for import permit purposes where goods are required to be shipped on board on or before a specified date.
- m) The "To Order" bill of lading is a negotiable bill of lading. This means that the shipper consigns goods to the order of himself / herself and in order that the bill of lading can become a negotiable document so that the goods in question can be released. The shipper endorses the bill of lading with his / her signature, just as a cheque might be endorsed. This is known as "endorsing in blank". After this the document becomes fully negotiable. The negotiable copy of the bill of lading is regarded as proof of ownership and the holder thereof is therefore the importer.
- n) The "Straight" bill of lading is a bill of lading made out to a specified consignee. This is a non-negotiable bill of lading. In this document goods are consigned to a specified consignee and only that consignee can take possession of the shipment when delivered at its destination. Release will however only be granted if the bill of lading has been endorsed by the specified consignee.
- o) The bills of lading that may be accepted as proof of shipment are:
- i) The direct bill of lading where the goods are consigned from one (1) port direct to another port of destination, for example London to Cape Town.
  - ii) A through bill of lading where the goods are consigned from one (1) port, via an intermediate place, where transshipment takes place, to a specified destination, for example Antwerp to London to Cape Town.
  - iii) A house bill of lading in respect of groupage consignments provided they are supported by written confirmation from the groupage agents' overseas associate confirming the vessel's name, giving particulars of the on board bill of lading number and date and bearing a reference to the relative groupage container manifest. The on board bill of lading number and date as well as the house bill of lading number and date must be reflected on CCDs.
  - iv) House bills of lading if they are supported by a certified copy of the relative on board bill of lading.
  - v) In the case of non-negotiable liner waybills in respect of containerised cargo on the UK or Europe - South African trade route:
    - A) The liner waybill is a non-negotiable document which, at the suppliers' request, is issued by shipping companies instead of a bill of lading. It is numbered in the same series as bills of lading. It is not a document of title but serves as a receipt for goods and provides evidence of a contract of carriage. It does not have to be surrendered by the consignee to obtain delivery of the consignment. The waybill is in fact retained by the shipper and the consignee merely has to identify himself / herself to the shipping company's representative in South Africa, who receives particulars of consignments shipped under cover of waybills by electronic data processing or other direct means.
    - B) Non-negotiable liner waybills are best suited to transactions where the seller and buyer are well established trading partners, house to house transactions, transactions between an overseas manufacturer and an associate company in South Africa, etc.
    - C) As a result of the fact that non-negotiable liner waybills are not dispatched to importers in South Africa Container Operators' Arrival Notifications (in a form acceptable to Customs) may be used by importers to enable clearance of containerised consignments, provided all particulars necessary for clearance purposes which are normally reflected on bills of lading, are shown on the notifications and the date of shipment is reflected thereon.

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- vi) Arrival notifications may, subject to the provisions outlined in the preceding paragraph, be used by importers in the place of bills of lading to enable clearance of containerised consignments shipped under cover of bills of lading. However:
  - A) Only arrival notifications which have been approved by Customs may be used in lieu of liner waybills or bills of lading for clearance purposes;
  - B) In instances where arrival notifications are used, the liner waybill or bill of lading number and the date of shipment must be reflected in the field "Bill of Lading, etc.; No. and Date" on the CCD; and
  - C) In the case of groupage consignments, the house bill of lading supported by a certified copy of the arrival notification sent to the groupage agent may be accepted as proof of shipment.
- p) Delivery or release orders issued by shipping companies are issued on the submission of the bills of lading to them. These delivery orders are acceptable when full manifested particulars of the packages are detailed thereon as well as the bill of lading number and date. It may only be accepted however in respect of manifested cargo. Delivery and release orders are not acceptable for excess cargo.

#### 2.7.5 Air waybills and date of shipment

- a) As far as single air consignments are concerned, the air waybill date serves as the date of shipment of goods in order to determine the rate of exchange to be applied in the conversion of foreign currency into the currency of South Africa.
- b) As regards consolidated air consignments, house air waybills may be accepted as proof of shipment provided they are supported by a copy of the master air waybill.
- c) With a view to eliminating the costs incurred by degrouping agents in supplying individual clearing agents with copies of master air waybills, house air waybills bearing a stamp impression, indicating the master air waybill number and date, the flight number as well as a signed declaration of correctness by the degrouping agent, may be used to serve as proof of shipment.
- d) The master air waybill number and date as well as the house air waybill number and date must be reflected on CCDs.

#### 2.7.6 Indent

- a) When local importers purchase foreign goods, they contact the local representative of an overseas supplier who is known as an indent agent. Indent agents may also approach local importers in much the same way as a traveller representing a local manufacturer would approach clients or possible clients, to offer goods and to take orders if a sale is concluded.
- b) When sales are concluded for the supply of foreign goods, indents are made out. This document sets out the name of the supplier and buyer, the approximate date of shipment, the method of payment, the contract price whether ex-factory, ex-mill, ex-warehouse, F.O.B., C & F, C.I.F. etc., as well as full descriptions and quantities of goods purchased.
- c) A copy of the indent is handed to the buyer and a copy is also forwarded to the supplier for confirmation and execution of the order. This would normally only happen if satisfactory arrangements for payment for the goods have been arranged.
- d) The method of payment for the goods in question generally falls into two (2) categories:
  - i) By means of an irrevocable letter of credit through a named shipper - normally used when the buyer needs credit facilities which are then provided for by a shipper, or
  - ii) Direct payment by means of an irrevocable letter of credit or a sight draft is arranged between the buyer and supplier through their bankers in which case a shipper is not employed - where credit facilities are not required and by implementing this method of payment, a shipper's commission is eliminated.

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e) **The role of indents in import transactions:**

- i) The acceptance by an overseas exporter of a particular indent, by way of confirmation of the order, from a buyer in South Africa, constitutes an agreement to execute the transaction in full in accordance with the terms and conditions contained therein.
- ii) Any imported goods supplied on an indent basis must be in accordance with the specifications of the indent.
- iii) Copies of the relevant indents are normally in possession of the importers in South Africa (where the transactions have been negotiated by the supplier's local representative, i.e. indent agents) and can therefore be produced to Customs at any time by the importers or their agents.
- iv) This document can be of vital assistance where supplier's standardised invoices or other necessary supporting documents are not available at the time of clearance.
- v) In these cases, the terms, conditions and other basic information contained in the indent should normally be sufficient to classify the goods and for calculation of the value for Customs duty purposes or of establishing the contents.
- vi) Where invoices are however not available the goods must always be stopped for verification of the contents with available documents.
- vii) Sufficient information is reflected on the indent to arrive at a fair value for determination of the amounts of the required PPs.

f) **The indent contains the following information:**

- i) Description of goods ordered including quality, specifications, types, etc.
- ii) Quantity of goods contracted for.
- iii) The price at which the exporter has contracted to sell the goods in question to the importer.
- iv) The terms of sale, for example ex-factory, C.I.F. etc.
- v) The terms of payment, i.e. how payment is to be made, which in turn will indicate whether an intermediary is employed and whether commission is involved.

g) **Where the amounts of PPs must be determined and where the indent can be of assistance in determining these amounts, this document must be called for.**h) **Lodgement of unnecessary PPs can be avoided by calling for the indent, as the information reflected thereon may be sufficient to satisfy Officers concerned that additional security is not necessary.****2.7.7 Irrevocable Letter of Credit**

- a) An irrevocable letter of credit is an instrument of finance, which is opened by a buyer (or a representative which could be his / her shipper) of foreign goods with a bank and provides a simple arrangement of finance between the seller and the buyer.
- b) The amount of the letter of credit is agreed upon by the buyer and seller in terms of the indent placed and the buyer thereupon makes application to a bank for the issuance of an irrevocable letter of credit.
- c) Once an irrevocable letter of credit has been issued by a bank, the bank guarantees payment for the goods in question when the document, for example bill of lading, supplier's commercial invoice or other documents required in terms of the irrevocable letter of credit, are produced.
- d) Once established, an irrevocable letter of credit cannot be revoked by the buyer or a bank, unless the seller, who is the beneficiary, explicitly gives his / her permission.

**2.7.8 Sight Draft**

- a) One (1) of the means of financing import transactions is a sight draft. There are a number of different types but the most frequently used is the D / P which means "documents against payment".
- b) When this method is used the seller is protected because the shipping documents which contain the title to the goods are not handed to the buyers (by a bank through which the documents were transmitted) until the buyers pay the value of the draft to the bank concerned.
- c) This method can best be described by comparing it with a Cash on Delivery (C.O.D.).

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**2.7.9 Draft or bill of exchange**

- a) This is an unconditional order in writing, addressed and signed by the person granting it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time, the sum specified. This type of financing must comply with the following:
  - i) The bill must be an order and not a mere request;
  - ii) The order must be unconditional;
  - iii) The order must be in writing;
  - iv) The order must be addressed by one (1) person to another person;
  - v) The order must be signed by the person granting it, i.e. the drawer;
  - vi) The bill must be payable on demand or at a fixed or determinable future time;
  - vii) The order will require payment of a sum of money; and
  - viii) The bill must be payable to or to the order of, a specified person or to a bearer.
- b) Bills of exchange are transmitted through banks or brokers who obtain the drawee's signature of acceptance thereof and generally state the amount payable in South African currency on a (bank) slip pasted thereon.
- c) The **role of shippers** is to service their clients overseas and arrange foreign exchange settlements, especially where credit facilities are required. For these services shippers charge their clients commission.
- d) Generally the shipper's function falls into the following categories:
  - i) Buyer;
  - ii) Confirmer;
  - iii) Merchant shipper; or
  - iv) Financier.
- e) Shippers also carry out several ancillary (subsidiary) functions:
  - i) When clients place indents with overseas suppliers the shipper's overseas office will guarantee payment to the overseas supplier either by the issuing of the shipper's official confirmation or by establishing a banker's irrevocable letter of credit in the supplier's favour.
  - ii) The shipper will arrange with a packing firm or supplier to have the goods packed for export, arrange shipping space and obtain stevedores to load the goods.
  - iii) They therefore act as the buyer's agent in all dealings with suppliers.
- f) When the goods have been shipped, negotiable documents, which would normally consist of a negotiable copy of the bill of lading, supplier's commercial invoice and packing specifications, will be presented to the shipper as evidence of despatch and for checking whether the terms of the contract have been complied with.
- g) If the documents are in order, shippers will draw a draft or bill of exchange on their clients for the total amount due in connection with a particular transaction. A covering statement will accompany the draft or bill of exchange, supplier's negotiable copy of a bill of lading, commercial invoice and statements in support of the charges reflected on the covering statement. The mentioned documents will only be placed in the hands of the clients if satisfactory arrangements for payment of the amount due have been made with the bank concerned.

**2.7.10 Covering Statement (Shippers' Statement of Expenses)**

- a) A covering statement, in relation to clearing documents, is merely a document furnished by a shipper of goods or a finance house, listing total invoiced selling prices of all suppliers' commercial invoices and all charges and commissions (including freight and marine insurance in respect of the goods in a particular consignment). The covering statement will therefore reflect the total amount required to be paid by the importer to the shipper or finance house, in connection with a particular transaction.
- b) A covering statement is not complete unless it reflects the total value of each invoice to which it refers, i.e. all the F.O.B. charges and commissions, the freight and insurance charges, as well as the full marks and numbers of the packages concerned.



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- c) The marks and numbers and the number of packages may be cross-checked from the covering statement and the invoice and compared to the CCD.
- d) Where shippers are employed, covering statements are always issued. In these cases additional F.O.B. charges and commissions, which are dutiable in most instances, enter into the picture. The method of payment indicated on an indent will give an indication whether payment is made through a shipper or whether it is a direct transaction between the buyer and the supplier.
- e) Where the terms of the contract are C.I.F., C & F and C.I.F.I., it must not be taken for granted that no further additional F.O.B. charges and commission, which could affect the F.O.B. price, are involved. For example: goods are supplied on a C & F basis ex-Japan but payment is affected through a shipper or buyer in London who will issue a covering statement detailing the total values of the suppliers invoices, further charges and commission raised, which may drastically affect the F.O.B. price.
- f) If a covering statement is produced where a shipper or finance house is involved, the client is in a position to verify that:
  - i) All the invoices have been produced covering the goods in a particular consignment.
  - ii) All dutiable F.O.B. charges and commission have been included in the declared F.O.B. price.
  - iii) The total amount reflected on covering statements, less the amounts of any non-dutiable charges, must tally to the nearest Rand with the total F.O.B. price entered on the CCDs.
- g) Covering statements must be studied for any additional F.O.B. charges (especially commission) and are essential for arriving at the value for duty purposes and the C.I.F.C. value.
- h) Where the invoices plus the covering statement is suspected of not showing the full amount paid by the importer, the draft or bill of exchange, sight draft, bank debit note, bank conversion slip or a bank notification of drawing against an irrevocable letter of credit may be called for.

#### 2.7.11 Certificates, special permits or declarations

- a) Where the production of a permit or certificate, etc. is a requirement and the document cannot be produced and the importer is able to produce proof at the time of clearance, for example a faxed message from the particular authority of the existence of a valid permit or certificate, the goods may be released upon lodgement of a PP (conditional release) pending production of the permit or certificate, etc. Refer to paragraph 2.12.
  - i) This PP must, in the case of rebated goods, cover the rebated duty and in the case of non-rebated goods which require an import permit or other authorisation document, the PP must not be less than R5 000.
  - ii) If the importer or agent fails to produce the required permit or certificate within fourteen (14) days after clearance, a further PP of 100% of the value of the goods to cover a possible penalty must be called for and the offending client may no longer make use of this procedure.
- b) Where the production of a permit or certificate, etc. is a requirement and the document is to be furnished by an **issuing authority in a foreign country** (including the BLNS countries) but is not readily available at the time of clearance, the following applies:
  - i) Where admission of goods into South Africa or admission of goods at a reduced or rebated rate of duty is dependent upon the production of a permit or certificate etc. a PP to cover the difference in duty may be accepted, provided proof of the availability thereof is furnished.
  - ii) In cases where an import or export permit or other authorisation is required, the goods must not be released unless such permits or certificates can be produced at the time of clearance. The goods must be detained for ITAC or the authority involved.
- c) In instances where admission of goods at a reduced or rebated rate of duty is dependent upon the production of a permit or certificate etc. from an authority in South Africa and such permit or certificate, etc. is not available at the time of clearance, a PP pending production of the permit or certificate etc. may not be accepted unless proof of the availability thereof is furnished, in which case a PP (conditional release) to cover the difference in duty must be accepted (See SC-CF-25).



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- d) Where the admissibility and not the rate of duty, is dependent upon the production of a permit or certificate, etc. from an authority in South Africa and such permit or certificate etc. is not available at the time of clearance, the goods must be detained in terms of the Act.
- e) If rebate permits or certificates, etc. are produced after acceptance of CCDs, applications for refund of duty may be entertained if the declarant can prove to Customs satisfaction that such permits or certificates, etc. were valid in all respects, at the time of clearance. The substitution procedure would have to be followed in these instances.
- f) Where a valid rebate certificate or declaration, required in terms of a rebate item, is produced after the CCD has been accepted "under rebate" it must be attached, as supporting documentation to the relevant amended CCD inspection case bearing appropriate wording, such as "Certificate now attached or permit no..... produced, liquidating PP no.....". Refer to paragraph 2.12.
- g) The under-mentioned instances must be dealt with as contraventions of both the Customs Act, as well as the Import Control Regulations or other legislation in terms of other controlling or restricting Acts:
  - i) Instances where CCDs are endorsed "Permit free" whereas the goods are in fact subject to production of an import permit, whether or not a valid permit is available at the time of entry.
  - ii) Instances where a specific permit is required but an invalid permit is submitted despite the fact that a valid permit may be available.
  - iii) Instances where a valid permit is presented but it is insufficient to cover the shipment, whether or not an additional permit is available.
  - iv) Instances where a permit, particularly in respect of textile piece goods, is presented endorsed with a description or tariff heading which is not in accordance with the actual imported goods.
- h) Contraventions of the Act is dealt with in terms of Sections, 40(1)(a), 80(1)(i) or 84(1) as read with Section 113(2). The contravention of the prohibiting legislation is dealt with in consultation with the authority concerned. For example, the Department of Trade and Industry in the case of counterfeit goods and the Counterfeit Goods Act. Disposal of matters in terms of Section 91 does not automatically eliminate action in terms of any other legislation.
- i) The goods are detained until all Customs requirements have been complied with and incorrectly entered permit particulars rectified. For example, where the correct permit number is inserted, by means of an amended CCD.
- j) If a permit can be produced, which was valid at the time of presentation of the CCD, the permit may be accepted and the matter may be regarded as closed on the lodgement of a nominal penalty together with an amended CCD inserting the valid permit particulars.
- k) If a valid permit cannot be produced the goods must be detained and the matter taken up with Head Office in conjunction with the authority requiring the certificate or permit. If a certificate or permit is produced well after the time of presentation of the CCD, nominal penalties may be imposed depending on circumstances.
- l) In cases where intending immigrants are not yet in possession of residence permits, PPs to cover the relevant duty may be accepted pending compliance with the requirements of rebate items 407.04 and 407.06.
- m) Where the required permit or certificate accompanies the relevant clearing documents the declarant must ensure that:
  - i) The permit is valid.
  - ii) The relevant CCD is endorsed with the name of the issuing authority and the number and date of the permit or certificate.
  - iii) The CCD particulars, where the quantity and value are considerations, are endorsed on the relevant permit or certificate.
  - iv) In certain circumstances, permits specify post clearance conditions, for example "second hand tyres for re-treading.
  - v) The endorsement of clearance particulars on the permit or certificate and balances, if any must be signed and date stamped by the responsible Checking Officer or a team member in Imports.

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**2.7.12 Confirmation of sale or other contract**

- a) Where the declarant is requested to submit supporting documents for confirmation of sale or a contract is required, the evidence must be submitted to Customs.
- b) There are various ways by which an order may be confirmed by the shipper or supplier. Some examples are sales notes, order of confirmation or by letter.

**2.8 Completion of Customs clearance declarations**

- a) Every importer, exporter, owner of the goods or his / her agent must, before the goods are imported into or exported from South Africa, lodge a CCD for processing and release by Customs. CCDs are legal statements and are binding on importers and exporters and as such CCD(s) must be completed accurately in all respects.
- b) CCDs must be completed in accordance with the provisions of the Manual for the Completion of Declarations. Refer to SC-CF-04 for the information required when completing a CCD.
- c) The CCD must be submitted by one (1) of the following person(s):
  - i) The importer or exporter,
  - ii) Registered agent; or
  - iii) Appointed clearing agent.
- d) A separate CCD must be presented in respect of each importer or exporter per mode of transport, for example vessel, aircraft, vehicle or train as indicated.
- e) Where the goods are to be re-imported; the declarant must complete a DA 65 which Customs must check and stamp prior to export.
- f) Valuation is discussed in:
  - i) SC-CR-A-03 – Valuation of Imported Goods;
  - ii) SC-CR-A-05 – Method 1 of Imported Goods; and
  - iii) SC-CR-A-07 – Valuation of Export Goods.
- g) It is the responsibility of the declarant to apply for Customs supervision or inspection for export, if applicable. Special and Extra attendance as prescribed in SC-CF-22 applies.
- h) In the case of road freight, the "place of clearance" and "port of entry" must be the same for all imported goods to South Africa. However, for export from South Africa a distinction is made between free circulation goods and bonded goods:
  - i) Free circulation goods must be cleared under procedure H 60 on the CCD reflecting the "place of clearance" and "port of exit" the same; and
  - ii) Bonded and Transit goods are cleared under procedures F 52, F 53, H 64, H 67 and H 68 on the export CCD. The "place of clearance" will reflect the Customs source office and "port of exit" the land port of exit.
- i) The declarant must insert the transport document number on the export CCD. The transport document number is not interchangeable with the booking reference number. The 'booking reference number' format does not comply with the requirements as prescribed in the Completion Manual of Declarations (SC-CF-04).
- j) In the case of a possible drawback, for example item 522.03 the CPC H 62-11 and drawback item 522.03 must appear in the appropriate fields on the export CCD before the goods are exported. (Refer to SC-CF-04, SC-CF-04-A16 and the notes to Schedule 5).

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- k) Requirements for a valid CCD in terms of Section 40:
- i) The description and particulars of the goods and the marks and particulars of the packages declared on the CCD must correspond with the description and particulars of the goods and marks and particulars of the packages or in any certificate, permit or other document, by which the importation or exportation of the goods is authorised. If the goods require a permit the permit must be produced at the time of due entry. This includes goods imported and warehoused. If imported warehoused goods requires a permit then the permit must be made available at the time the CCD with a CPC combination E 40-00, is presented and not on entry for home use or ex-warehouse clearance.
  - ii) The commodities must be entered on CCDs according to their precise nature and in sufficient detail to enable them to be identified for Customs classification purposes as required by Section 40(1)(b) and the relevant Rules thereto. Where classification in terms of the tariff depends on such factors as the physical characteristics of the goods, for example mass, capacity, composition or method of manufacture the description on the CCD must include these particulars.
  - iii) The quantities, if required to be specified, must be stated on the CCDs and must include particulars such as the units shown in the statistical requirements as well as the unit for duty purposes, if it differs from the statistical units. The goods on the CCD must be described by the:
    - A) Denomination and with the characters;
    - B) Tariff heading and item numbers;
    - C) Circumstances according to which they are charged with duty or are admitted under any provision of the Act or are permitted to be imported or exported; and
    - D) Any other information called for in the CCD must also be declared, for example: countable quantities in respect of warehouse CCDs.
  - iv) The C.I.F. & C. values must be accurately reflected on the CCDs as this value is used, amongst others, for balance of payment purposes. Normally statements reflecting freight and insurance paid accompany the overseas documentation but there are instances where either or both freight and insurance are payable at destination. Declarants, importers, exporters or agents must obtain the amounts of freight and / or insurance payable at destination, from the carriers and insurance companies. Any such reasonably acceptable evidence obtained from local sources and submitted may be accepted by Customs.
  - v) The Customs value of the goods on which duty is leviable or which is required to be declared under the provisions of the Act must be declared. Where goods are cleared under any of the rebate items of Schedule 3 or 4, the amount of duty rebated must be indicated in the description field.
  - vi) The correct country of origin must be declared. Different rates of duty apply to different countries and different countries can reflect vastly different rates of duty, which in turn may influence the amount of duty or non-rebated duty payable.
  - vii) Country of export and means of carriage must be declared. Particularly required where preferential rates are applicable or anti-dumping duty or countervailing duty is applicable.
  - viii) The correct invoices completed in terms of Section 41 and the relevant Rules thereto must be produced at the time of CCD and presented to Customs for acceptance, if required (SC-CF-30).
  - ix) The correct duty due must be paid.

## 2.9 Submission of Customs clearance declaration

- a) The declarant submits the CCD in either Electronic Data Interchange (EDI) or manual format (hard copy) to Customs.
- b) Section 101A provides for the application of electronic communication for the purposes of Customs and Excise procedures. Any person who wishes to communicate with the Commissioner via EDI must be registered in terms of Section 101A with SARS for this purpose. Refer to SC-CF-19. In addition to the provisions of the Section, the regulatory requirements is specified in the user agreement and the Rules.
- c) **EDI Submissions**
  - i) The client:
    - A) Obtains supporting documents and prepares the draft CCD; and
    - B) Submits the draft CCD via EDI.

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- ii) The EDI gateway validates the CCD submitted by the client by means of checking the CCD for electronic format:
    - A) If incorrect, the EDI gateway sends an electronic message (CUSRES 6) to the client informing them of the incorrect submission with the specific code and the message identifying the error.
    - B) If incorrect, refer to paragraph 2.10.
  - iii) All supporting documents must be scanned and attached to the CCD before submission of the CCD.
  - iv) Notification of the results: The declaration system sends a Customs Notification (CN 1) CUSRES 1 (release),
  - v) CUSRES 2 (stop), or other CUSRES messages to the EDI enabled parties to inform them of any Customs intervention or additional requirements.
  - vi) If supporting documents are requested, the client must prepare a folder consisting of the relevant supporting documents and presents the folder to the Customs Office for scanning.
- d) **Manual Submissions**
- i) A client who has no access to electronic submission channels (EDI) must visit a Customs Branch Office and request the capture and submission of the CCD by a Customs Office on behalf of the client.
    - A) Manual submissions at Branch Offices will only be allowed up to ten (10) manual CCDs per client per calendar month with each CCD not exceeding ten (10) lines per CCD as the client is legally obligated to submit CCD electronically in terms of Rule 101A.01A(2)(a)(v).
    - B) The information on the CCD will then be captured on the SARS system at the port or place of entry or exit via a face-to-face discussion between the client and the Customs Officer.
  - ii) The client:
    - A) Obtains supporting documents and prepares the draft CCD in terms of the Manual of Completion of Declarations (SC-CF-04); and
    - B) Submits the hard copy draft CCD, excluding supporting documents to a Customs Branch Office or Customs Compliance Centre (CCC).
    - C) Delivers the CCD to the Controller / Branch Manager in the prescribed form during Office hours prescribed by Rule.
  - iii) The Customs Officer captures the manual CCD on the declaration system on behalf of the client within one (1) hour from receipt of the CCD:
    - A) Receives the CCD;
    - B) Creates a new CCD case which generates a case number;
    - C) Writes the case number on the original CCD for tracking purposes;
    - D) Captures the submitted CCD onto the SARS system, utilising the information provided by the client; and
    - E) Writes the case number on the client's CCD's folder for identification purposes.
  - iv) The client signs the CCD using the signature pad thereby affirming that the particulars of the CCD are true and correct and complies with legislation.
  - v) The Customs Officer:
    - A) Saves the captured data
    - B) Ensures that:
      - I) The hard copy of the CCD are scanned and attached to the case; or
      - II) The supporting documents if requested are attached to the case.
    - C) Submits the CCD.
    - D) Hands the hard copy CCD back to the client.
  - vi) The CCD is validated by the declaration system.
  - vii) Notification of the results: Release, stop or other notifications are printed and handed to the client to inform them of any Customs intervention or additional requirements.
  - viii) If supporting documents are requested, the client must prepare a folder consisting of the relevant supporting documents and presents the folder to the Customs Office for scanning.
  - ix) If captured incorrectly, the declaration system sends a notification to the Customs Officer capturing the CCD to inform him / her of the incorrect submission with the specific code and message identifying and displaying the error.
    - A) Alterations must be made by the client(s) and initialled by him / her on a hard copy of the CCD before final acceptance.
    - B) The use of correction fluid on any CCD is not permitted either by Customs Officers or by importers or exporters or agents.



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- x) The Customs Officer will not make any alteration or addition on a CCD without the approval of the client.
  - A) The Customs Officer rectifies the errors after sign-off from the client.
  - B) The CCD with the signed alterations is uploaded as supporting documents.
  - C) The Customs Officer resubmits the CCD for validation.
- xi) No alteration of a CCD is permitted after the final acceptance, except by way of an amended CCD.
- xii) Clients walking in with manual submissions may at this time request the Customs Officer for packing under Customs supervision for exports (DA 73) – see SC-CF-22.

## 2.10 Declaration system validations

- a) The declaration system performs validations to verify the correctness of key fields, the completion of mandatory fields, etc.
- b) If the CCD is not valid the declaration system will send a CUSRES 6 (error message, indicating that the client has to submit a new CCD).
- c) A valid CCD submitted via EDI receives a Movement Reference Number (MRN) that must be reflected or quoted on all correspondence to Customs.
- d) If a payment is:
  - i) Due it must be conducted in terms of GEN-PAYM-01-G01; and
  - ii) Not concluded the declaration system will not permit the release of a CCD.

## 2.11 Release

- a) Where a CUSRES 1 (Release status) is received the goods may now be released or exported if the client has made payment, if required.
- b) Refer to GEN-PAYM-01-G01 – Payment Rules – External Guide and paragraph 2.29.

## 2.12 Customs declarations based provisional payment

- a) There are three (3) types of PPs that are lodged, namely:
  - i) At the time of original clearance a PP:
    - A) To cover the duties and tax due paid until the declarant can prove that the temporarily imported goods have been exported – temporary imports (PPT).
    - B) To cover the provisional charge ITAC sets, pending the finalisation of the investigation to verify whether to impose the following additional duties, see paragraph 2.13 i):
      - I) Anti-dumping (PPA);
      - II) Countervailing (PPC); or
      - III) Safe Guard (PPG).
  - ii) After a Customs intervention for the conditional release (PPR) of goods or a request for embargo release (PPE).
    - A) Pending the production of any supporting documents;
    - B) Pending the production of literature or a tariff determination (DA 314) by Head Office to establish or confirm the tariff heading. Refer to SC-CR-A-09 for assistance with a tariff classification;
    - C) Pending a value determination (DA 55) to verify the correct Customs value by Head Office. Refer to SC-CR-A-03 and SC-CR-A-05 for assistance with valuation of imported goods;
    - D) To obtain embargo release of the goods in terms of Section 107. Refer to paragraph 2.21.
  - iii) Penalties (PEN) including VAT penalties or forfeiture (FOR) requested on Customs initiated amended CCD. See SC-CO-01-02 for guidance on offences and penalties.
- b) The details of the type of PP, for example PPT; PPE or PEN) must be indicated on a CCD as a 'Duty Tax Type' (Box 47). Refer to SC-CF-04.



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- c) The PP amount must be inserted on line level proportioned by Customs value except in the case of a PP for embargo release (PPE) where the details must be declared on the first line.
- d) The reason or condition of the PP will appear in the CUSRES message sent to the trader or client.
- e) The PPs must be paid in cash by EFT, E-Filing or Cash desk at a Customs Branch Office but a maximum amount applies for payments on Cash desk.
- f) If a declarant who uses the deferment option on a PP CCD elects to pay the PP using the Cash Desk the full amount of the CCD must be paid in cash.
- g) For the use of the DA 70 and to determine the PP amount refer to SC-CF-25 and SC-CF-32.
- h) With regards to the finalisation of the payment of the provisional charge as set by ITAC, the following must be adhered to:
  - i) Finalisation of PPs where Anti-dumping Duty is imposed retrospectively in terms of Section 56: the anti-dumping duty is brought to account on an amended Customs CCD inserting the Anti-Dumping item and thereafter the PP is liquidated and refunded. If the amount of the PP on the goods in question exceeds the duty retrospectively imposed on the goods, the amount of the difference must be refunded to the depositor. If the amount of the PP is less than the amount of the Anti-dumping Duty imposed, the amount of the difference must not be collected (refer Section 57A).
  - ii) Finalisation of PPs where no Anti-dumping Duty is imposed: In instances where no retrospective Anti-dumping Duties are imposed the PP must be liquidated and made payable (refunded) to the depositors.
  - iii) The periods for which PPs are held pending the imposition of Anti-dumping Duty, must normally not exceed six (6) months, but the period would be in line with that in the Government Gazette notice. The PPs must therefore be finalised or liquidated within the six (6) month period, unless the Minister of Finance has extended the time. Controller / Branch Managers must ensure that measures are implemented to prevent the PPs from becoming time expired, i.e. held for a period of more than six (6) months without reason or authority.
  - iv) Exemption from payment of Anti-dumping Duty - In terms of Section 55(5) the Commissioner may exempt certain goods from the payment of Anti-dumping Duty. These goods would normally be genuine trade samples, replacement parts and other goods imported not for trade purposes. This provision is delegated to Controller / Branch Managers who may use discretion in this regard. In cases of doubt normal PPs must be called for to cover any possible Anti-dumping Duty payable and the matter submitted to the Head: Customs Operational Support for a decision.
- i) The administration or control measures for **countervailing duties** are very similar to those mentioned for Schedule 2 Part 1 (Anti-dumping). Customs Officers must take note of the Legal Notes numbered 1 to 4 of Schedule 2 Part 2.
- j) The declarant ensures that where PPs are liquidated:
  - i) The conditions set for penalties (PEN) and forfeiture (FOR) are met and adhered to. See SC-CO-01-02;
  - ii) If a PP has been lodged to cover the duties and tax on a temporary import, the client must request an EWP to be conducted for verification purposes at the time of re-exportation;
  - iii) The re-exported goods must be readily reconciled with the goods originally imported. Without this verification and the proper proof of export, the PP cannot be liquidated in favour of the client; and
  - iv) All other PP types are completed and fully dealt with in terms of SC-CF-25.

### 2.13 Anti-Dumping, Countervailing and Safe Guarding Duties

- a) Schedule 2 covers Anti-dumping, Countervailing and Safe Guard Duties on Imported goods.
- b) Anti-dumping, Countervailing and Safe Guard are in terms of the definitions in the Act, regarded as "Customs Duties".

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- c) Anti-dumping Duty (Part 1) is provided for in Section 56 and is basically an additional Customs Duty placed on goods which are imported into South Africa at a value or "export price" much lower than identical or comparable goods sold in the ordinary course of trade. In these circumstances an Anti-dumping Duty may be imposed, which becomes payable in addition to the normal duties in terms of Schedule 1.
- d) Countervailing Duty (Part 2) is provided for in Section 56(A). Countervailing is an additional Customs Duty that is placed on goods which are imported into South Africa and are done so under circumstances where the exporting authorities, in the exporting country, have placed a subsidy or bounty on the goods. In these circumstances Countervailing Duties may be imposed, not exceeding the amount of the subsidy or bounty on the goods.
- e) Safe Guard Duty (Part 3) is provided for in Section 57. Safe Guard Duty is an additional duty imposed as a result of disruptive competition. In these circumstances a Safe Guard Duty may be imposed, which becomes payable in addition to the normal duties in terms of Schedule 1.
- f) **Structure of Schedule 2 Part 1 (Anti-dumping):**
- i) All goods appearing in this part fall under "tariff items". These items all begin with the number two (2). As for the remainder of the number the same structure as that of Part 1 of Schedule 1 has been followed. Therefore, goods classified in Section 11 of Schedule 1 Part 1, which attract Anti-dumping Duty, are found under the Anti-dumping Item 211.00 of Schedule 2. The number "11" in this item pertains to Section 11 of Schedule 1 Part 1.
  - ii) Schedule 2 has been divided into eight (8) columns (Headings). A short description of each column is provided hereunder:
    - A) Column 1 = ITEM - The items are numerical, all beginning with the number two (2), starting at 201.00 and extending to 221.00, which are in accordance with the 21 Sections of Schedule 1 Part 1.
    - B) Column 2 = TARIFF HEADING - The tariff headings under which goods liable to Anti-dumping Duty are classified in Part 1 of Schedule 1 with respect to the first four (4) digits. Only goods classified by the first four (4) digits and stipulated in the description of Schedule 2 will therefore be liable to Anti-dumping Duty.
    - C) Column 3 = CODE - For identification and CAPE Computer System only.
    - D) Column 4 = DESCRIPTION - The specific descriptions of goods liable to Anti-dumping Duty are listed here. These descriptions do not necessarily agree in all respects with the corresponding Schedule 1 Part 1 tariff headings. The descriptions mentioned in Schedule 2 are specific and qualify specific goods liable to Anti-dumping Duties. The descriptions must therefore be read with caution before ascertaining whether or not Anti-dumping Duty is applicable.
    - E) Column 5 = REBATE ITEMS - This column is created specifically for rebate items of Schedules 3 and / or 4. If any of these rebate items (Schedule 3 or 4) appear in this column, the Anti-dumping Duty is not rebated for the listed rebate items. If the rebate items not be specified (as is the case of all goods currently listed) and the goods are entered under rebate of duty in terms of Schedule 3 or 4, the Anti-dumping Duty is also rebated (refer to Legal Note 2 of Schedule 2).
    - F) Column 6 = IMPORTED FROM or ORIGINATING IN - Anti-dumping Duty is only leviable where the goods are imported from a supplier and / or originate in the countries specified in this column. The goods can thus originate in the specified country, or they can be imported from suppliers which could be situated in various countries. In the latter instance the origin would not necessarily affect the leviability of Anti-dumping Duty. It stands to reason therefore, that goods can originate from the UK, but be supplied from China. The Anti-dumping Duty would be leviable for goods supplied or imported from China, provided the goods are described in column 4 and the country "China" appears in this column. If any doubt exists as to the true origin of goods, the goods must be detained for examination and if necessary, the DA 59 or other proof called for.
    - G) Column 7 = RATE OF DUTY - The rate of Anti-dumping Duty which is levied on the specified goods is reflected in this column. The amount calculated as Anti-dumping Duty must be added to the duty levied in Schedule 1 Parts 1 and 2A (if any) and the total thereof inserted in the field "Customs Duty" on CCDs. If duty in terms of Schedule 1 Part 2B be leviable as well, the Anti-dumping Duty is not included in the value for Schedule 1 Part 2B purposes (VPB) [Section 65(8)(a)]. VPB = Customs Value plus 15% of the value

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plus any non-rebated Customs Duties in terms of Schedule 1 Part 1, rounded to the nearest Rand, multiplied by the rate of duty in terms of Schedule 1 Part 2B = Schedule 1 Part 2B duty payable. In calculating the Value-Added Tax the Anti-dumping Duty, if applicable, is included in the value for the purposes of payment of VAT. This amount is referred to as the Added Tax Value (ATV) = Customs value plus 10% of the value plus any non-rebated duties (including Anti-dumping Duties). The ATV rounded to the nearest Rand multiplied by the applicable rate (%) = VAT payable.

- H) Column 8 = ANNOTATIONS - This is the number allocated to the tariff amendments and appears throughout the tariff.
- g) **Establishing whether goods are liable to Anti-dumping Duty and DA 59 "certificates of origin":**
- i) The declarants must familiarise themselves with the types of goods which attract Anti-dumping Duties.
  - ii) It must be established that the goods, by their classification in Schedule 1 Part 1, compared to the descriptions and classification in Schedule 2, are liable to Anti-dumping Duty. Secondly, it must be established whether the goods originate, or are being supplied from a country specified in column 6 of Schedule 2. If all the above criteria be positively established it can then be concluded that Anti-dumping Duty would be payable on the goods being imported.
  - iii) In instances where doubt exists as to the true origin of the goods, the goods will be detained and the agent or importer requested to produce a DA 59. As a rule, all goods classifiable in any of the items of Schedule 2 must be cleared and accompanied with a DA 59. This form may be demanded by Customs in terms of Section 39; as read with Rule 46.04.
- h) Value for Anti-dumping Duty purposes the value for ad valorem Anti-dumping Duties is based on the Customs Value declared, for example 20% of R2 000. Similarly, specific rates of duty are based upon the quantities declared, for example 245 cents per kg.
- i) **Provisional charge in relation to Anti-dumping, Countervailing or Safe Guard Duty:**
- i) In terms of Section 57A, the Minister of Finance may, on recommendation of ITAC, by notice in the Government Gazette, impose a provisional charge in relation to Anti-dumping, Countervailing or Safe Guard Duty on imported goods.
  - ii) The purpose of the provisional charge in relation to Anti-dumping is to allow ITAC to investigate allegations that goods are being dumped in South Africa. This provisional charge must be collected on a CCD.
  - iii) The provisional charge period will normally be for a period of four (4) months, however the Minister of Finance may extend this period, usually not longer than a total of six (6) months.
  - iv) Payment of the provisional charge will only be insisted on for goods being entered for home use, except where the Government Notice states otherwise. Goods cleared for warehousing thus do not attract the provisional charge and the provisional charges will only become applicable upon "ex-warehouse" clearance.
    - A) Goods, which were warehoused before the imposition of the provisional charge but cleared ex-warehouse for home use during the stipulated dates, are also liable to payment of the provisional charge.
    - B) Likewise, if an Anti-dumping Duty were withdrawn whilst goods are in storage in a Customs Storage Warehouse, the goods will not attract Anti-dumping Duty on clearance for home use (Section 55).
    - C) Similarly goods which are removed in bond or which are released prior to Customs clearance before the imposition of the provisional charge and which are cleared for home use during the "stipulated dates" are also liable to payment of the provisional charge.

## 2.14 Rebates of Duty Schedules 3 and 4

### 2.14.1 Reduction of duties and taxes

- a) Declarants dealing with importations under rebate and inspectors conducting post clearance inspections must be fully conversant with Sections 75 to 77, as read with the relevant Rules thereto.
- b) Goods which are imported and qualify for a rebate of duty may be entered for home use under Schedule 3 (Industrial Rebates) and Schedule 4 (General Rebates).

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- c) A rebate is a facility provided for in the Act, subject to the compliance of specific conditions, whereby the full or part of the duty is reduced or remitted. This reduction or remittance of duty is termed the extent of the rebate. Each rebate item has its own extent of rebate. Extent of rebate is not in itself a rate of duty, but remits or reduces Customs Duties.
- d) The rebates of Schedule 3 and 4 may reduce or remit the following Customs Duties:
  - i) Ordinary Customs Duty (Schedule 1 Part 1);
  - ii) Specific Customs Duties on imported goods of the same class or kind (Schedule 1 Part 2A);
  - iii) Ad valorem Customs Duties on imported goods of the same class or kind (Schedule 1 Part 2B);
  - iv) Environmental levy (Schedule 1 Part 3);
  - v) Fuel levy (Schedule 1 Part 5 with the exception of fuel levy item 195.30); and
  - vi) Anti-dumping Duty, only where the rebate item is not specified in Column III of Schedule 2.
- e) Goods are entered under rebate of duty in rebate items. In respect of Schedule 3 the same structural arrangement as Schedule 1 Part 1 has been followed. There are 21 divisions, each division's description being the same as the 21 sections of Schedule 1 Part 1, except for rebate item 321.00 which covers "General". For example, Section V of Schedule 1 Part 1 refers to mineral products and likewise rebate item 305.00.
- f) In respect of Schedule 4 the structural arrangement is not the same as that for Schedule 1 Part 1. Schedule 4's rebate items extend from numbers 403.00 to 495.00 and are arranged according to circumstances rather than commodities.
- g) The tariff heading, usually only up to four (4) digits under which the goods are classified in terms of Schedule 1 Part 1 is reflected in this column. Where ever the tariff heading or subheading under which goods are classified in Schedule 1 Part 1 is quoted in any rebate item in which the goods are specified, it must be deemed not to include goods which are not classifiable under the said tariff heading or subheading. In other words, the goods specified by their description in the rebate item must be classifiable under the respective Schedule 1 Part 1 tariff heading listed in the tariff heading column.
- h) If a tariff heading comprises of two (2) digits followed by a point and two (2) zero's, for example Tariff Heading 94.00, this means that all goods classifiable under tariff heading 94.00 are being referred to in the rebate item.
- i) If the tariff heading comprises of four (4) zero's, for example 00.00, this means that all tariff headings of Schedule 1 Part 1 are being referred to in the rebate item.
- j) In terms of Section 56, Anti-dumping Duty does not apply to goods entered under the provisions of any item of Schedule 3 unless the item is specified in Schedule 2 in respect of the imported goods.
- k) The important aspect the importer must adhere to as far as clearances under Schedule 3 are concerned is:
  - i) Whether the importer in question is registered to obtain materials under the item in question;
  - ii) Whether the materials under rebate are admissible in terms of the item; and
  - iii) Whether such materials are being, will be or have been, used correctly in terms of the rebate items declared.
- l) In terms of Section 75(2), rebates of duties in respect of any goods described in Schedule 3 will only be allowed under the following circumstances:
  - i) In respect of goods entered for use in the production or manufacture of goods in industry and for the purpose specified in the rebate items.
  - ii) In respect of goods entered for use in a factory which is registered under The Machinery and Occupational Safety Act No. 6 of 1983.
  - iii) In respect of goods entered for use in mines or works as defined in Section 1 of The Mines and Works Act No. 27 of 1956.
  - iv) In respect of goods entered for use in any activity which the Commissioner may approve. This is provided a rebate provision exists.



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- v) In respect of goods entered for use in an industry, a factory, works, activity or mine which complies with the requirements in respect of quantity of material used or quantity of goods produced or manufactured as the Commissioner may impose in consultation with ITAC.
- m) A registered rebate user must:
- i) Enter the goods under the specific rebate item(s) for which he or she is registered;
  - ii) First obtain permission to use or dispose of the goods in accordance with the provision of the Act;
  - iii) Prominently displayed an extract of the relative rebate provision(s) approved on the registered premises of the registered manufacturer;
  - iv) Used the imported goods for the purpose specified in the rebate item under which the goods were entered at the time of entry or such other purpose allowed unless permission was granted to use the goods on any premises other than registered for;
  - v) Conveyed the imported goods directly to the appropriate store, vessel, tank, yard or other place for storage of the goods on the registered premises of the registrant in question;
  - vi) Sort the imported goods only in the store, vessel, tank, yard, or other place it is destined for;
  - vii) Arranged and marked the imported goods in a manner that it is easily identifiable and accessible for inspection and each consignment and the particulars thereof can be readily be ascertained and checked;
  - viii) Locked and secured the imported goods at all times when not actually in used for depositing or removing;
  - ix) Keep the imported goods separate, if not in possession of a valid CCD form or DA 62;
  - x) Used the imported goods only once permission had been obtained from Customs;
  - xi) Immediately notify or advise the Controller / Branch Manager in advance when it is noted:
    - A) That the imported goods were incorrect:
      - I) Entered;
      - II) Document(s) produce; or
      - III) Evidence in his / her possession.
    - B) Of any change or contemplated change:
      - I) No matter of what nature, in his / her legal identity, the name under which he or she trades;
      - II) The address of his / her registered premises;
      - III) The position,
      - IV) Size; or
      - V) Other particulars of his / her rebate store.
    - C) Of any goods short received.
  - xii) Retain copies of all the CCD or DA 62 together with all the relevant clearing documents until all the stocks to which such Customs clearance documents relates are exhausted;
  - xiii) Make available any document(s) on demand to an authorised Customs Officer;
  - xiv) Stack and ticket the content of the rebate store in a manner that a Customs Officer is able to take stock;
  - xv) Keep record of all stock receipt or removed using a "working" book or "working" card; and
  - xvi) Keep the rebate stock book(s) in a place where it will be available for inspection at any time during normal office hours. If such rebate stock book in not in use it must be kept in a fireproof safe.
- n) Rebate user will be held accountable for:
- i) All imported products or articles used in the manufacturing process or derived unless otherwise provided for in the provisions of the rebate item, stated in his / her application;
  - ii) All manufacture, produced products or articles obtained from such manufacturing or production process; and
  - iii) The exportation of any manufacture, produced products or articles, if exported by him or her.

#### 2.14.2 Extent of Rebate

- a) The extent of rebate appears in Column III of Schedule 3 and Schedule 4.



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- b) The types of extent of rebate and how the item must be interpreted are listed and explained as follows:
- i) Full duty – means that the full duty as would normally be payable in terms of Schedule 1 Part 1, 2A and 2B, is remitted (rebated).
  - ii) Full duty less..... - means that the extent of the rebate does not fully remit the duties payable in terms of Schedule 1 Part 1, 2A and 2B. This is a partial rebate of duty. For example, where the duty in terms of Schedule 1 Part 1 is 20% and the extent of the rebate is full duty less 5%, this means that the actual percentage payable is 5% of the value. The duty which is due, i.e. the portion not rebated, is that which is mentioned after the word "less".
  - iii) Full duty less the greater of ..... - means that the duty which is not rebated is the greater of the amounts calculated after the words "less the greater of". For example:
    - A) Schedule 1 Part 1 duty reads: 25% or 35 cents per kilogram, extent of rebate reads: Full duty less the greater of 10% or 10 cents per kilogram.
    - B) Value or Quantity = R100,00 and mass = 25kg.
    - C) Normal duty would be  $R100,00 \times 25\% = R25,00$  or  $25\text{kg} \times 35\text{cents} = R8,75$ .
    - D) Duty normally payable would be R25,00 [The greater of the two (2)].
    - E) Extent of rebate = Full duty less the greater of 10% or 10 cents per kg.
    - F)  $R100,00 \times 10\% = R10,00$  or  $25\text{kg} \times 10\text{ cents} = R2,50$ .
    - G) The actual amount payable would be R10,00. [The greater of the two (2)].
  - iv) Not exceeding the duty in Schedule 1 Part 2B – means that the duty rebated is that under Schedule 1 Part 2B. The duty due would be any amounts calculated under Schedule 1 Parts 1 and 2A.

#### 2.14.3 Clearance under rebate

- a) Companies or firms registered under Schedule 3 may obtain rebate materials in the following ways:
- i) Imported materials cleared direct on importation under rebate;
  - ii) Imported materials cleared ex-warehouse under rebate;
  - iii) Rebate materials transferred from other registered manufacturers under cover of DA 62; and
  - iv) Rebate materials transferred ex-registered stockists' bonded warehouse to registered manufacturers, on DA 62.
- b) Firms registered under certain items of Schedule 4 may obtain rebate materials in the following ways:
- i) Imported materials cleared direct; and
  - ii) Imported materials cleared ex-warehouse.
- c) When manufacturers who are registered with Customs under Schedule 3 or certain items of Schedule 4 desire to clear rebated goods direct from the ship, aircraft, truck or rail, specifically they do not wish to place the materials in a Customs storage warehouse for subsequent disposal under rebate, the goods must be entered as follows: If cleared under Schedule 3 or 4 the materials in question must be entered on a CCD.
- d) The declarant must verify the following before submitting the CCD:
- i) The name and address of the registered manufacturer on the CCD agree in all respects with the corresponding particulars registered with Customs;
  - ii) The portion of the tariff heading reflected under any item of Schedule 3 agrees with the corresponding portion of the tariff heading on the CCD;
  - iii) The description against the tariff heading under an item agrees with the description on the CCD;
  - iv) Valid and adequate security exists;
  - v) The materials in question are admissible under the item cleared;
  - vi) The value and duty (if any) are correct;
  - vii) The CCD complies with the Schedule notes to the rebate item; and
  - viii) The names and addresses on the documents on which delivery is authorised agree with the corresponding particulars on the relevant CCD.

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- e) **Customs clearance declarations of consignments where more than one (1) CPC combination is involved:**
- i) If an importer desires to enter part of a consignment comprising a number of packages under rebate and part otherwise, provided no one (1) package contains both rebate and other materials, separate CCDs may be passed and must be cross-referenced, for example: "part consignment only, balance entered on Declaration Number dated ....."
  - ii) Where a single package contains both dutiable (or free by tariff) as well as rebateable goods, the following procedure must be adopted: where the entire contents (not all of which are admissible under rebate) of a single package are for manufacturing purposes and are for delivery to an importer who is a registered rebate manufacturer, such importer may, for his / her own account, enter the part contents being admissible under rebate on one (1) CCD and the balance otherwise on another, provided:
    - A) Both CCDs are cross-referenced as indicated above.
    - B) The importer is able to declare exact quantities of goods being cleared under rebate or for warehousing. This is important as the importer must account for all rebated as well as bonded goods.
    - C) The importer furnishes a written undertaking that immediately upon delivery at his / her premises, the goods are unpacked and those entered under rebate will be placed in the rebate storeroom and recorded in the rebate stock book. If the importer is unable to furnish this undertaking or where part contents (non-rebateable) are not for manufacturing purposes but for trade or where such part contents are for diversion to destinations other than the importer's own premises, the goods must be repacked, on application, either in bond or in premises approved by the Controller / Branch Manager.
- f) **Acceptance of Customs clearance declarations for future rebate clearance:**
- i) On importation, materials may be placed in a licensed Customs storage warehouse for subsequent disposal to appropriately registered manufacturers. When goods are transferred ex-bond to firms registered under Schedule 3 or 4 a CCD with a CPC combination under J-80 or K-85 must be used. At the time of acceptance of the initial warehouse CCD Customs is not aware of the importer's intentions at that stage, i.e. whether the goods will be cleared into home use "duty paid" or "under rebate".
  - ii) Ex-warehouse CCDs may only be accepted at the district office controlling the Customs storage warehouse from which the materials in question are cleared for home use. The rebate registrant however may be situated in another Controller / Branch Manager's area of control.
  - iii) Goods imported under rebate must be used within a period of two (2) years from the date of the CCD clearing the goods for use into home use.
  - iv) Clearance into a Customs storage warehouse is not regarded as "entry for home use" and this fact together with the provisions of Section 75(21) means that the registrant would have two (2) years from the date of the ex-warehousing CCD to use the goods in the process of manufacture, not two (2) years from the date of the warehousing CCD. Therefore goods may be stored initially in a Customs storage warehouse for two (2) years, removed there from and a further two (2) years are allowed in which to use the goods in the process of manufacture.
- g) The Commissioner will consider granting an extension on good cause shown, subject to conditions as he / she may impose in each case.
- h) The wording of Section 75(21) includes the phrase "or such other purpose as may be specified in the notes to such item will be used for the purpose specified in such item". This means that, for example rebate item 470.03 where the notes to the item specify that the goods must be exported within twelve (12) months from the "date of entry thereof", the goods, although cleared under rebate, must be exported within twelve (12) months from the date of the ex-warehouse CCD or in the instance of direct clearance, within twelve (12) months from the date of the CCD. The time the goods spend in the storage warehouse must not be taken to mean time in production, for which twelve (12) months is allowed. In these instances the two (2) year period must be disregarded.
- i) **Transfers or Acceptance of DA 62:**
- i) The DA 62 is used to transfer rebated goods from one (1) rebate registrant to another who is registered under the identical or similar rebate item.

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- ii) Rules 75.11 to 75.13 permits the transfer of rebate materials between similarly registered manufacturers or to the same or any other registrant who is registered under any other item in which the same materials are specified, provided that:
- A) Such transfers are covered by DA 62 and the transferor is the initial importer. In other words transfer of goods under rebate may only take place against the original importation CCD and the transferor must be the initial importer. More than one (1) transfer against the original consignment and against the original importation CCD may be allowed. The acceptance of a DA 62 against another DA 62 is however not allowed. In other words rebated goods may not be re-transferred by the transferee to another rebate manufacturer.
  - B) Prior application in respect of these transfers must be made to the Controller / Branch Manager in whose area of control the factory of the transferor is situated. The DA 62 may therefore only be accepted in the district office under whose control the transferor falls.
  - C) The materials to be transferred must have been acquired by the transferor as a result of an unconditional sale and are owned by the transferor at the time of the transfer. Therefore the owner, who must be the importer, must have bought the goods outside South Africa on an unconditional purchase basis. Where goods were entered on a CCD it can be accepted that the importer is the owner of the materials. If any doubt exists that transferors may not be the legal owners of the goods the DA 62 must be rejected.
  - D) The CCD signed by the transferor must be amended to indicate whether transfer of "title" is also given or not given. This CCD, whether or not completed, has no bearing on the issue of liability. The transferor remains liable for the duty until the goods have been delivered to the transferee, where upon the provisions of Section 75(5) (a) (I) will apply to the transferee as if he / she had entered the goods under rebate (Rule 75.13). "Title" may not be given in circumstances where two (2) similarly registered manufacturers are related. This type of transfer must not be confused with direct imports under rebate where the importer may not necessarily be the rebate user.
  - E) Any difference in duty payable as a result of the transfer where partial rebates are involved, for example where the full duty was rebated under the item under which goods were originally cleared but where the duty is only rebated partially under the item under which the materials are intended to be used, must be paid before the transfer in question is allowed. Refunds of duty arising out of transfers will not be entertained.
  - F) The goods to be transferred may not be time expired. Where application is made to transfer goods immediately before the expiry date of the prescribed period of two (2) years, the application must be referred to the Operations Managers: Securities who must satisfy themselves before authorising the transfer, that the materials in question will be used correctly by the transferee before expiry of the initial two (2) year period, i.e. the person to whom materials are transferred is still bound by the date of the original entry on which the materials were cleared under rebate.
  - G) The name and address of the transferor and transferee agree in all respects with the corresponding particulars in the Register of Licensees and Registrants and that the transferee (person who is going to receive the goods) is registered under the rebate item under which the goods will be used by him / her and that the materials in question are provided for under the item quoted.
  - H) The particulars on the DA 62 must agree with the particulars appearing on the CCD (copies of which must accompany the DA 62) quoted on the DA 62. In other words, the description and quantities listed on the initial import CCD must be entered on the DA 62 with the same description and measuring unit. For example, textile material imported in rolls or square meters must be transferred in the same state i.e. rolls or square meters. Built up articles or semi-built up articles may not be transferred on DA 62. The DA 62 is to be used solely for the transfer of rebate materials in the same condition as which they were initially imported.
  - I) There is a tendency in the textile industry for manufacturers to transfer semi-built up garments to other registered manufacturers who perform other tasks like the sewing of sleeves or fitting of zips or any other processes. This is generally termed CMT – Cut Make and Trim. Controller / Branch Managers must in these instances allow the "removals" whether or not the garments are returned to the original importer of the raw materials. In many instances the garments have reached the stage where it can be deduced that the apparels have acquired the essential character of a completed garment and therefore the rebate user has in fact met with the conditions of the rebate. If it is necessary that the raw materials be sent for certain working processes this must be done by special agreement and with controls put in place by Controller / Branch Managers. For

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both scenarios described above, the DA 62 must not be used because the removals of rebate materials or semi made up articles is not regarded as "transfers" but rather removals of rebated goods from registered premises for "further working". The removal of rebated goods for the mentioned purposes from the registrants' premises must always take place with the permission of the respective Controller / Branch Manager. For "once off" removals a letter of permission from the Controller / Branch Manager can be used and for "frequent removals" a blanket letter of permission from the Controller / Branch Manager would be acceptable. Refer to SC-CR-A-03 for assistance on the Valuation of CMT products.

- J) The DA 62 must be properly completed, in quadruplicate by the transferor and transferee. (The transferee completes a CCD and not a receipt.)
- iii) Where goods are imported under rebate and the rebate items require a permit or certificate in order to qualify for the rebate the transferee (person to whom the goods are being transferred) must produce a valid permit issued by the authorising body, for example Department of Trade and Industry.
- iv) Importers clearing goods under rebate item 470.03, although registered under rebate to manufacture goods, make a CCD on importation that the goods will be exclusively for export within twelve (12) months. Customs thus considers the importers as being under legal obligation to export the goods and transfers involving the goods are not allowed. If it becomes necessary for the original importer to send raw materials or semi completed products for further working to another premises, permission to do so can be arranged via the local Controller / Branch Manager, as in the case of CMT – Cut Make and Trim. In these instances, the importer who declared the goods under rebate item 470.03 remains liable for the duty until exportation is proven to the satisfaction of the Commissioner. Similarly, if the original importer sells the goods prior to exportation and whether or not the original importer actually exports and / or owns the raw material, semi processed or finished product at the time of exportation, the original importer remains liable for the duties until exportation is proven to the satisfaction of the Commissioner. For example, an importer of paperboard who manufactures cigarette boxes, but sells the boxes to a cigarette manufacturer who exports the cigarettes. The cigarette box manufacturer who imported the paperboard under rebate item 470.03 remains liable for duties on the paperboard until it is proven that exportation of the boxes has taken place. The sale of the boxes to the cigarette manufacturer may not be done on a DA 62.
- v) Goods imported on a temporary basis under rebate items 470.00, 480.00 and 490.00 may not be transferred on the DA 62. This is a condition imposed by the Commissioner in terms of Section 75(1).
- vi) Controller / Branch Managers must ensure that the DA 62 are in order and are numbered in a yearly sequence and date stamped. The original and one (1) copy of each set of DA 62 must be retained by Customs for record purposes while two (2) copies must be returned to the transferor. The transferor must keep one (1) of these copies and send the other to the transferee.
- vii) Where the importing manufacturer desires to use rebate materials under an item other than that for which it was declared on importation, but in respect of which he / she is registered and under which the same materials are specified, permission may be granted to transfer the materials from one (1) item to another on a DA 62.
- viii) DA 62 will not be accepted indiscriminately and goods being transferred must be done so against the original importation CCD only. There can however be more than one (1) transfer of goods from the same consignment.
- ix) It is normally not necessary to verify whether the rebate materials to be transferred are on hand in the transferor's rebate store before the transfer in question is approved. Where however it is suspected that the goods in question are no longer on hand, a DA 62 must not be accepted before the matter has been investigated.
- x) Where rebate provisions are withdrawn, the goods originally cleared there under may be transferred subsequent to any withdrawal provided the transferor and transferee involved were suitably registered under the rebate items in question (i.e. the parties involved must have been registered prior to the withdrawal of the rebate provision).
- xi) DA 62 must be used in respect of the transfer of materials from registered stockists to registered manufacturers. These forms are prepared by the stockists and need not be approved by Customs before the transfer takes place. The forms are to be numbered consecutively in a yearly sequence by the stockists, submitted in duplicate to the Controller / Branch Manager concerned and Securities must ensure that the forms (including any cancelled forms) are submitted regularly in accordance with the NOTE appearing on the form, i.e. once a week.



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- xii) Before presentation to Customs, both the transferor and the transferee must complete the DA 62 in quadruplicate. The transferee completes a CCD and not a receipt. Controller / Branch Managers must ensure that DA 62s are received weekly from registered stockists, that records are kept for controlling purposes, and that the records are controlled by Securities.
- xiii) Upon receipt in Securities the DA 62 must be carefully scrutinised to verify that:
  - A) The registered manufacturer to whom the materials have been transferred is registered in respect of the rebate items quoted;
  - B) The particulars (especially the tariff heading, description, items, quantity and value) on DA 62 agree with the particulars appearing on the CCD quoted under the heading "CCD number and Date" and that the materials shown on the DA 62 are provided for under the items quoted; and
  - C) DA 62 is otherwise properly completed in all respects.
- j) The circumstances under which CCDs under rebate may be refused are prescribed in Section 75(17).
- k) Incorrect clearances under Schedule 3:
  - i) Acceptance of incorrect rebate CCDs results in unnecessary disputes when manufacturers are called upon to bring duty to account on materials cleared under rebate and the finished products manufactured there from may already have been disposed of.
  - ii) The most common errors committed on rebate CCDs are as follows:
    - A) Firms not registered under Schedule 3 obtain materials under rebate.
    - B) Firms registered under rebate, obtaining materials under rebate items for which they are not registered.
    - C) Names and addresses of manufacturers incorrectly stated on CCDs.
    - D) The requirements of Section 75(9) not complied with, i.e. the specific industry and use of the goods is not declared.
    - E) Goods specifically excluded under an item are allowed to be entered under the item.
    - F) Goods not admissible under rebate allowed to be entered under rebated.
    - G) Where the supplier's overseas invoices are not clear, CCDs are accepted as correct without the materials being detained for examination.
    - H) Incorrect values are entered and consequently incorrect duty is paid where partial rebates apply or where duty must be paid at a later stage for one (1) reason or another. Incorrect values are mainly due to the fact that dutiable costs, charges and expenses incidental to the sale and commission which the importer is obliged to pay, in addition to the amount(s) declared on the relevant suppliers invoices and which would enhance the dutiable value(s) of the materials concerned, have not been taken into account in calculating the value for duty purposes in terms of the Act.
    - I) VAT, where applicable, is not paid.
    - J) Correct quantities, per line of the rebate CCDs, not being declared. This makes the task of PCI Inspectors who must count stocks in rebate stores very difficult. Countable quantities must always be reflected on rebate CCDs even if the quantities are not provided for in the Quantity and Code Field of CCDs. The countable quantity must in these instances be reflected in the description field.
    - K) Duty rebated is not declared in the description field.

## 2.15 Determination of Duty Applicable

- a) Upon entry being made for home use:
  - i) The duty applicable is the rate of duty applicable at the time when goods are entered or cleared on CCDs for home use;
  - ii) "Entry for home use" includes entry under any item in Schedule 3, 4 or 6;
  - iii) Any entry entering goods into a Customs Storage Warehouse is not regarded as entry for home use, but "due entry";
  - iv) CCDs removing goods in transit or bond are also not regarded as entries for home use, but "due entry"; and
  - v) In the instance of a CCD which has been presented to Customs for processing, but is rejected and returned to the importer or agent, the rate of duty applicable will be assessed according to the conditions mentioned in Section 45(2) (b) as read with Rules 45.01 and 45.02.



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- b) Upon payment of duty for any reason whatsoever:
- i) Where the CCDs are not required to be passed the duty applicable is the rate of duty at the time of payment thereof, for example duty collected on goods imported in passengers' baggage.
  - ii) Excisable goods and goods subject to VAT manufactured or produced in South Africa are not normally cleared on CCDs. These goods are removed from the warehouse on certificates or invoices in terms of Section 38(4) and the duties payable thereon are those which were in force at the time the certificates or invoices were issued, i.e. on actual removal of goods from the warehouse, although actual payment is made later on a monthly or quarterly basis.
- c) Duty payable on un-cleared imported goods and imported goods entered under rebate of duty in terms of Schedules 3 and 4:
- i) In instances where goods have not been entered for home use, duty becomes payable in terms of Section 45(1)(b) at the rate of duty applicable at the time the goods were removed, taken, delivered or at the time of assessment by an Officer, whichever yields the greater amount of duty.
  - ii) Underpayments in duty and taxes becomes due when any rebated goods:
    - A) Have not been received;
    - B) Cannot be accounted for;
    - C) Have been used or disposed of by the registrant or importer otherwise than in accordance with the provisions of the applicable rebate regulations and conditions of the rebate items; or
    - D) Have been irregularly cleared under rebate of duty, the underpayment is rebated goods which falls within the above category must be scheduled on the rate of duty applicable on the date of assessment of the original rebate CCD clearing the goods into home use [Section 45(1) as read with Section 75(5)(a)(f)].
  - iii) Where substituting CCDs are required, the duty applicable at the registration (assessment) date of the original CCD must be paid in all instances.
  - iv) When a manufacturer which is registered under Schedule 3, applies to pay duty on rebate materials in order that the goods may be disposed of for other purposes, the rates of duty applicable at the time of assessment of the original CCD for home use must be applied and paid.
  - v) The duty payable on goods acquired under rebate of duty and retained in a rebate store for more than two (2) years must be calculated at the rates of duty applicable at the time of assessment of the original CCD.
  - vi) Approved stockists must simultaneously pass the warehousing and ex-bond clearance under rebate of duty. If duty, for any reason, becomes payable on the goods so cleared, the applicable rate of duty is the rate in force at the time of assessment of the ex-bond CCD. The rate of duty applicable to goods sold to non-registered manufacturers is also the rate which was in force at the time of assessment of the ex-bond CCD clearing the goods under rebate of duty.
  - vii) Motor vehicles cleared under a rebate item, for example rebate items 406.02, 406.05, 406.07, 407.04, 407.05 or 408.02 and the declarant submits an application to sell or dispose of the vehicle within the prescribed period, duty will be payable at the rate of duty applicable at the time of assessment of the original CCD. Refer to Sections 40, 45 and 75.
  - viii) If goods were declared on carnets that are regarded as clearances under Schedule 4 and duty subsequently becomes payable on the goods under Schedule 1 the duty payable will be that which was in force on the date that the Controller / Branch Manager at the port or place of entry accepted the carnet.
  - ix) In respect of goods, which are temporarily imported in terms of rebate items 470.00, 480.00 (including ATA carnets) and 490.00 and the goods are not exported, duty is calculated at the time of importation and at the rate applicable at the time of assessment of the original CCD for home use.
  - x) Imported goods, which have been allowed into South Africa under cover of carnets, temporary import permits, and ATA carnets, which become dutiable, must be entered in the usual manner on SAD 500 and the number of the original document of entry must be reflected on the CCDs. The rate of duty would be assessed on the date of the original document granting entry into South Africa.
- d) Section 45(2) stipulates that the time of entry for home use of goods imported by post and not entered at a Customs Office before a Controller / Branch Manager must be deemed the time when the goods are assessed for duty.

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## 2.16 Accepting of Warehouse Customs clearance declaration

- a) The liability for duty on goods in a Customs storage warehouse will only cease when the licensee concerned can prove to the satisfaction of the Commissioner that the goods in question have been duly entered, in terms of Section 20(4). The goods also must be delivered or exported, for example removal of goods from a licensed storage warehouse.
- b) Warehousing and re-warehousing CCDs must be checked to ensure that the goods are destined for actual valid licensed warehouses. Although these entries may be CPC combination E 40 or E 42 such goods are in reality being transported from one (1) Customs control area to another, "in bond" and the relative rules governing removals in transit or bond are applicable.
- c) When CCDs for the removal of part consignments from a Customs storage warehouse are submitted, the countable quantities being cleared out of the bonded warehouses must be correctly indicated and the proportionate quantities, values and correct duties due must be declared or paid on the goods being removed.
- d) In terms of Section 20(4) the licensee of a Customs storage warehouse must not cause or permit any goods to be delivered or removed from the warehouse until the goods have been cleared for one (1) or both of the purposes specified in Section 20(4)(a) to (d).

## 2.17 Documentary Inspections

- a) Customs requests the declarant to submit supporting documents to validate the correctness of the CCD by means of a documentary inspection. The documentary inspection can lead to:
  - i) A request for an amended CCD;
  - ii) The detention of the goods for Other Government Agencies (OGA);
  - iii) The request of additional documents;
  - iv) A physical inspection of the goods:
    - A) The declarant makes an inspection booking for the physical inspection.
    - B) If a physical inspection is required, the inspection must be conducted at the office of clearance and not at the port of exit.
  - v) The scanning of goods for which a booking must also be made by the declarant; or
  - vi) The release of the goods.
- b) Documentary inspections are conducted by Customs Officers situated in the Customs Compliance Centres (CCC).
- c) All references made to a Box reflect the corresponding Box number on the CCD.
- d) All aspects of CCDs must be correct, as per the requirement of Section 40, and correspond with information on the supporting documents. Inconsistencies of information which does not impact on the fiscus may still impact on statistics, for this reason amended CCDs must be requested.
- e) Declarants must ensure that clearance took place within the allowable time-period as stipulated in Section 38. Refer to paragraphs 2.3 (imports) and 2.4 (exports, respectively). Late clearances are dealt with according to the Offences and Penalties Policy, SC-CO-01-02.
- f) **Marks and Numbers:**
  - i) Marks and numbers of packages as reflected on bills of lading, removal in bond CCDs, covering statements (where issued), manifests and supplier's invoices, must be cross-checked with the information declared on CCDs, in order to ensure that release of the correct goods are being authorised.
  - ii) It is important for the declarant to authorise delivery of the correct cases containing the actual goods upon which duty has been paid. Where there is any doubt, regarding the package numbers such packages will be examined. In instances where the bills of lading, covering statements or invoices reflect alternative marks or numbers, the packages will be detained and the contents verified with invoices.

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- iii) Particular care must be taken when consignments are cleared under separate CPC combinations and more than one (1) CCD is passed for the consignment. The number of packages, unit mass as well as gross mass must be correctly declared on each CCD, since in many instances more than one (1) CCD is passed for a single consignment where a portion of the goods will be cleared into a Customs Storage Warehouse or under rebate of duty. The declarant must ensure that the marks and numbers are correctly declared and are proportionately divided between the various CCDs.
- g) **Duty or any other payment on a Customs clearance declaration**
  - i) Duty payable in terms of any tariff heading which is not rebated in terms of any item of any Schedule to the Act must be entered in the appropriate duty column; and
  - ii) The nature of any other payment in respect of goods declared on a CCD, for example wharfage, interest etc. must be stated in the column headed "Endorsements" and the amount payable in respect thereof must be shown under the heading "Other Payment".
- h) **Correct values to be shown**
  - i) Where a group of consecutive items entered on a CCD are classifiable under the same tariff heading, they may only be combined and the total duty calculated on the combined total provided the country of origin in each instance is the same.
  - ii) For statistical purposes it is necessary that the duties be separately reflected in respect of country of origin as well as tariff heading even though the same rate of duty may apply.
    - A) Where articles appearing on the same invoice are subject to different rates of duty, the requisite details of the correct weights, quantities and values must obviously be shown individually, in order that the proper duties may be assessed. This is especially relevant to textile articles, goods which attract specific rates of duty, (i.e. duty based on the quantity or mass) rebated goods and goods cleared for warehousing.
    - B) If the value of the goods have been determined by the Commissioner and the agent or importer has been appraised accordingly but has nevertheless entered the lower invoiced value, the matter must be dealt with as an ordinary underpayment of duty and penalties imposed in terms of the Offences and Penalties Policy (SC-CO-01-02).
    - C) The correct and true F.O.B. price is to be declared as the value of the goods on CCDs when the goods described therein are free of duty by tariff or are subject to rated duties (provided they are not subject to anti-dumping duties). The value in these cases is not of importance to Customs revenue but it is of considerable importance to trade statistics.
- i) **CCDs in respect of "duty free" goods**
  - i) CCDs in respect of goods which are unconditionally free by tariff must be checked as carefully as entries on which duty is paid.
  - ii) The tariff headings declared must be checked in order to ensure that such classifications are correct.
  - iii) The Correct values are important as Customs collects statistical information from such values and VAT is also to be levied on such values.
- j) **Goods in packing of unequal weights, gallon-ages, etc.**
  - i) When checking warehousing CCDs, care must be exercised to ensure that goods in packing of unequal weights or gallon-ages or priced at different values, are shown separately, in order to guard against loss of revenue and to facilitate clearance.
  - ii) The Warehouse Inventory Management System (WIMS) requires that countable quantities be declared for all goods warehoused. If the invoice is not presented in an acceptable manner clearance of the goods into a Customs and Excise Storage Warehouse must be refused.

## 2.18 Request for exception

- a) The declarant may request the Customs Office to expedite the clearance process in certain circumstances, for example perishable goods.

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- b) Requests for expedited clearances:
- i) Must be communicated with the relevant Operations Manager situated in the Customs Compliance Centre; and
  - ii) May only be done once the CCD was lodged. CCDs are completed using the process described in SC-CF-04.
- c) Expedited processing of CCDs will only take place in exceptional circumstances after being duly motivated by the declarant. The following goods will be considered:
- d) The following cases may be considered for expedited release, in the case of:
- i) Live animals;
  - ii) Perishable goods;
  - iii) Medicaments;
  - iv) Precious metals; and
  - v) Foreign currency.
- e) Consideration to each request will be given based on the specific relevant circumstances. Blanket permission will not be given to specific declarants neither to specific commodities. If the goods do not qualifying for expedited clearance will be cleared in the normal manner.

## 2.19 General instructions regarding the detention of goods

- a) In cases where Customs cannot determine from the invoiced particulars that the goods have been correctly entered, such consignments are stopped or detained for examination or for adjustments if necessary.
- b) Where a CUSRES 2 (Stop or detain notification) is received the goods are stopped for a physical inspection.
- c) In the case of a physical inspection on goods the declarant must make a booking with Customs to inspect the consignment under review.
  - i) If a physical inspection is required on goods at the source office, the inspection must be conducted at the office of clearance and not at the place of exit.
  - ii) If the goods are stopped at the place of exit (road freight) then the physical inspection must be conducted where the goods were stopped on the vehicle at the place of exit.
- d) A physical inspection may also be conducted on the goods, by means of the x-ray scanner and other non-intrusive equipment as part of the examination of goods. Booking for scanning must be done with the Administration Officer when the container or truck arrives at the scanning site.
- e) The examination of goods may be done in the absence of the importer, exporter, port or airport authority, container operator or any person having control over the goods.

## 2.20 Conditional Release

- a) Imported goods remain under Customs control until the declarant has complied with the provisions of the Act or any other applicable legislation cease to apply to the goods.
- b) The declarant applies, in writing, for conditional release of goods cleared for home use to obtain release of the goods pending fulfilment of predetermined criteria, which may include a provisional payment. The application for conditional releases must be on the declarant's company letter head and contain the following minimum information:
  - i) Service Managers inspection case reference number <insert inspection case number>.
  - ii) Local- (LRN) and Movement reference number (MRN) <insert LRN and MRN>.
  - iii) Applicant's details <insert name and Customs client number>.
  - iv) Importer's details, if not the applicant <insert name and Customs client number>.
  - v) Clearing Agent's details <insert name and Customs client number>.
  - vi) Insert the reason for conditional release application.



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- vii) Indicate what supporting documents are attached to the case to substantiate the conditional release request.
- viii) Insert the declaration as below:
  - A) "I <insert full names>, for and on behalf of <insert company's / declarant's name> in his / her <insert capacity> being duly authorised to sign this declaration, hereby undertake to comply with the requirements of the Customs and Excise Act, 1964, and the rules in respect of the goods or circumstances to which this payment relates within the period determined by the Commissioner."
  - B) The letter with the declaration must be signed and dated before the conditional release will be considered.
- c) The application must be submitted as supporting documents attached to the inspection case.
- d) If the application does not contain the minimum information the conditional release application will be rejected.

## 2.21 Embargo Release

- a) During the verification of a CCD the declarant is notified that a physical exam of the goods is required or the consignment conveyed by road arrives at the border and the declarant is notified of the request for a physical inspection informed that a booking to inspect the goods must be made.
- b) Embargo release can be requested by:
  - i) A Customs Branch Officer notes that the goods are too big or specialised to unpack for an inspection in the Customs control area at the border if moved by road; or
  - ii) The declarant wishes to have the goods inspected at their own premises due to specialised procedures needed to unpack or store the goods and the goods have to be moved to a specialised facility in order to conduct the inspection.
- c) The following is applied to determine if embargo release can be granted where the Customs Office has the necessary resources to conduct the investigation are the following:
  - i) Large consignments which are too bulky to handle, for example large machinery.
  - ii) Consignments considered fragile or dangerous, which require special handling by experts in the field
    - A) Dangerous consignments are, for example poisonous chemicals or radioactive materials.
    - B) Fragile goods requiring special handling by experts would include, for example sheets of plate glass and non-commercial merchandise packed in cartons, for example drinking glasses, ornaments, television sets, etc.
  - iii) Household effects (also no security necessary).
  - iv) Books, periodicals and other printed matter packed in FCL containers and palletised, using the plastic shrink wrap process.
  - v) Goods requiring immediate refrigeration and / or other perishable goods.
  - vi) Where the goods require specialised unpacking or the packing of the goods into the container is of such a specialised nature that it is extremely difficult to fit everything back into the container once it is unpacked, for example tyres.
- d) The declarant requests for embargo release of goods by writing an application for embargo releases on a company letter head and contain the following minimum information:
  - i) Service Manager inspection case reference number <insert inspection case number>.
  - ii) Local (LRN) and Movement reference number (MRN) <insert LRN and MRN>.
  - iii) Applicant's details <insert name and Customs client number>.
  - iv) Importer's details, if not the applicant <insert name and Customs client number>.
  - v) Clearing Agent's details <insert name and Customs client number>.
  - vi) Container(s) seal number(s) if not breakbulk <insert seal number(s)>.
  - vii) Insert the reasons for the embargo release application.
  - viii) Address of the premise where the goods will be examined <insert the address of premises at which the investigation must take place>.
  - ix) Indicate what supporting documents are attached to the case to substantiate the embargo request.



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- x) Insert the declaration / undertaking as below:
  - A) "I <insert full names>, for and on behalf of <insert company's / declarant's name> in his / her <insert capacity> being duly authorised to sign this declaration, that the goods will not be removed from the abovementioned premises or in any way be dealt with, with the exception of the Commissioner and the transgression of the conditions stipulated above are viewed in a serious light and are dealt with in terms of Sections (83)(a), 107(2)(a) read with Section 80(1)(p), hereby undertake to comply with the requirements of the Customs and Excise Act, No 91 of 1964, and the rules in respect of the goods or circumstances to which this payment relates within the period determined by the Commissioner.
  - B) I undertake to:
    - I) Make a booking for a physical inspection within two (2) days after confirmation of the acceptance of the embargo release.
    - II) Move the goods directly to the indicated premises via <specify shortest route to be taken to the indicated premises> and to notify Customs immediately of any diversions or breakdowns.
    - III) In the case of containerised cargo to leave the container(s) unopened with seal(s) intact until the Customs inspectors arrive to conduct the examination and authorises the seal(s) to be broken and the container(s) opened.
    - IV) Adhere to any further conditions Customs may require at the time of the approval of the embargo release."
- xi) The letter with the declaration / undertaking must be signed and dated before the embargo release will be considered.
- e) The letter must be scanned to the inspection case or submitted to the Branch Office where the original CCD was manually lodged.
  - i) If the letter does not contain the required information, the embargo release will be rejected.
  - ii) Attaching the application to the inspection case as supporting documentation.
- f) The declarant must request for release of goods under embargo by submitting supporting documents, referencing the inspection case number which will then get linked up to the inspection case, via EasyScan.
- g) Embargo release is authorised in exceptional circumstances only.
  - i) Requests for release under embargo to importers' premises on the basis that a depot is unable to facilitate a Customs inspection will not be entertained. It is a condition of the depot operator's licenses that the licensees must provide the infrastructure, trained personnel and equipment necessary to facilitate Customs inspections.
  - ii) If the depot has a limited license that does not allow packing or unpacking of containers, arrangements can be made for the removal of the detained container(s) to an alternative depot that is licensed to unpack containers.
- h) The declarant will be notified in writing if the request was approved or not. If approved Customs will request the declarant to pay the appropriate amount of security on a PP (see SC-CF-25).
  - i) The declarant will be informed via CUSRES 26 message, the amount required as a PP for embargo release.
  - ii) The declarant then submits the Customs requested amended CCD adding the provisional payment for embargo release amount (PPE) to obtain the embargo release of the goods and the Customs Officer will approve the amended CCD.
  - iii) The declarant is billed and after obtaining a PRN makes payment in cash. Once the PP is paid the proof of payment must be forwarded to Customs via the system.
- i) An 'Embargo Release' inspection outcome is issued and the release authorities notified via a CUSRES 46 system message. If the embargo release is approved the goods declared on the CCD as mentioned in the applicant's letterhead will be released for removal to the indicated premises in terms of Section 107(2)(a).
- j) Customs must be notified of any diversions from the agreed route as indicated on the application so that alternative control measures can be agreed upon to Safe Guard the goods.

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- k) The goods may not be removed from the pre-approved premises or in any way dealt with except with the written approval of a Customs Officer and until all the pre-approval conditions have been met.
- l) In the case of containerised cargo, the container(s) must remain unopened with seal(s) intact until the Customs inspectors arrives to conduct the examination and authorises the seal(s) to be broken and the container(s) opened.
- m) Thereafter the cargo may be removed and an inspection conducted under Customs Supervision.
- n) Transgressions of the conditions stipulated above are dealt with in terms of Section 83(a), 107(2)(a) as read with Section 80(1)(p) and are penalised in terms thereof.
- o) After the case is closed, the declarant submits an amended CCD to request liquidation of the PPE for Customs approval.

## 2.22 Simplified Clearance and Release Procedures

### 2.22.1 Sight declarations – DA 22

- a) The declarant hands in DA 22 to the Officer at the Branch Office at the place of entry where his / her goods have been manifested or removed in bond. The reason for sighting the goods must be clearly and concisely stated in the body of the sight entry, for example "no invoice available, description and / or value unknown", etc.
- b) Acceptance of a sight entry (DA 22) is provided for in Section 42 and must only be permitted in the following circumstances:
  - i) In the absence of relative documents, for example invoices, covering statements, packing notes or bills of lading.
  - ii) In the absence of particulars with regards to weight, number, quantity or gauge and other necessary details, when the information is essential to the proper entry and assessment of duty.
  - iii) When the importer has reason to believe that the package(s) contains goods not accounted for or are not supported by an invoice.
  - iv) In the absence of or errors with the marks or numbers, whereby identification cross-reference of the packages with the relative documents is not possible.
  - v) If the tariff heading declared is unknown or in doubt (SC-CR-09).
- c) DA 22s may be accepted and processed at any Customs Office appointed as a place of entry, to which goods have been manifested or removed in bond.
- d) The removal of packages to the place indicated by the Controller / Branch Manager (generally the examination hall) for the examination and the opening, unpacking and repacking and the subsequent removal is performed at the risk and expense of the importer in terms of Section 42.
- e) In terms of Section 42(2)(a) the importer is required to make due entry within three (3) days of the arrival of the goods at the place indicated by the Controller / Branch Manager.
- f) The Controller / Branch Managers may allow additional time, within reason, in which due entry must be made. Extension of time must not be allowed where due entry is not made within the stipulated period due to any delay on the part of the clearing agent.
- g) Goods which have been released by Customs must be removed from the examination area within a reasonable period and if this requirement is not observed, the goods must be placed in the States Warehouse. The same principle is applicable in respect of goods detained on stop notes for examination.
- h) Section 42(2)(b) provides that if due entry is not made of the goods within three (3) months of the date of receipt in the examination area, the goods may be sold by Customs in terms of Section 43.

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- i) Section 42(3) stipulates that goods entered on sight declarations will not be removed without due entry after sight and that the penalties prescribed in respect of an incorrect and false entry are also applicable in respect of a due entry after sight.
- j) In terms of Section 44(9) a sight entry is deemed to be a due entry for the purposes of Section 44(5) (i.e. as far as liability of the master, pilot or other carrier is concerned).
- k) The whole consignment cleared on a sight entry is subject to the provisions of Section 42(2). Consideration will however be given to applications to abandon damaged packages, but not where repacking has taken place. The aforementioned applies in instances where actual contents and not a loss in weight due to climatic fluctuations are involved.
- l) The due entry in terms of Section 44(9) must not be confused with entry for home use as in the meaning of Section 45(1) i.e. determining the rate of duty applicable. The rate of duty applicable would thus be calculated at the time which the after sight declaration enters the goods for home use. The sight declaration is not regarded as entry for home use.
- m) If an after sight declaration is a removal in bond then the removal in bond declaration is not regarded as entered for home use but merely due entry. The rate of duty applicable for the goods removed in bond would be assessed once the CCD on which the goods for home use is presented.
- n) In the case of merchandise for which no documents have been received importers, after sighting the goods, may make a due entry after sight in the usual manner in accordance with the result of the examination.
- o) If examination has revealed sufficient details to enable proper entry, also as to origin and the goods are duty free or liable to a rated duty and not subject to anti-dumping duty, release may be granted against an indent or other satisfactory evidence of value. In all other instances a PP to cover duty pending production of a prescribed invoice must be called for. At this time the goods would have to be detained, pending lodgement of the PP.
- p) In the event of Officers not being satisfied that the due entry after sight declarations are correct, PPs must be called for to cover the production of any documentary evidence considered necessary in support of any contentious matter(s).
- q) Where goods have been entered on a sight declaration but due entry after sight cannot be made in the absence of analysis, tariff classification, etc.
  - i) The importer or agent may tender a due entry after sight declaration in the normal manner.
  - ii) Such after sight declarations may be accepted and the date of acceptance thereof regarded as the date of due entry for home use of the goods.
  - iii) These declarations would normally be accompanied by a PP pending the compliance with all the provisions of the Act.
  - iv) Release may be granted on lodgement of a PP to cover the duty at the highest possible rate.
  - v) Once all the requirements have been met an amended CCD, where necessary, must be passed inserting the relevant details or amending the tariff heading etc.
  - vi) The number and date of the PP must be quoted on the after sight declaration.
- r) A "provisional declaration" does not exist and any document specified as a provisional entry or CCD must not be accepted.

#### 2.22.2 Application for release of goods in terms of Section 38(1)(a) – DA 306

- a) The proviso to Section 38(1)(a) makes provision for the release of certain imported goods without a CCD as contemplated in Section 39, provided the Controller / Branch Manager grants permission:
  - i) Containers temporarily imported must be empty and intended for packing of goods which are to be exported.
  - ii) Human remains – however, the requirements in terms of the Public Health Act must not be overlooked in these instances.
  - iii) Goods which in the opinion of the Commissioner are of no commercial value, i.e.:
    - A) Goods which have been mutilated to an extent where commercial gain is not possible;

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- B) Samples which have been clearly tagged or marked "sample";
  - C) Diplomatic mail and newspapers destined for embassies in South Africa;
  - D) Household pets, provided the prohibited and restricted imports requirements have been complied with and Controller / Branch Managers are also satisfied that no illegal animal trade is taking place; and
  - E) Any products of negligible value not imported in large quantities, clearly intended for examination, inspection or testing purposes.
  - iv) Goods imported under an international carnet.
  - v) Goods of a value for duty purposes not exceeding R500,00 and on which no duty is payable in terms of Schedule 1, i.e. are duty free.
- b) **Reusable transport equipment**
- i) In addition to the goods mentioned in paragraph a) the DA 306 may be used for reusable transport equipment to enter or exit South Africa; and
  - ii) In these cases, should the identification marks and numbers not be available, the declarant may use countable quantities.
- c) In terms of Rule 38.03 to obtain release of these categories of goods, except containers temporarily imported and goods imported under an international carnet, the goods are declared on a DA 306 (i.e. simplified clearance procedure).
- d) The declarant verifies if the goods imported qualifies for the simplified clearance process. If the goods comply too obtain release the declarant:
- i) Completes the simplified clearance declaration (DA 306) in triplicate.
  - ii) Applies for permission to make use of the simplified clearance procedure from the Controller / Branch Manager by presenting the completed DA 306 to the Customs Branch Office.
- e) Customs Officer must deal with DA 306 CCDs at the time of submission in the presence of the declarant. In the event that a physical inspection is required the Customs Officer must inform the declarant where to arrange for the inspection.

## 2.23 Physical movement of goods

### 2.23.1 Exportation of goods from Customs warehouses

- a) Any person who exports any goods from a Customs warehouse to any place outside SACU is liable for duty on all goods which he / she so exports until the exporter proves that the goods have been duly taken out of SACU. Refer to SC-TR-01-05.
- b) No goods must be exported from the Customs warehouse:
  - i) Until the goods entered for export are released; and
  - ii) Except as otherwise provided for in the Rules; the goods are removed for export by a licensed remover of goods as referred to in Section 64D. Refer to SC-TR-01-02.
- c) No person may, without the permission of the Commissioner, divert any goods exported to a destination other than the destination declared for exportation.

### 2.23.2 Road freight consignments

- a) **Imports by road freight**
  - i) The "place of clearance" and "port of entry" must be the same;
  - ii) Carriers after loading must wait for a 'proceed to border' (CUSRES 8) status before the carrier is allowed to proceed to the port;
  - iii) At the port of exit a CN 1 status release will be printed per CCD once released; and
  - iv) All consignments on the carrier must first be released or off loaded and detained before a CN 2 will be printed and handed to the driver and the road vehicle is allowed to exit the port.



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**b) Exports by road freight: Free circulation goods**

- i) On the export CCD the "place of clearance" and "port of exit" must be the same and is associated with direct exports cleared under procedure H 60.
- ii) Carriers after loading must wait for a 'proceed to border' (CUSRES 8) status before the carrier is allowed to proceed to the port of exit. Carriers arriving at the port of exit are refused access if they are not in possession of the respective 'proceed to border' messages and / or if the manifest is not completed.
- iii) At the port of exit a CN 1 status release is printed per CCD once released.
- iv) All consignments on the carrier must first be released or off loaded and detained before a CN 2 will be printed and handed to the driver where after the road vehicle is allowed to exit the port.

**c) Exports by road freight: Bonded and Transit goods**

- i) Section 18 of the Act makes provision for in bond / transit movements and must be read in conjunction with the relevant Rules to the section. The provision of Sections 20(4)(b), 75(18) and Section 99(3) must also be born in mind.
- ii) An agreement has been concluded with members of the Southern African Customs Union (SACU) that all goods landed in South Africa and intended for warehousing in the BLNS countries, i.e. Botswana, Namibia, Swaziland and Lesotho must only be cleared as "inward removal in bond" CCDs. Normal in bond procedures would be applicable and the CCD to be used for this purpose must be the CCD CPC combination B 20-00.
- iii) Proof of clearance into the storage warehouses in these countries must be produced in order to finalise the "in bond" movement. The CCD CPC combination E 40-00 may therefore not be accepted in instances where the goods are destined for warehousing in the BLNS countries. The onus for the acquittal or ending of the "in bond" movement currently rests with the district offices which accepted the initial removal in bond CCDs.
- iv) On the export CCD the "place of clearance" will reflect the Customs source office and "port of exit" the land port of exit and is cleared under procedures F 52, F 53, H 64, H 67 and H 68.
- v) All CCDs submitted will be routed by EDI interface through the declaration system where validations and risk assessments takes place.
- vi) Based on the outcome of the validations and risk assessment the SARS system will either send a CUSRES message with status code one (1) or request supporting documentation via a CUSRES 13 message from the declarant.
- vii) A carrier may only proceed to the port of exit once all consignments on the vehicle have a CUSRES message with status code one (1).
- viii) If any of the consignments on the carrier are detained by Customs, these goods will have to be off loaded from the carrier as a CN 2 will only be printed and handed to the driver once all the consignments on the carrier are released.
- ix) When fuel levy goods are removed from South Africa to a BLNS country [Rule 19A4.04(a)(v)] the general export procedure applies [Rule 19A4.04(b)(c)].
- x) At the port of exit In the case of road freight:
  - A) For the conveyance of bonded or transit goods:
    - I) The declarant must submit a hard copy SAD 502 or SAD 505, partially completed reflecting the relevant information available; and
    - II) The Customs Officer must complete and endorse the required fields accordingly.
  - B) At the port of exit a CN 1 status release will be printed per declaration once released.
  - C) Any consignments not released must be off-loaded, detained and cleared separately.
  - D) For all released consignments on the carrier a CN 2 will be printed and handed to the driver where after the road vehicle is allowed to exit the port.
- xi) At the port of exit in the case of **SADC certificates** – Customs endorses the certificate to reflect the port and date of exit.

- d) For the standard set of documents that must accompany the vehicle refer to paragraph 2.7.2 (b).

**2.24 Abandoned wrecks along the coast of South Africa**

- a) Any goods that are being recovered from the abandoned wreck will be regarded as imported goods and the local or non-local registered client (searcher) must within seven (7) days of the date of recovery of the goods submit a CCD bringing revenue to account specified in the Act or any tax levying Act, unless Customs determines otherwise.



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- b) The searcher must also pay in addition a royalty fee of 15 % on the Customs value of all goods or articles recovered and any expenses incurred by the Commissioner for services rendered in connection with the goods.
- c) The duties and royalty must be assessed on either:
  - i) The value of the articles as ascertained by a sworn appraisalment; or
  - ii) The sale price according to the decision of the Controller / Branch Manager, if the article is sold by the licensee.
- d) Where the Customs value of the goods cannot be readily determined the searcher may be directed by Customs to obtain a sworn appraisalment of the recovered goods at own cost.
- e) The searcher must immediately notify the nearest Controller / Branch Manager if any unopened safe, chest, container or other receptacle is recovered from a wreck and compile a list of all the goods found in the safe, chest, container or other receptacle.
- f) Any safe, chest, container or other receptacle must be opened under Customs supervision. Refer to SC-CF-22.
- g) If the searcher fails to submit a CCD bringing the duties (including the 15 % royalty fee and VAT to account, the goods must be removed to a state warehouse and the Controller / Branch Manager must dispose of the goods in accordance with Section 43(3) provided all other provisions of the Act have been complied with.
- h) The procedure and conditions which must be followed and adhere to when:
  - i) Registering as a searcher in order to search for or on an abandoned wreck is covered in SC-CF-19.
  - ii) Applying for a bond to search for abandoned wrecks along the coast of South Africa and to take possession of articles recovered thereon is covered in SC-SE-05.

## 2.25 Refunds and drawbacks

- a) Drawback items are only applicable with regards to exports from South Africa to destinations outside the Southern African Customs Union (SACU), with the exception of refunds of and health promotion levy.
- b) An application for a drawback must be applied for to the Controller / Branch Manager (source office) in whose area of control the exporter conducts his / her business before the goods are exported.
- c) Export CCDs where a drawback of duty is envisaged must at time of lodgement contain the appropriate drawback item as well as the correct CPC. The notes to Schedule 5 and description of the drawback item must also be complied with. If the CPC or the drawback item does not appear in the appropriate field on the export CCD the refund application will be rejected as "No claim" and will not be entertained. Refer to SC-DT-C-13.
- d) Amended export CCD:
  - i) To insert the intention to claim a drawback will only be allowed on condition that the goods are not yet exported and are readily available for inspection. Refer to SC-CC-13.
  - ii) Where the drawback item or tariff heading is amended or inserted will only be accepted for drawback purposes, if the goods were still under Customs control in South Africa and are readily available for inspection.
  - iii) Where quantity is reduced and the goods have already left Customs control, will only be allowed if the goods are identifiable by means of a unique identification such as a serial, VIN or Chassis number and the remaining quantity can be produced to Customs if required.
- e) In terms of Schedule 5, Note 7 a refund of duty under Schedule 5 Part 2 can only be **paid to the importer or the person who paid the duty on entry** for home use unless the Commissioner authorises payment of such refund to any other person on compliance with certain requirements as may be imposed by him / her.

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- f) The Revised Kyoto Convention provides in the General Annex (Standard 6.1) that all goods, which enter or leave the Customs territory, must be subject to Customs control. For the purpose of export consignments, the integrity of the consignment has to be ensured from the time the goods are loaded into the container, or if not containerised, onto the means of transport until the goods have been released from Customs control at the place of exit.
- g) Examination of goods exported under Customs supervision must be conducted when a client will attempt to claim rebates or refunds of duty paid or for the repayment of conditional provisional payments (DA 70). Exporters can also request the goods to be examined for the purposes of claiming refunds of Value-Added Tax (VAT), or to prove zero (0) rated invoiced goods have in fact been exported thereby authenticating the zero (0) rated invoices.
- h) Exportation of any goods under the provisions of a drawback item is subjected to the approval of the Commissioner, if required. When it is a requirement of the applicable drawback item it is the responsibility of the declarant to apply for an examination without prejudice (EWP) in order for the container to be packed or sealed under Customs supervision for verification purposes. In such instances the special and extra attendance procedure must be followed. Refer to SC-CF-22.
- i) It is compulsory that an examination in terms of drawback item 522.02 (EWP) must be conducted prior to exportation to verify whether the goods returned comply with the conditions of drawback item 522.02.
- j) EWPs for drawback items may be conducted on a basis as identified by Customs Operations, unless identified as compulsory in terms of legislative provisions.
  - i) If the Customs Office decide that an EWP is **not required**:
    - A) The Customs source office must endorse the declarant's application letter to that effect enabling the declarant to use this letter as prove in their drawback application; and
    - B) The land port must endorse the declarant's application letter to confirm that the goods did arrive at the border.
  - ii) Where an EWP is **required**:
    - A) The goods must be examined, packed and sealed under Customs supervision for export at the Customs source office;
    - B) The Customs source office must endorse the declarant's application letter to reflect that an EWP was conducted; and
    - C) The result of the EWP must be reported on a P1.47;
    - D) At the land port a verification of the goods must be conducted, where after the client's application letter must be endorsed as confirmation that the goods did arrive at the specified border as well as that the Customs seals are intact.
  - iii) This verification **in conjunction with the exit scan** on the system will be accepted as proof of export for drawback purposes (proof of export).
- k) Drawback Item 522.03
  - i) Item 522.03 applies to goods "in the same condition as imported" or "in condition in which the essential character of the imported goods has been retained". This provision does not apply to goods which have gone into home consumption or exported as used goods.
  - ii) The Notes of Schedule 5 Part 2 and description of drawback item 522.03 must be complied with.
  - iii) While drafting the export CCD the declarant identifies a possible application of drawback item 522.03, due to the exportation of his / her goods.
  - iv) Submit the export CCD electronically.
  - v) The declarant drafts a DA 63:
    - A) Information entered on a DA 63 must be completed as prescribed in SC-DT-C-09.
    - B) The particulars reflected on the DA 63 must correspond with the import and export invoices.
    - C) The duty or taxes claimed on a DA 63 must be the duty or taxes originally paid (rate of duty) at the time of import.
    - D) The relevant import MRN and line number must be quoted on the DA 63.

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- E) The declarant must insert the LRN number of the export CCD on the draft DA 63 until the MRN number is known. Once the export CCD is released from the CCD system the declarant must add the export MRN on the DA 63.
- vi) The declarant lodges his / her export CCD via EDI or manual. The export CCD can be submitted electronically or simultaneously with the DA 63 if the declarant submits a manual CCD (SC-CF-04).
- vii) The DA 63 [plus one (1) copy] and a copy of the export CCD must be presented on the same day to the Controller / Branch Manager's office in whose area of control the declarant conducts his / her business (see SC-DT-C-09 for the completion of the DA 63).
  - A) An export CCD with CPC H 62-11 must reflect a declarant's intent of claiming a refund in terms of rebate item 522.03 (DA 63). (Refer to SC-CF-04 and SC-CF-04-A14).
  - B) If any amendment to the export CCD or DA 63 is required, for example a change in, tariff heading, CPC or drawback item, etc. these documents must be amended prior to the shipment of the goods as Customs can still decide to inspect the shipment.
  - C) If the export CCD is submitted and the declarant receives a CUSRES 13 notification, requesting supporting documents, a copy of the draft DA 63 must be included. The document inspector may in these instances contact the Branch Office which processed the DA 63 to obtain further information if required.
- viii) The following documents must accompany the DA 63 application:
  - A) An application letter requesting an examination without prejudice (EWP), the original plus one (1) copy as approval must be obtained from Customs before the goods are exported from South Africa;
  - B) The original import and export invoice or certified copies thereof as prescribed in Sections 39(1)(C) and 41(4)(b) and (c) are required. The particulars reflected on the DA 63 must correspond with the import and export invoices (SC-CF-30);
  - C) Copies of the relevant import documents sorted in MRN order, for example imports Customs CCD, transport document, Customs worksheet plus other relevant document, for example amended CCDs, etc.;
  - D) The 522.03 worksheet indicating how the amount claimed has been calculated;
  - E) The goods exported must be in the same condition as imported or in a condition in which the essential character of the imported goods has been retained:
    - i) The contract or a statement by the supplier under which goods are to be returned to the supplier after the completion of a season or agreed period must accompany a request to re-export goods in terms of item 522.03 to verify that the goods exported are the same goods originally imported;
    - ii) Physical bar codes or similar identification is not a pre-requisite and other means may be utilised for verification if confirmation from the supplier cannot be obtained, however each Customs Office must evaluate a case based on its own merits; and
  - F) A copy of the credit note will suffice as proof that the exporter was compensated for the goods re-exported: the credit note must refer to the original invoice and description of the goods [Section 41(3)]. If another method of compensation is used, an original or certified copy of proof of payment is required from a financial institution which clearly indicates the applicant and the beneficiary.
- ix) The declarant submits:
  - A) The original DA 63 / DA 63A;
  - B) A copy consisting of the first and last page of the DA 63 / DA 63A (tracking copy); and
  - C) The supporting documents.
- x) To confirm that the DA 63 / DA 63A and the export CCD was received by Customs on the same day the Registry / Enquiry Officer must date stamp the date of receipt on the original DA 63 / DA 63A and the tracking copy in the top-middle of the DA 63 / DA 63A.
- xi) The Registry / Enquiry Officer must hand the client the tracking copy.
- xii) The onus rests upon the client / applicant to ensure that he / she receives a dated tracking copy of the application at the time of submission.
- xiii) The Branch Office must inform the applicant of any irregularities and in such cases both forms will be returned to the applicant to amend, with reasons for the amendments to be made.
- xiv) A copy of the finalised DA 63 will be returned to the applicant together with all the supporting documents.

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## 2.26 Amendments

- a) Invalid or incorrect CCDs must be adjusted by the declarant in terms of Section 40(3) without delay on discovering that the CCD submitted to Customs:
  - i) Does not comply with Section 39; or
  - ii) Is invalid in terms of Section 40(1).
- b) The CCD must be adjusted by:
  - i) An amended CCD; or
  - ii) The substitution of a new CCD and the cancelation of the original CCD by an amended CCD with the prior approval of Customs; or
  - iii) Such manner as Customs may prescribe.
- c) Section 40(3) stipulates that the acceptance of an amended CCD or a substitution CCD will not indemnify an importer or exporter against any fine or penalty provided for in the Act.
- d) If a manual amended CCD (SAD 504) is completed the SAD 506 must be used as a continuation sheet but the fields "BROUGHT FORWARD" and "CARRIED FORWARD" on the continuation sheet must not be used.
- e) Where permission is sought to delete packages from the original clearance CCD by use of an amended CCD, the declarant must ensure that reference is made on the amended CCD as to how the deleted packages have been accounted for, for example "Case Number 10 cleared as per Customs declaration No. <insert number> dated <insert date>". Amended CCDs not properly completed must be refused.
- f) In all instances amended CCDs must be endorsed prominently as to what is actually being amended, for example; "Amending tariff heading only".
- g) Under no circumstances will a declarant be allowed to amend the marks, numbers or quantity of packages to facilitate the acquittal of a ship's manifests.
- h) Amended CCDs requirements
  - i) Declarant initiated amended CCDs will not contain a case number; the contrary will apply to all amended CCDs requested by Customs.
  - ii) If the amended CCD amends any of the particulars under the headings from "Purpose" up to and including "B / E Sight No." and "Date", the amended information must be inserted in the appropriate fields.
  - iii) The information reflected in the fields "Original B / E No.", "Date", "Assessment Date" and "Accepted At" must agree in all respect with the particulars of the original CCD.
  - iv) In the case of an amendment to a specific entry line or CCD item, the whole entry line or CCD item, including the fields that are to remain unaltered, must be filled in. The number of the appropriate line or item on the original CCD must be inserted in the "line" number field and the total number of lines being amended (including insertions) by the amended CCD must be indicated under the heading "Total Lines". If none of the entry lines or CCD items is being amended or declared the field "Total Lines" must be left blank.
  - v) To add a CCD entry line or CCD item to a CCD, the number following on the number of the last entry line or CCD item used on the original CCD must be used in the "Line" field.
  - vi) To cancel a CCD entry line or CCD item only the following fields, if and where applicable, need to be completed and the word "CANCELLED" inserted in the "Description" field:
    - A) Original CCD line or item number;
    - B) Country of origin;
    - C) Tariff Code:
      - I) Schedule 1 Part 1;
      - II) Schedule 3 / 4;
      - III) Trade Agreement;
      - IV) Schedule 2; and / or
      - V) Schedule 1 Part 2B.



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- D) Quantity and Code:
  - I) Statistical Quantity and Code;
  - II) Duty Calculation Quantity and Code;
  - III) Classification Quantity and Code; and / or
  - IV) Countable Quantity and Code.
- vii) All totals in respect of the value and duties, as they will appear after amendment by the amended CCD as well as the way they were entered on the original CCD, must be reflected in the fields provided and the differences, if any, suitably indicated. Underpayment and overpayment in duty must be indicated by inserting the abbreviations "U / E" and "O / E" respectively before the relative amounts in the "DIFFERENCES" fields. If an amended CCD is passed to amend a CCD which has already been amended, care must be exercised that the "TOTALS AFTER CORRECTION" of the previous amended CCD are reflected against the "TOTALS BEFORE CORRECTION" on the current amended CCD.
- i) Amended CCDs submitted will be automatically rejected if:
  - i) The declarant submits an amended CCD while the initial CCD is still within the inspection process;
  - ii) Customs requested an amended CCD and the declarant submits such amended CCD without a valid case number;
  - iii) Declarants submit amended CCDs reflecting a case number which is not valid; and
  - iv) The declarant submits an amended CCD to substitute the declaration. For assistance with substitution, refer to paragraph 2.28.
- j) A CCD can only be amended if it hasn't been released or doesn't have an inspection case pending or in progress.
- k) Change Acknowledgement Indicator (CAI) – mandatory field
  - i) The 'Change Acknowledgement Indicator' must be inserted on an amendment CCD and when the amendment relates to an outcome of a Customs documentary or physical inspection (SC-CF-04).
  - ii) Based on the outcome communicated to the declarant (CUSRES 26) the declarant must determine which of the four (4) indicators he / she is going to apply when submitting the amended CCD.
  - iii) Rules for the use of this indicator are stipulated in SC-CF-04.
- l) Amended CCDs resulting in refunds
  - i) Amended CCDs lodged on which a refund will be claimed are subject to documentary inspection.
  - ii) All amended CCDs will require the submission of supporting documentation before being routed to the Adjustments team for documentary inspection.
  - iii) For the requirements for refunds see SC-DT-C-09.
- m) The supporting documentation required for a refund is documented in SC-DT-C-09.
- n) When a declarant submits an amended CCD that relates to a drawback the correct rebate item and Customs Procedural Code (CPC) must be referenced before the goods are exported from South Africa. Refer to SC-DT-C-09 and SC-CF-04.
- i) **On electronic system – EDI submission**
  - A) An electronic submission of a CCD via EDI does not have an option for an amended CCD, as the declarant only needs to submit a revision of the original CCD. The CD 1 accommodate all clearance requirements by requesting a "Transaction Type", namely:
    - I) Original (9): Must be used by the declarant to submit a new CCD for processing;
    - II) Substitution (5): Must be used by the declarant to submit a request to substitute a prior CCD;
    - III) Change or Amendment (4): Must be used by the declarant to submit a request to amend a prior CCD; and
    - IV) Cancellation (1): Must be used by the declarant to submit a request to cancel a prior CCD.



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- B) Refer to SC-CF-04.
- ii) **Manual submissions**
  - A) The declarant requests or submits the request to amend, cancel or substitute an existing CCD.
    - I) An amended CCD can only be passed if the selected CCD does not have an inspection case pending or in progress.
    - II) Only manually submitted CCDs can be retrieved for amendments, cancellations and substitutions.
    - III) CCDs that exceed ten (10) lines must be submitted via EDI.
  - B) When a declarant submits an amended CCD that relates to a drawback the Customs Officer will verify if the correct rebate item has been referenced with the correct Customs Procedural Code (CPC). Refer to SC-DT-C-09 and SC-CF-04.
- o) A worksheet reflecting how the "TOTALS AFTER CORRECTION" was calculated must be submitted if supporting documents is requested by Customs.

## 2.27 Substitutions

- a) In terms of Section 40(3)(a) the declarant may apply for a substitution of a CCD if:
  - i) The original duty paid CCD (A 11) has been declared in error and not according to the clearing instructions and is replaced by:
    - A) An E 40.00 CCD; or
    - B) A CCD for goods qualifying under any item of Schedule 3 or 4 with its corresponding CPC combination. The declarant must be able to prove that all the requirements of that specific rebate item has been complied with at the time the duty was paid on the original CCD.
  - ii) An importer, exporter or manufacturer has cleared the goods under one (1) Customs procedure but cannot carry on with the declared procedure due to circumstances not known at the time of clearance.
- b) Allowable time periods
  - i) Applications for a substitution of a CCD must be received by Customs within a period of six (6) months from the date of original duty paid CCD, except when dealing with substitutions in terms of:
    - A) Section 40(3)(aA), amendment of tariff headings with retrospective effect or amendment of determinations in respect of Section 40(3)(b)(ii) - the six (6) months must be calculated from when the amended tariff heading or determination came into force.
    - B) Section 75(14A) and 75(14B), granting of retrospective permits issued by ITAC in exceptional circumstances - the six (6) months must be calculated from the date of the letter or notification from ITAC on which the retrospective permits are issued.
  - ii) Where no duties has been paid on the original CCD Customs must receive the application for a substitution within a period of one (1) month from the date of the original (code 9) CCD. Refer to paragraph (a)(ii).
  - iii) There is no provision for the Commissioner or Controllers / Branch Managers to extend this period. Applications received for substitution which fall outside the period mentioned above must be rejected.
- c) Permission to substitute must be obtained from Customs. The declarant must ensure that the goods are covered by a CCD at all times [Rule 40.02(b)] by submitting:
  - i) First the substitution (code 5) CCD:
    - A) With the rate of duty applicable at the time of the
      - I) Assessment of the original CCD; or
      - II) Acceptance date of the original CCD.
    - B) Inserting in the additional information column the code VTE if VAT was paid on the original CCD.
    - C) If an import permit is applicable: endorsed "Import permit originally produced in respect of substituted CCD number <insert number> dated <insert date>".

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- ii) Then the cancellation (code 1) of the original CCD, which is dealt with as an amended CCD and must be endorsed to the effect:
  - A) "This CCD is cancelling the original (code 9) CCD" <insert MRN number> of original CCD"; and
  - B) Where applicable "Permit / No permit reinstatement, see CCD Number <insert MRN number> of substitution CCD".
- d) The following documents must be uploaded to the case by the declarant when the substitution (code 5) CCD or cancellation (code 1) CCD is stopped for documentary inspection:
  - i) Attached to both:
    - A) A signed and dated letter detailing the reasons for the substitution on the declarant's company letter head containing the following minimum information:
      - I) Local- (LRN) and Movement reference number (MRN) of the original (code 9) CCD.
      - II) Applicant's name and Customs client number.
      - III) Importer's name and Customs client number, if not the applicant.
      - IV) Clearing agent's name and Customs client number.
    - B) The first page of the original CCD.
    - C) In cases where they are not already submitted for the original (code 9) CCD:
      - I) The invoice;
      - II) The worksheets;
      - III) The transport documents; and
      - IV) The clearing instructions.
    - D) The standard set of supporting documents as listed in paragraph 2.7.2(a).
    - E) Any other documentation requested by the Customs Officer.
  - ii) Attached to the cancellation (code 1) CCD:
    - A) Copy of the substitution (code 5) CCD, reflecting the LRN and / or MRN.
    - B) If the cancellation (1) CCD results in an over-payment, a CR1 must be completed and attached. The conditions for a refund application as contained in SC-DT-C-13, is applicable.
  - iii) Attached to the substitution (code 5) CCD:
    - A) An inspection report, if conducted or an EWP.
    - B) Permits or certificates if applicable. If insufficient amounts are available on the permit / certificate the declarant must log a call for assistance. Refer to paragraph 1(c).
- e) A physical inspection can be required. The declarant must make a booking for the inspection with the relevant Customs team, taking a copy of the reason for substitution letter and the request from the Adjustment Officer to submit an inspection report.
  - i) If the goods are still in the Customs control area the Physical Inspection (PI) team must conduct the inspection.
  - ii) If the goods are no longer in the Customs control area the Supervision team must conduct the inspection (SC-CF-22).
- f) When the declarant makes a booking for an inspection the Operations Manager of the Physical Inspection or Supervision team must use his / her discretion to decide if an inspection can be conducted.
  - i) If an inspection is not conducted the Operations Manager must endorse the declarant's reason for substitution letter detailing the reasons why the inspection was declined.
  - ii) Where an inspection is conducted:
    - A) The location where the inspection takes place is at the discretion of the Controller / Branch Manager.
    - B) If necessary, the goods must be delivered to the State Warehouse or any other location for inspection on an agreed date. The removal of the goods to the indicated premises for an inspection for the purpose of opening, unpacking or repacking must be performed at the risk and expense of the declarant.
    - C) The following policies and procedures apply:
      - I) State Warehouse (SC-CW-01-04); and
      - II) Special and Extra Attendance (SC-CF-22).
    - D) The result of the inspection must be reported on the inspection report.

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- iii) The declarant uploads the inspection report or, if no inspection was conducted, the endorsed reason for substitution letter, to the case.
- g) After verification of the substitution (code 5) and cancellation (code 1) CCD compliant CCDs are accepted on the system and the request for substitution approved.
- h) If the cancellation (code 1) CCD is rejected, the declarant must cancel the substitution (code 5) CCD stating in the reason that the substitution was not approved – "cancelled not acted upon".

## 2.28 Cancellations

- a) The declarant must submit a cancellation CCD to Customs when:
  - i) A CCD is lodged but the goods did not arrive.
  - ii) Goods have been declared with an incorrect Procedure Category Code (PCC) and a substitution is required (2.28).
  - iii) A CCD is lodged, but
    - A) Goods cannot be used according to the PCC or Customs Procedure Code (CPC) combination declared; or
    - B) The declarant is not entitled to clear goods under the original PCC or CPC combination declared (paragraph 2.27).
  - iv) A CCD is lodged in duplicate, meaning two (2) identical CCDs for the same consignment were lodged. These CCDs could have been lodged by one (1) declarant or more.
- b) Deferment clients may cancel a CCD without paying the amount due, if the amendment is done within the deferment period. Refer to SC-DT-B-02 for the deferment process.
- c) If a CCD relates to a cash clearance on which a PRN has been issued the client must first pay the amount due before the CCD may be cancelled.
- d) If a declarant can prove dual clearance and:
  - i) One (1) of the CCD involved in the dual clearance has been stopped for an inspection, that case must be finalised before a cancellation CCD can be submitted.
  - ii) Both of the CCDs in the dual clearance have been stopped, then both the cases must be finalised before a cancellation CCD can be submitted.
  - iii) Both of the CCDs in the dual clearance have been released by the system then the CCD that was not presented to the release authority to obtain release of the goods must be cancelled.
- e) CCD that contains a PP for PPE on line one (1) must not be cancelled unless the amended CCD liquidates the PP.
- f) When cancelling a complete CCD the "AFTER TOTAL LINES" in the header of the amended CCD must be left blank.
- g) A cancellation CCD, after acceptance closes the original CCD and no further transaction or action against the original CCD or cancellation CCD will be possible.

## 2.29 Payments

- a) The declaration system will not permit the release of goods if payment for the CCD was not made.
- b) The payment procedure for deferred duties and tax are contained in SC-DT-B-02. Other payment procedures are contained in GEN-PAYM-01-G01.

## 2.30 Keeping of records

- a) Every declarant must keep for record purposes for a period of five (5) years:
  - i) Books, accounts and documents in respect of all transactions relating to the Rules for the purpose of any acquittal procedure; and

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- ii) Any data related to such documents created by means of a computer.
- b) The five (5) year period is calculated from the end of the calendar year in which the document was created, lodged or required. (Sections 101 and 101A).
- c) Every declarant must produce such books, accounts and documents on demand.

### 2.31 Penalties

- a) Failure to adhere to the provisions of the Act, as set out in this document, is considered an offence.
- b) Offences may render the declarant liable to, as provided for in the Act:
  - i) Monetary penalties (SC-CO-01-02);
  - ii) Criminal prosecution; and / or
  - iii) Suspension or cancelation of registration, license or accreditation.

### 2.32 Promotion of Administrative Justice Act

- a) The Promotion of Administrative Justice Act (PAJA) No. 3 of 2000 gives effect to everyone's right to administrative action that is lawful, reasonable and procedurally fair. Any person whose rights have been adversely affected by administrative action has the right to be given written reasons, as contemplated in Section 33 of the Constitution of the Republic of South Africa, 1996. PAJA:
  - i) Provides for the review of administrative action by a court or where appropriate, an independent and impartial tribunal;
  - ii) Imposes a duty on the State to give effect to those rights;
  - iii) Promotes an efficient administration as well as good governance; and
  - iv) Creates a culture of accountability, openness and transparency in the Public Administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action.
- b) Administrative action which significantly and unfavourably affects the rights or valid expectations of any person must be procedurally fair. A fair administrative procedure depends on the circumstances of each case.
- c) A person must be given:
  - i) Written reasons of the nature and purpose of the proposed administrative action;
  - ii) A reasonable opportunity to make representations;
  - iii) A clear statement of the administrative action; and
  - iv) Adequate notice of any right of review or internal appeal, where applicable.
- d) Just administrative action requires the Customs Officer to consider all the facts presented and obtained in addition to affording the client the opportunity to be heard, prior to instituting any administrative action.
- e) Before administrative action can be taken by Customs the declarant must be allowed the opportunity to:
  - i) Obtain assistance and, in serious or complex cases, legal representation;
  - ii) Present and dispute information and arguments; and
  - iii) Appear in person.
- f) Declarants whose rights have been significantly and unfavourably affected by administrative action and who have not been given reasons for the action may, within ninety (90) days after the date on which the declarant became aware of the action, request Customs to furnish written reasons for the action.
- g) Customs must within ninety (90) days after receiving the request, give the declarant adequate reasons in writing for the administrative action. If Customs fails to furnish adequate reasons for the



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administrative action, it is presumed in any proceedings for judicial review that the administrative action was taken without good reason.

### 2.33 Appeals against decisions

- a) In cases where declarants are not satisfied with any decision taken in terms of the Customs and Excise Act they have a right of appeal to the relevant appeal committee. The policy in this regard, as well as the process to be followed, is contained in document SC-CC-24.
- b) If declarants disagree with a decision of any appeal committee their recourse will be to lodge an application for ADR (Alternative Dispute Resolution) with the relevant appeal committee. The committee will add its comments thereto and forward the application to the ADR Unit for attention. The policy in this regard, as well as the process to be followed is contained in document SC-CC-26.

## 3 REFERENCES

### 3.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	<b>Customs and Excise Act No. 91 of 1964:</b> Sections 1, 4, 6, 6A, 10, 13, 15, 16, 18A, 20(4)(b), 38, 39, 40, 41, 43, 46(3)(a) – 46(3)(b), 47(9)(d); 50A, 52, 59A, 64D, 64E, 72, 75 (10)(a)-(c); 75(14B)(b)(i)-(iii); 76B(a)-(e), 80, 83, 88, 101, 101A 107, 114, 119A and 120 Notes to Schedule 5 as well as the Notes to Part 1 of Schedule 5 of the Harmonised Tariff <b>Customs and Excise Rules:</b> 38, 39, 40, 41; 59A.03(1), 59A.03, 101A, 119A 120 – 120.07, and 201.10 <b>Value-Added Tax Act No. 89 of 1991:</b> Sections 7(1)(b), 13
Other Legislation:	<b>Promotion of Administrative Justice Act No. 3 of 2000:</b> Section 3 and 5
International Instruments:	<b>Kyoto Convention General Annex Chapter 1</b> – Clearance for home use, Standard 3 and 4, <b>Specific Annex C Chapter 1 Outright Exportation:</b> Standard 1 and 3; Recommended Practice 2, <b>Chapter 4(C) Repayment of duties and Taxes</b> - All <b>WCO Framework of Standards:</b> Annex 1 Standard 1.2 and 1.3.3 <b>WTO Trade Facilitation Agreement:</b> Section 1 Article 1 – Publication and availability of information; Section 1 Article 3 – Advance Rulings; Section 1 Article 4 – Appeal or review procedures; Section 1 Article 7 – Release and clearance of goods; Section 1 Article 9 – Movement of goods under Customs control intended for imports; Section 1 Article 10 – Formalities connected with importation and exportation and transit; Section 1 Article 11 – Freedom of transit

### 3.2 Cross References

DOCUMENT #	DOCUMENT TITLE
GEN-PAYM-01-G01	Payment Rules – External Guide
SC-CC-24	Internal Administrative Appeal – External Policy
SC-CC-26	Alternative Dispute Resolution – External Policy
SC-CC-32	Prohibited and Restricted Goods – External Policy
SC-CC-38	Reporting of Conveyance and Goods – External Policy
SC-CF-04	The Completion of Declarations – External Manual
SC-CF-13	Non-Designated Ports – External Policy
SC-CF-19	Licensing, Registration and Designation – External Policy
SC-CF-22	Special and Extra attendance – External Policy
SC-CF-25	Provisional Payments – External Policy
SC-CF-30	Invoices – Internal Policy
SC-CF-32	Completion of DA 70 – External Manual
SC-CO-01-02	Offences and Penalties - External Policy
SC-CR-A-03	Valuations of Imports – External Directive
SC-CR-A-05	Method 1 Valuation of Imports – External Policy
SC-CR-A-07	Valuation of Exports – External Directive



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DOCUMENT #	DOCUMENT TITLE
SC-CR-A-09	Tariff Classification – External Directive
SC-CW-01-04	States Warehouse – External Policy
SC-DT-B-02	Deferments – External Policy
SC-DT-C-09	Completion of DA 63 – External Manual
SC-DT-C-13	Refunds and Drawbacks – External Policy
SC-MT-02	International Mail – External Policy
SC-RO-01-02	Preferential Rules of Origin – External Guide
SC-SE-05	Bonds – External Policy
SC-TA-01-04	ATA Carnet – External Policy
SC-TA-01-06	CPD Carnet – External Policy
SC-TR-01-02	Acquittal of Customs Declarations – External Policy
SC-TR-01-05	Removal in Goods – External Policy

### 3.3 Quality Records

NUMBER	TITLE
DA 187	Customs Road Freight Manifest
DA 73	Application for Special / Extra Attendance
SAD 502	Customs declaration form (Transit Control)
SAD 505	Customs declaration form (BOND CONTROL)
SC-CF-12-FR01	Application for movement of goods Non Designated Ports

## 4 DEFINITIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
ATA	Admission Temporaire / Temporary Admission
Blanket clearing instruction	Open ended clearing instruction that is signed by the importer or exporter but does not pertain to a specific consignment
BLNS	The Republic of Botswana; The Kingdom of Lesotho; The Republic of Namibia; and The Kingdom of Swaziland.
Booking reference number	The reference number assigned by a carrier to the booking of cargo by a shipper immediately on completion of the booking process. a) Only after the cargo has been booked is a transport document number assigned by the carrier. b) The booking reference number does not equate to a transport document number and cannot be reflected in the "transport document number" field of the CCD.
C & F	Costs and Freight
C.I.F.	Costs Insurance and Freight
C.I.F.C	Costs Insurance Freight and Commission
C.I.F.I	Costs Insurance Freight and Interest
C.O.D.	Cash on Delivery
CAI	Change Acknowledgement Indicator
Case	All CCDs submitted, on which the supporting documents were requested, in order for further inspection purposes will be managed through the SARS system which refer to CCDs routed in this manner as a case.
CCC	Customs Compliance Centres
CCD	Any CCD made to declare goods imported, exported, moved in bond or transit or moved across the borders between the SACU countries
CN 1	Customs Notification 1 is used to notify declarants of the status of CCDs submitted, which may include specific actions required, for example request for supporting documents etc. The CN 1 is also used in the road freight modality for release purposes at land ports; this will only be communicated to the declarant once the commercial vehicle has been marked as arrived at the port.

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<b>CN 2</b>	Customs Notification 2 is used in road freight as a control document permitting a commercial vehicle to exit the port of exit. The document comprises of a consolidated view of all shipments at CCD level on the vehicle and is scanned at the point of exit which serves as prove that the goods left South Africa.
<b>CPC</b>	Customs Procedure Code
<b>CPD Carnet</b>	Carnet De Passages en Douane for motor vehicles and trailers is the French for a booklet allowing motor vehicles and trailers through a Customs territory
<b>Customs Officer</b>	As an Officer may perform multiple functions, this role can encompass any Officer of SARS depending at which Office the case was started: <ul style="list-style-type: none"> <li>a) Adjustment Officer – In the CCD process this Officer deals with case involving an amended CCD; or</li> <li>b) Documentary Inspector – In the CCD process at the CCC, this Officer will perform a documentary inspection when the SARS system has stopped the entry for an inspection; or</li> <li>c) Technical Reviewer - In the CCD process at the CCC this Officer will perform the duties of a Quality Assuror; or</li> <li>d) Physical Inspector – This Officer conducts a physical inspection at the declarant's premises; or</li> <li>e) Branch Office - The Client Interface, Team Support, Enquiry Officer, Data Capture or Assessment Officer.</li> </ul>
<b>Customs Office</b>	<b>Source</b> The Customs Branch Office nearest to the exporter's place of business
<b>Declarant</b>	<ul style="list-style-type: none"> <li>a) Any natural or legal person who makes a CCD or in whose name such a CCD is made.</li> <li>b) The declarant may be any natural or legal person who makes a CCD whether in his / her own name and on his / her own behalf or in the name and on behalf of another natural or legal person or in his / her own name but on behalf of another natural or legal person.</li> <li>c) A natural person is any individual human being. A legal person is a person(s) representing a company, firm organisation, closed corporation etc.</li> </ul>
<b>DI</b>	Documentary Inspector
<b>Drawback</b>	When part or all of the import duties are refunded to importers after the following conditions are met: <ul style="list-style-type: none"> <li>a) Importer is registered in terms of the Act - Schedule 5 Part 1;</li> <li>b) Goods are manufactured from imported products; and</li> <li>c) End products have been legally exported out of the Customs Union</li> </ul>
<b>EDI</b>	Electronic Data Interchange
<b>Embargo release</b>	Embargo release is the term given to the process whereby the declarant gets permission to have the goods inspected at their premises instead of the Customs controlled area
<b>EWP</b>	Examination Without Prejudice
<b>Examination of goods</b>	The physical inspection of goods by the Customs to satisfy themselves that the nature origin, condition, quantity and value of the goods are in accordance with the particulars furnished in the goods declaration
<b>Exit scan</b>	The message reflected on the SARS system when an exit scan has been conducted will read as follow "Manifest has successfully been marked for exit"
<b>F.O.B.</b>	Free on Board
<b>FCL container</b>	A container with a full container load, containing goods from one (1) or more exporters to one (1) importer. These containers are delivered to container terminals.
<b>FOR</b>	Duty Tax Type: Provisional payment amounts for Forfeiture
<b>In bond</b>	Refer to definition "removal of goods in bond"
<b>In transit</b>	Refer to definition "removal of goods in transit"
<b>Inward processing</b>	The Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved from payment of import duties and taxes, on the basis that such goods are intended for manufacturing, processing or repair and subsequent exportation. This facility is provided for in the Act in the form of rebate provisions which can be found in Schedule 4
<b>ITAC</b>	International Trade Administration Commission of South Africa



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<b>Kyoto Convention</b>	The expression commonly used to refer to the International Convention on the Simplification and Harmonisation of the Customs Procedures adopted by the Customs Co-operation Council in Kyoto in 1973
<b>LD&amp;FO</b>	Landing, delivery order and / or forwarding order
<b>LRN</b>	Local Reference Number
<b>MRN</b>	Movement Reference Number
<b>PAIA</b>	Promotion of Access to Information Act
<b>PAJA</b>	Promotion of Administrative Justice Act
<b>PCC</b>	Procedure Category Code
<b>PEN</b>	Duty Tax Type: Provisional payment amounts for Penalties
<b>PP</b>	Provisional Payment
<b>PPA</b>	Duty Tax Type: Provisional payment amounts for Anti-Dumping
<b>PPC</b>	Duty Tax Type: Provisional payment amounts for Countervailing
<b>PPE</b>	Duty Tax Type: Provisional payment amounts for Embargo release
<b>PPG</b>	Duty Tax Type: Provisional payment amounts for Safeguarding
<b>PPR</b>	Duty Tax Type: Provisional payment amounts for conditional release
<b>PPT</b>	Duty Tax Type: Provisional payment amounts for Temporary imports
<b>Rebate</b>	A facility provided for in the act, subject to the compliance of specific conditions, whereby the full or part of the duty is reduced or remitted
<b>Re-exportation</b>	Exportation from a Customs territory of goods previously imported into that territory
<b>Re-importation</b>	Importation into a Customs territory of goods previously exported from that territory
<b>Removal of goods in bond</b>	The removal of goods from a place of entry or warehousing place to another place of entry or warehousing place in certain approved instances where the duties on such goods have not been paid
<b>Removal of goods in transit</b>	The direct transportation of goods on which duty has not been paid, from a place of entry in South Africa through the Customs Union to a place outside the Customs Union
<b>Reusable transport equipment</b>	Equipment of a durable nature, manufactured for repeated use without further alteration, designed for the continuous use in the transport of goods in the ordinary course of trade, for example: a) Containers contemplated in Section 1(2); b) Unit load devices; c) Pallets; d) Racking equipment, specially designed to protect a specific type of goods; or e) Material used to pack, cover, protect, stow or separate goods
<b>Rule</b>	A Rule made by the Commissioner under the Customs and Excise Act
<b>Rules of origin</b>	Specific provisions, developed from principles established by national legislation or international agreements ("origin criteria"), applied by a country to determine the origin of goods
<b>SACU</b>	The Southern African Customs Union, consisting of: The Republic of South Africa The Republic of Botswana; The Kingdom of Lesotho; The Republic of Namibia; and The Kingdom of Swaziland
<b>SAD</b>	Single Administrative Document
<b>SADC</b>	Southern African Development Community
<b>Samples</b>	Articles which are representative of a particular category of goods already produced or are examples of goods the production of which is contemplated; the term does not include identical articles brought in by the same individual or sent to a single consignee, in such quantity that, taken as a whole, they no longer constitute samples under ordinary usage
<b>SARS system</b>	Declaration processing system
<b>Seal</b>	A piece of metal or other material used to join together two (2) ends of a fastening in a secure manner
<b>Taxes</b>	Referred to in this document means levies or VAT paid at time of importation of goods

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Temporary admission	The Customs procedure under which certain goods can be brought into a Customs territory, conditionally relieved from payment of import duties and taxes; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of the goods
Temporary import	A type of import where the importer's attention is to later re-export the goods. Duties are not pay at time of importation, but a PP is required to be lodged to cover the duties until re-export is proven when the PP is liquidated and refunded to the declarant.
Transit	Refer to definition " removal of goods in transit"
Transit shed	A storage facility, approved by Customs, normally situated within a Customs controlled area at the place of entry or exit for the purpose of temporary storage of unlearned goods until due entry has taken place in terms of Section 38
Transport document number	The number assigned by a carrier to their contract of carriage with a shipper and normally incorporates the international liner code of the carrier as part of the number, for example MSCU12345678
VAT	Value-Added Tax
VDN	Value Determination Number
Verification	If goods were packed under Customs supervision and sealed in Customs presence and the seal numbers noted on the "Application for Special / Extra Attendance" (DA 73) only a verification process at the exit point is required of said seal number
WIMS	Warehouse Inventory Management System

## 5 DOCUMENT MANAGEMENT

Standard Owner	Group Executive: Customs Branch
Detail of change from previous revision	<ul style="list-style-type: none"> <li>a) Added reusable transport equipment in document which includes: <ul style="list-style-type: none"> <li>i) Imported or exported reusable transport equipment in the allowable goods cleared on a DA 306; and</li> <li>ii) The definition of reusable transport equipment.</li> </ul> </li> <li>b) Appeals against decisions in terms of import VAT penalties can be made in terms of the Customs and Excise Act. Reference in this regard to the Tax Administration Act 28 of 2011 (TAA) has therefore been removed from Customs policies and Standard Operating Procedure.</li> <li>c) Substituted references to BP-01 - Customs and Excise Payments – Internal Policy with GEN-PAYM-01-G01 - Payment Rules – External Guide as it has been replaced.</li> </ul>
Template number and revision	ECS-TM-03 - Rev 8

## Annexure “SEM7”





CPE Results (r.o. Harris, (Pty) Limited between 2015-05-21 to 2015-05-28

DATE	FLOW	REF	TRANSACTION	AUTHORIZED DEALER	BRANCH	READENT ID	RESIDENT SURNAME	RESIDENT ADDRESS	RESIDENT CITY	NON-RESIDENT SURNAME	RAND AMOUNT	CURRENCY	FOREIGN AMOUNT	CATEGORY	SOBR	RES CONTACT	RES CONTACT TEL	RES CONTACT	COOR COUNTRY	RES COUNTRY	NON-RES STREET	NON-RES COUNTRY	RES TAX	RES VAT	RES EMAIL	IMPORT CONTROL	RESIDENT ACCOUNT	NON-RESIDENT ACCOUNT
20150528	OUT	78	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,372,208.50	USD	329,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	81	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,748,078.00	USD	384,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	82	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	3,145,883.00	USD	251,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	83	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,592,661.00	USD	319,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	84	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,758,985.00	USD	344,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	85	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	3,014,018.00	USD	241,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	86	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,445,713.00	USD	368,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	87	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,538,460.00	USD	385,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	88	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,586,872.50	USD	388,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	89	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,445,775.00	USD	370,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	90	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	4,789,877.50	USD	387,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	91	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	2,138,200.00	USD	249,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393
20150528	OUT	92	2200000001905	MERCANTILE BANK LIMITED	TREASURY	201217865107	HOMIK (PTY) LTD	OFFICE WIERDA SPRINGBOK STREET 192	CENTURION	MORNINGSTAR INTERNATIONAL TRADING CO.	1,864,751.00	USD	115,000.00	ADVANCE PAYMENT	012540183	012540183	012540183	012540183	UNITED STATES	UNITED STATES	HILLER COMA BLDG 15F	HONG KONG	6867391	4800231	HOMIK786@GMAIL.COM	INV	2000000000000	6241783393

## Annexure “SEM8”




APPLICATION TO TRANSFER  
FOREIGN CURRENCY  
CROSS BORDER DECLARATION

Mercantile Bank

Member of CIB Group

TO: Mercantile Bank Limited		Date: 29 May 2015	
Branch Name		Branch code	
Transfer of Funds			
I/We hereby apply that the under mentioned transfer be effected at my/our <input checked="" type="checkbox"/> or beneficiary's <input type="checkbox"/> expense			
You are authorised to debit to my/our Account Number: 4003064403			
<b>Deal Information</b>			
Deal (Spot or FEC number)	3-104496	Deal Value (maturity) Date	DD MM YYYY 29 05 2015
Foreign Currency	USD	Amount	395,000
Exchange Rate	12.13	Rand Amount	R4,827,740
<b>Detail of Applicant</b>			
Surname of Individual / Name of Entity		Customs Client No. (CCN)	
Homix (Pty) Ltd		SA Passport No. (CAT255, 256)	
Individual First Name/s		Gender <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>	
Full Residential / Business Address			
Office Wierda Forum Building, 152 Springbok Street			
Province	Gauteng	City	Pretoria
Postal Address	P O Box 21368	Zip Code	0173
Province	Gauteng	City	Valhalla
Country	South Africa	Country Code	RSA Resident <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
Telephone number	012 654 0183	Fax No	Email address homix786@gmail.com
Identity number		Entity Registration number	2012/17695/07
Temporary Resident Permit No		Foreign Identity Number	Passport Number & Country
Contact name & Surname (R Entity)	Yakub Ahmed	Cell Number	079 277 7738
VAT number (Mandatory for imports)	4880263159	Tax number (Mandatory for imports)	9886739151
Passport Number		Country	Tax Clearance Certificate No
<b>Beneficiary Bank Details</b>			
Bank name	HSBC Hong Kong	City	Sheung Wan
Branch name and code		Country	HONG KONG
Swift address, (e.g. USAZAJJ)	HSBCHKHHKHH		
<b>Beneficiary Details</b>			
Bank account number / IBAN / NIB number (EU)	652-417830-838		
Surname of individual / Name of Entity			
Morningside International Trade Limited			
First name/s in full (an individual top initials)			
Gender <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>			
Address: Full residential/business			
BLKA 15/F, Holar Comm. BLDG, 65-67 Bonham Strand East, Sheung Wan			
Passport No		Country	HONG KONG
Country		Country Code	RSA Resident <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/>

Details/Purpose of Payment	Imports Goods		
Details of Charges (place X next to relevant option)	<input type="checkbox"/>	Our	All transaction charges are to be borne by the ordering customer.
	<input checked="" type="checkbox"/>	Share	Transaction charges on the Sender's side are to be borne by the ordering customer, transaction charges on the Receiver's side are to be borne by the beneficiary customer.
	<input type="checkbox"/>	Ben	All transaction charges are to be borne by the beneficiary customer.
Sender information (Special Instructions)	Invoice EXP		
BCP Category	102		
SUB Category (1)	2	Loan Reference	
Loan Tenor		Interest Rate	
<b>Declaration</b> We, the undersigned, hereby declare that: <ul style="list-style-type: none"> <li>• We have read this document and know and understand the contents thereof;</li> <li>• the information furnished above is in all respects both true and correct;</li> <li>• the currency applied for will only be used for the specific purpose stated herein;</li> <li>• the documentation presented in support of this application is in all respects authentic;</li> <li>• we have been informed of the limit applicable to the above transaction and confirm that this limit will not be exceeded as a result of the conclusion of this transaction; and</li> <li>• we consent to this information being provided to the South African Revenue Service and/or the Financial Intelligence Centre.</li> </ul>			
For and on behalf of		Home (Pty) Ltd / C Kriel	
		Capacity	
		Authorised Outsourcing (PFS)	
Signature of applicant/signatory (who warrants that he/she is duly authorised)			
			
Date of Signature		29/05/2015	

<b>FOR BANK USE ONLY</b>			
To be completed by Document Checkers			
Quote EXCON Ratings pertaining to this transaction:			
IVS Reference No.		ICN No.	
SARB Ratings		SARB Authorisation Application	
SARB Auth Reference		MRN Confirmation Ref No.	
Transport Document No.			
Account Identification for Non Resident	Industry Sector Codes / ICC		
Comments/Description:			
Completed by		Date received	29/05/2015
		Time received	14:00
		Time sent	14:00
Signature checked by:	Name	Signature	
Authorised by:	Name	Signature	

## Annexure “SEM9”





"SEM 9" 308

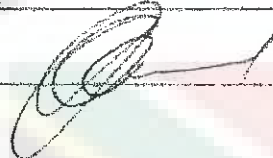
**APPLICATION TO TRANSFER  
FOREIGN CURRENCY  
CROSS BORDER DECLARATION**



TO: Mercantile Bank Limited		Date: 29 May 2015	
Branch Name		Branch code	
Transfer of Funds			
(We hereby apply that the under mentioned transfer be effected at my/our		x or beneficiary's expense	
You are authorised to debit to my/our Account Number:		4018264455	
<b>Deal Information</b>			
Deal (Spot or FEC number)	3-104498	Deal Value (maturity) Date	29 May 2015
Foreign Currency	USD	Amount	399,000
Exchange Rate	12.13	Rand Amount	R4,839,870
<b>Detail of Applicant</b>			
Surname of Individual / Name of Entity	Homix (Pty) Ltd		Customs Client No. (CCN): SA Passport No. (CAT255, 255)
Individual First Name/s			Gender: <input checked="" type="checkbox"/> M <input type="checkbox"/> F
Full Residential Business Address	Office Wierda Forum Building, 192 Springbok Street		
Province	Gauteng	City	Pretoria
Postal Address	P O Box 21369		
Province	Gauteng	City	Vereeniging
Country	South Africa	Country Code	RSA Resident: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Telephone number	012 654 0153	Fax No	Email address: homix786@gmail.com
Identity number	Entity Registration number: 2012/17695/07		
Temporary Resident Permit No	Foreign Identity Number	Passport Number & Country	
Contact name & Surname (if Entity)	Yakub Ahmed	Cell Number	079 277 7708
VAT number (Mandatory for Imports)	480250159	Tax number (Mandatory for Imports)	9606739151
Passport Number	Country	Tax Clearance Certificate No	
<b>Beneficiary Bank Details</b>			
Bank name	HSBC Hong Kong	City	Sheung Wan
Branch name and code	Country		HONG KONG
Swift address: (e.g. HSAR33J)	HSBCHKHHHKH		
<b>Beneficiary Details</b>			
Bank account number (IBAN/NIB number (EU))	652-417823-838		
Surname of Individual / Name of Entity	Morningstar International Trade Limited		
First Name/s (if full of an individual (no initials))			Gender: <input type="checkbox"/> M <input type="checkbox"/> F
Address: Full residential/business	BLK A 15/F, Hsiao Comm. BLDG, 65-67 Bankham Strand East, Sheung Wan		
Passport No	Country	HONG KONG	
Country	Country Code	RSA Resident: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	

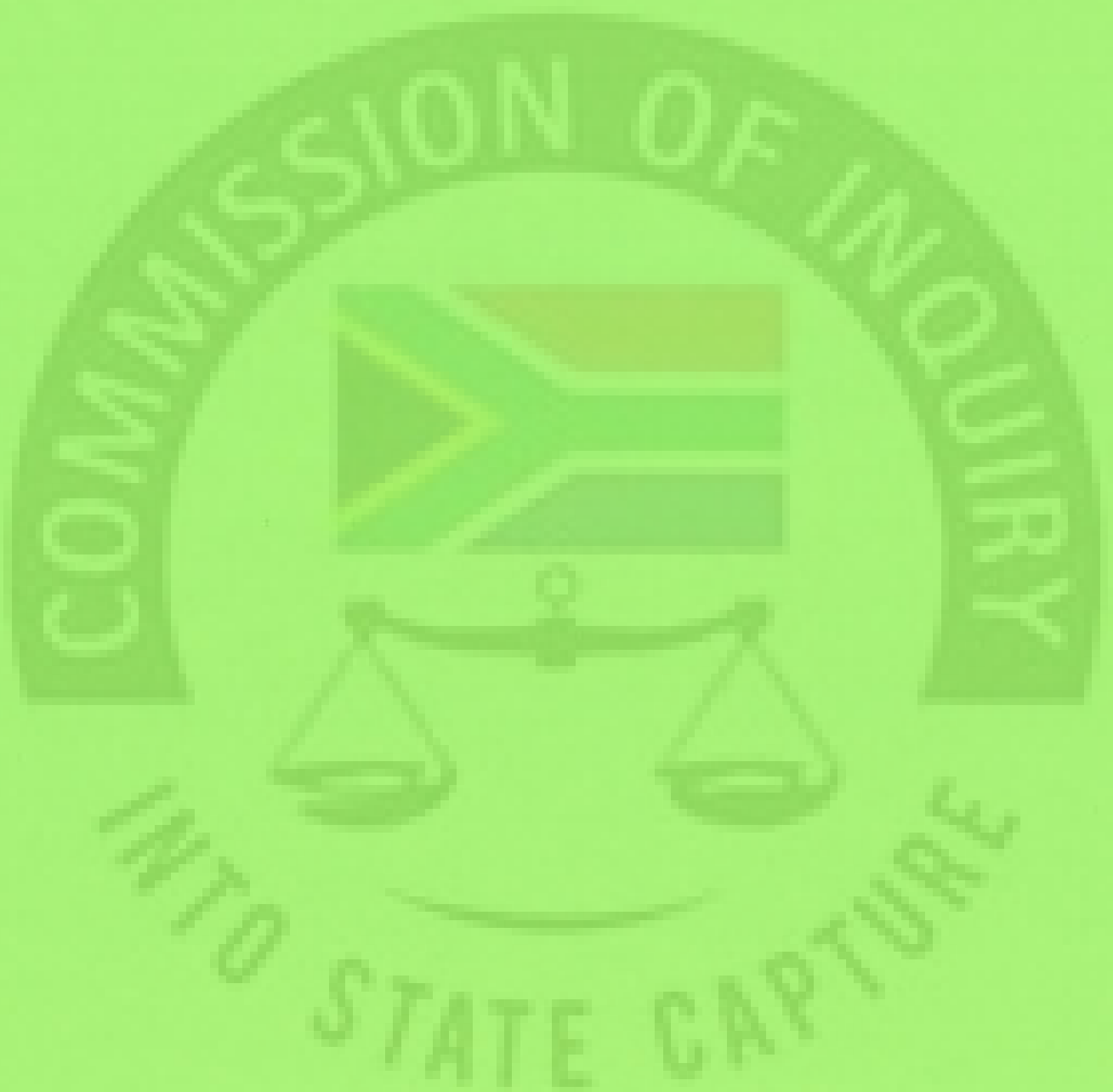
Form 25 (2013)

Mercantile Bank Limited Registration Number 1905006706/06. An authorised Financial services and Credit Provider NCRCP19

Details/Purpose of Payment		Imports Goods	
Details of Charges (place X next to relevant option)		<input type="checkbox"/> Our	All transaction charges are to be borne by the ordering customer
		<input checked="" type="checkbox"/> Share	Transaction charges on the Sender's side are to be borne by the ordering customer, transaction charges on the Receiver's side are to be borne by the beneficiary customer.
		<input type="checkbox"/> Ben	All transaction charges are to be borne by the beneficiary customer
Sender information (Special Instructions)		Invoice EXP	
BOP Category		102	
SUB Category (1)		5	Loan Reference
Loan Tenor			Interest Rate
<b>Declaration</b> We, the undersigned, hereby declare that: <ul style="list-style-type: none"> <li>• I/We have read this document and know and understand the contents thereof.</li> <li>• the information furnished above is in all respects both true and correct,</li> <li>• the currency applied for will only be used for the specific purpose stated herein,</li> <li>• the documentation presented in support of this application is in all respects authentic,</li> <li>• I/We have been informed of the limit applicable to the above transaction and confirm that this limit will not be exceeded as a result of the conclusion of this transaction, and</li> <li>• I/We consent to this information being provided to the South African Revenue Service and/or the Financial Intelligence Centre.</li> </ul>			
For and on behalf of		Capacity	
Harrox (Pty) Ltd / C Kriel		Authorised Outsource (PFS)	
Signature of applicant/signatory (who warrants that he/she is duly authorised) 			
Date of Signature		29/05/2015	

<b>FOR BANK USE ONLY</b>			
To be completed by Document Checkers			
Quote EXCON Ratings pertaining to this transaction.			
IVS Reference No.		ICN No.	
SARB Ratings		SARB Authorisation Application	
SARB Auth Reference		MRN Confirmation Ref No.	
Transport Document No.			
Account Identification for Non Resident	Industry Sector Codes / ICC		
Comments/Description:			
Completed by		Date received	
Signature checked by	Name	Signature	Time received
			Time sent
Authorised by	Name	Signature	

## Annexure “SEM10”



"SEM 10" 310

**APPLICATION TO TRANSFER  
FOREIGN CURRENCY  
CROSS BORDER DECLARATION**

**Mercantile Bank**

Member of CCB Group


TO: Mercantile Bank Limited		Date: 29 May 2015	
Branch Name		Branch code	
Transfer of Funds			
We hereby apply that the under mentioned transfer be effected at my/our		or beneficiary's	
You are authorised to debit to my/our Account Number		expense	
Deal Information			
Deal (Spot or FEC number)	3-104498	Deal Value (maturity) Date:	DD MM YYYY
Foreign Currency	USD	Amount	396 600
Exchange Rate	12.13	Rand Amount	R4 803 489
Detail of Applicant			
Surname of Individual / Name of Entity	Hamix (Pty) Ltd	Customs Client No. (CCN)	
Individual First Name(s)		SA Passport No. (CAT 255 256)	
Full Residential / Business Address	Office Werda Forum Building, 192 Springbok Street		
Province	Gauteng	City	Pretoria
Postal Address	P O Box 21359	Zip Code	0173
Province	Gauteng	City	Vereeniging
Country	South Africa	Country Code	RSA Resident
Telephone number	012 654 0183	Fax No	
Identify number		Entity Registration number	2012M769507
Temporary Resident Permit No		Foreign Identity Number	
Contact name & Surname (if Entity)	Yakub Ahmed	Passport Number & Country	
VAT number (Mandatory for imports)	4880263159	Cell Number	079 277 7738
Tax number (Mandatory for imports)			
Passport Number		Tax Clearance Certificate No	
Beneficiary Bank Details			
Bank name	HSBC Hong Kong	City	Sheung Wan
Branch name and code		Country	HONG KONG
Swift address (e.g. LISA2333)	HSBCHKHHHKH		
Beneficiary Details			
Bank account number, IBAN/ING number (EU)	652-417833-834		
Surname of Individual or Name of Entity	Morningstar International Trade Limited		
First name(s) in full (if an individual two initials)		Gender	M <input type="checkbox"/> F <input type="checkbox"/>
Address - Full residential/business	BLK A 15/F, Hater Comm. BLDG, 65-67 Bosham Strand East, Sheung Wan		
Passport No		Country	HONG KONG
Country		Country Code	RSA Resident

311

Details/Purpose of Payment		Imports Goods	
Details of Charges (place X next to relevant option)		<input type="checkbox"/> Our	All transaction charges are to be borne by the ordering customer
		<input checked="" type="checkbox"/> Share	Transaction charges on the Sender's side are to be borne by the ordering customer, transaction charges on the Receiver's side are to be borne by the beneficiary customer
		<input type="checkbox"/> Ben	All transaction charges are to be borne by the beneficiary customer
Sender information (Special Instructions)		Invoice EXP	
BCP Category		100	
SUB Category (1)		2	Loan Reference
Loan Tendor			Interest Rate
<b>Declaration</b> I/We, the undersigned hereby declare that: <ul style="list-style-type: none"> <li>• I/We have read this document and know and understand the contents thereof;</li> <li>• the information furnished above is in all respects both true and correct;</li> <li>• the currency applied for will only be used for the specific purpose stated herein;</li> <li>• the documentation presented in support of this application is in all respects authentic;</li> <li>• I/We have been informed of the limit applicable to the above transaction and confirm that this limit will not be exceeded as a result of the conclusion of this transaction; and</li> <li>• I/We consent to this information being provided to the South African Revenue Service and/or the Financial Intelligence Centre</li> </ul>			
For and on behalf of		Hornix (Pty) Ltd / C Knel	
Signature of applicant/signatory (who warrants that he/she is duly authorised)		Capacity <u>Authorised Outsource (PFI-S)</u>	
Date of Signature		29/05/2015	

<b>FOR BANK USE ONLY</b>			
<b>To be completed by Document Checkers</b>			
Quote EXCON Ratings pertaining to this transaction:			
IVS Reference No:		ICN No	
SARB Ratings		SARB Authorisation Application	
SARB Auth Reference		MRN Confirmation Ref No:	
Transport Document No			
Account Identification for Non Resident		Industry Sector Codes / ICC	
Comments/Description			
Completed by		Date received	Bank stamp
		Time received	
		Time sent	
Signature checked by	Name	Signature	
Authorised by	Name	Signature	



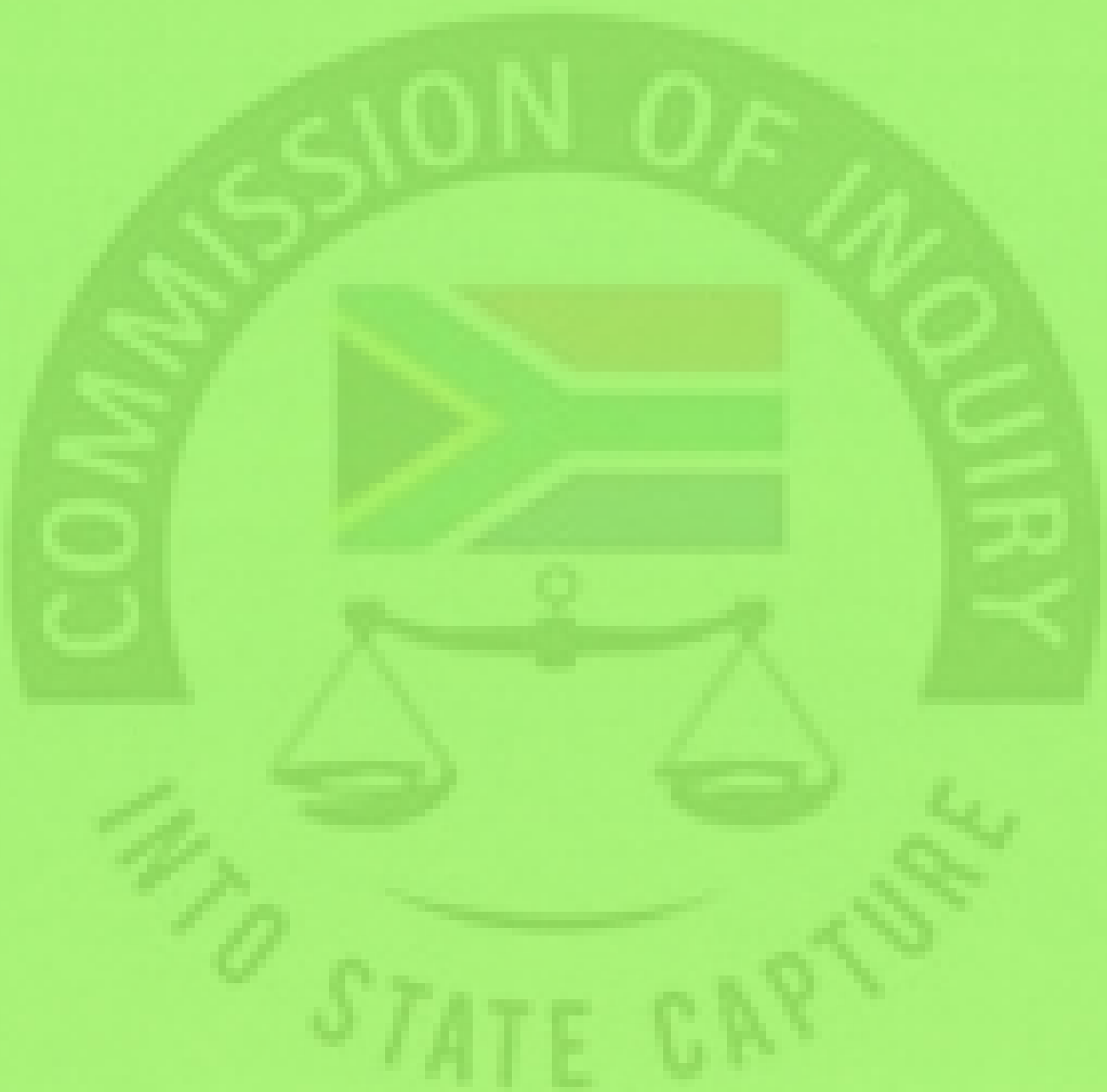
CLIENT Signing Arrangement		
I/we give hereunder the signing authorities in force as from the date the account is opened, until further notice in writing:		
Full Name / Entity Name	Homix Pty Ltd	
CLIENT Signatories Full Names	Capacity	Specimen Signature
Yakub Ahmed Suleman Bhiku	Director	

## Annexure “SEM11”





## Annexure “SEM12”



"SEM 12" 314

THUTHUKA SIZWE CC  
152 NORTHWAY ROAD  
DURBAN NORTH

4051

Registration No: 2008/162189/23  
Customs Code: 20873063  
VAT no: 4480756769  
Tel: 031-5632723  
Fax: 031-5632088

## SARS EDI RESPONSE NOTIFICATION

STATUS: RELEASE

## DOCUMENT DETAILS:

Importer / Consignee: HOMIX (PTY) LTD: code 21327001  
Exporter / Supplier: MORNINGSTAR INTERNATIONAL TRADE LIMITED  
Clearing Agent: THUTHUKA SIZWE CC code: 20873063

Form: SAD500  
Agent File Number: S15/04-66  
Purpose Code: A1100  
Transport Code: 1  
Customs Office on Entry: DBN  
Issued at: SHENZHEN  
Registration Number:  
MRN Number: DBN201504135018262  
Bill of Entry Release Date: 2015.04.13  
Bill of Entry Assessment: 2015.04.13

Country of Export: CN  
Country of Dest: ZA  
Country of Origin: CN  
Port of Exit / Entry:  
Previous MRN:  
RIB Date:  
RIB Office:

Rel. Authority/ Depot/ Terminal: XW - BREAK BULK/BULK/EXWHARF SEA  
Cargo Status Code:  
ICN - Import Control Number: DOE2015041308N5018262  
Total Lines: 1  
Number of Packages: 2125  
Mass (KG): 4250000  
Total CIFC: R 36326548  
Customs Value: R 29885671  
Total Payable: R 0.00

Sch1P2B: R 0  
Duty: R 0.00  
VAT R 0

## CONTAINERS:

## TRANSPORT DETAILS:

Master Carrier Code: COS - China Ocean Shipping Company  
House Carrier Code:  
Transport Document Number: COSU6086225170  
Transport Document Date: 2015.03.23  
House Bill Number:  
Submaster:  
Vessel / Airline Name: COSCO ISTANBUL Carrier: COS  
Voyage / Flight Number: 010W  
Truck / Trailer Number:  
Estimated Date of Arrival: 2015.04.12  
Estimated Date of Departure: 2015.03.23  
Remover:  
Remover Transport Mode:

## EDI DETAILS:

EDI Response Sent by SARS: 2015.04.13 10:44  
EDI Resp. Received by Agent: 2015.04.14  
URN Number: 20873063DBN20150413003015  
CUSRES Message Status: J  
Customs District Office: DBN  
Customs Response: RELEASE  
Description:

EDI Received by SARS: 2015.04.13

Paperless or Hard Copy: Paperless



## Annexure “SEM13”



"SEM 13" 315

**Jarina Bekker**

**From:** Conrad Kriel <Conrad@peritusforex.co.za>  
**Sent:** 12 August 2015 02:49 PM  
**To:** Jarina Bekker  
**Subject:** Re: Request for information: Homix (Pty) Ltd

Good afternoon Jarina

We are in Cape Town this week visiting our Western Cape client base. We have requested our IT guys to start retrieving the data. We were not aware that you required the data immediately as we send all the e mail correspondence to Andre previously.

Furthermore we have only transacted with the client for less than 7 days before the transactions were flagged.

Will confirm when we have all the data available.

Regards

Conrad Kriel

On Aug 12, 2015, at 09:54, Jarina Bekker <Jarina.Bekker@resbank.co.za> wrote:

Dear Mr Kriel

I would just like to follow up on my e-mail message below, as it would appear that I have not received a response thereto as yet.

Regards

**Jarina Bekker**  
 Associate Investigator  
 Financial Surveillance Department

P O Box 427 Pretoria 0001 South Africa  
 370 Helen Joseph Street (formerly Church Street) Pretoria 0002  
 Tel. +27 12 399 7610 Fax +27 12 313 3771  
 E-mail: [Jarina.Bekker@resbank.co.za](mailto:Jarina.Bekker@resbank.co.za) [www.resbank.co.za](http://www.resbank.co.za)

South African Reserve Bank

**From:** Jarina Bekker  
**Sent:** 03 August 2015 04:00 PM  
**To:** 'Conrad@peritusforex.co.za'  
**Cc:** Andre Malherbe  
**Subject:** RE: Request for information: Homix (Pty) Ltd

Dear Mr Kriel

I refer to the correspondence between yourself and Mr Malherbe below.

We would appreciate it if you could indeed furnish this Department with the telephone recordings in question.

Kind regards



South African Reserve Bank

Jarina Bekker  
Associate Investigator  
Financial Surveillance Department

P O Box 427 Pretoria 0001 South Africa  
370 Helen Joseph Street (formerly Church Street) Pretoria 0002  
Tel. +27 12 399 7610 Fax +27 12 313 3771  
E-mail: [Jarina.Bekker@resbank.co.za](mailto:Jarina.Bekker@resbank.co.za) [www.resbank.co.za](http://www.resbank.co.za)

**From:** Andre Malherbe  
**Sent:** 03 August 2015 01:54 PM  
**To:** Jarina Bekker  
**Subject:** FW: Request for information: Homix (Pty) Ltd

**From:** Conrad Kriel [<mailto:Conrad@peritusforex.co.za>]  
**Sent:** 03 August 2015 01:39 PM  
**To:** Andre Malherbe  
**Subject:** Re: Request for information: Homix (Pty) Ltd

Mr Malherbe

Your assumptions are correct - communication was with mr Y Bhikhu himself.

Telephone calls are indeed recorded. We will have to get our IT guys to retrieve the calls if needed.

Regards

Conrad

**From:** Andre Malherbe <[andre.malherbe@resbank.co.za](mailto:andre.malherbe@resbank.co.za)>  
**Date:** Monday 03 August 2015 at 1:30 PM  
**To:** Admin2 <[conrad@peritusforex.co.za](mailto:conrad@peritusforex.co.za)>  
**Cc:** Jarina Bekker <[Jarina.Bekker@resbank.co.za](mailto:Jarina.Bekker@resbank.co.za)>  
**Subject:** RE: Request for information: Homix (Pty) Ltd

Dear Mr Kriel

I thank you for the information furnished.

I assume that rates were communicated telephonically. In this regard, could you also please confirm whether the relevant telephone recordings are available and whether such communication was with Mr Bhikhu himself.

Regards

André R Malherbe  
Manager  
Compliance and Enforcement Division

<image002.png>Financial Surveillance Department

PO Box 427 Pretoria 0001 South Africa  
370 Helen Joseph Street (formerly Church Street) Pretoria 0002  
Tel. +27 12 313 4070 Fax +27 12 313 3771  
E-mail: [Andre.Malherbe@resbank.co.za](mailto:Andre.Malherbe@resbank.co.za)

**From:** Conrad Kriel [<mailto:Conrad@peritusforex.co.za>]  
**Sent:** 03 August 2015 12:43 PM  
**To:** Andre Malherbe  
**Cc:** Steve Panos  
**Subject:** Re: Request for information: Homix (Pty) Ltd

Morning Mr Malherbe

The e mails contained the suppliers details and invoices which were paid – attached previously.

In addition we received instructions to do part payments of those specific invoices – see attached

We only traded for the period 21 – 29 May 2015 before the transactions were flagged.

The only other e mails contained requests for on boarding documents.

Regards

Conrad

**From:** Andre Malherbe <[andre.malherbe@resbank.co.za](mailto:andre.malherbe@resbank.co.za)>  
**Date:** Monday 03 August 2015 at 11:39 AM  
**To:** Admin2 <[conrad@peritusforex.co.za](mailto:conrad@peritusforex.co.za)>  
**Cc:** Jarina Bekker <[Jarina.Bekker@resbank.co.za](mailto:Jarina.Bekker@resbank.co.za)>  
**Subject:** RE: Request for information: Homix (Pty) Ltd

Dear Mr Kriel

Kindly confirm whether the e-mails provided constitutes all e-mails received from the client concerned as requested.

Regards

Andre R Malherbe  
Manager  
Compliance and Enforcement Division  
<image002.png>Financial Surveillance Department

PO Box 427 Pretoria 0001 South Africa  
370 Helen Joseph Street (formerly Church Street) Pretoria 0002  
Tel. +27 12 313 4070 Fax +27 12 313 3771  
E-mail: [Andre.Malherbe@resbank.co.za](mailto:Andre.Malherbe@resbank.co.za)

**From:** Conrad Kriel [<mailto:Conrad@peritusforex.co.za>]  
**Sent:** 04 June 2015 11:22 AM  
**To:** Andre Malherbe  
**Cc:** Anton Grobbelaar  
**Subject:** Re: Request for information: Homix (Pty) Ltd

Mr Malherbe,

As per your request please find attached the requested e mails received from the client relating to the transactions under review.

Regards

C Kriel

**From:** Andre Malherbe <[andre.malherbe@resbank.co.za](mailto:andre.malherbe@resbank.co.za)>  
**Date:** Thursday 04 June 2015 at 11:11 AM  
**To:** Admin2 <[conrad@peritusforex.co.za](mailto:conrad@peritusforex.co.za)>  
**Cc:** SARBFNSDept <[SARBFNSDept@resbank.co.za](mailto:SARBFNSDept@resbank.co.za)>, Thys Basson <[thys.basson@resbank.co.za](mailto:thys.basson@resbank.co.za)>, Jarina Bekker <[Jarina.Bekker@resbank.co.za](mailto:Jarina.Bekker@resbank.co.za)>  
**Subject:** Request for information: Homix (Pty) Ltd

Dear Mr Kriel

Our telephonic discussion earlier today refers.

I confirm having requested you to forward all e-mails received from the client in question to this Department as soon as possible.

Kind regards

André R Malherbe  
 Manager  
 Compliance and Enforcement Division  
 <image002.png>Financial Surveillance Department  
 POBox427Pretoria0001SouthAfrica  
 370 Helen Joseph Street (formerly Church Street) Pretoria 0002  
 Tel. +27 12 313 4070 Fax +27 12 313 3771  
 E-mail: [Andre.Malherbe@resbank.co.za](mailto:Andre.Malherbe@resbank.co.za)

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----- \*\*\* Disclaimer \*\*\* -----





## Annexure “SEM14”



"SEM 14" 321

**THUTHUKA SIZWE CC**152 NORTHWAY  
DURBAN NORTH

4051

Registration No: 2008/161189/23  
Customs code: 20873063  
VAT no: 4480256769  
Tel: 031-5632723  
Fax: 031-5632088**SARS EDI RESPONSE NOTIFICATION****STATUS: READY FOR CASH PAYMENT****DOCUMENT DETAILS:**Importer / Consignee: HOMIX (PTY) LTD; code 21327001  
Exporter / Supplier: FGC COMMODITIES (PTY) LTD  
Clearing Agent: THUTHUKA SIZWE CC code: 20873063**CONTAINERS:**

BSU9295023

Form: SAD500  
Agent File Number: SI15/04-66  
Purpose Code: A1100  
Transport Code: 1  
Customs Office on Entry: DBN  
Issued at: SHENZHEN  
Registration Number:  
MRN Number: DBN201504135018262  
Bill of Entry Release Date: 2015.04.13  
Bill of Entry Assessment Date: 2015.04.13  
Country of Export: CN  
Country of Dest: ZA  
Country of Origin: CN  
Port of Exit / Entry:  
RIB Number:  
RIB Date:  
RIB Office:  
Bond Store:  
Inv. No & Date: INVA20150312-31  
15.03.17

Rel. Auth./ Depot / Terminal: 08 - TRANSNET PORT TERMINALS DURBAN TPT

Cargo Status Code:

ICN - Import Control Number: BOE20150413DBN5018262

Total Lines: 1

Number of Packages: 1

Mass (KG): 12036

Total CIFC: R 44397

Customs Value: R 15300

Total Payable: R 9333.00

Sch1P2B: R 0

Duty: R 6120.00

VAT: R 3213

**TRANSPORT DETAILS:**

Master Carrier Code: COS - China Ocean Shipping Company

House Carrier Code:

Transport Document Number: COSU6086225170

Transport Document Date: 2015.03.23

House Bill Number:

Submaster:

Vessel / Airline Name: COSCO ISTANBUL; Carrier: COS

Voyage / Flight Number: 010W

Truck / Trailer Number:

Estimated Date of Arrival: 2015.04.12

Estimated Date of Departure: 2015.03.23

Remover:

Remover Transport Mode:

**EDI DETAILS:**

EDI Response Sent by SARS: 2015.04.13 10:44:47

EDI Resp. Received by Agent: 2015.04.13

LRN number: 20873063DBN20150413003015

CUSRES Message Status: 7

Customs District Office: DBN

Customs Response: READY FOR CASH PAYMENT

Description:

EDI Received by SARS: 2015.04.13

PRN: 8120114601CT0009619

Paperless or Hard Copy: Paperless

System Supplied by: Advanced Customs Solutions

tel. 011 395 1854  
fax 011 395 2854

## Annexure “SEM15”





"SEM 15" 322

Registered Mail

OURS-2015-1844

CONFIDENTIAL



South African Reserve Bank  
Financial Surveillance Department

2015-07-29

Attention: Mr Y A S Bhikhu

Homix (Pty) Limited  
Office Wierda Forum Building  
192 Springbok Street  
Wierda Park  
0173

Our reference: 201505-0034/JCB

Dear Sir

**Alleged contraventions of the provisions of the Exchange Control Regulations, made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933) as amended, as promulgated by Government Notice R.1111 of 1961-12-01 as amended: Homix (Pty) Limited (registration number 2012/176851/07) and/or its sole director Mr Yakub Ahmed Suleman Bhikhu (identity number 7108225837081)**

1. The Minister of Finance of the Republic of South Africa has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice R 1111 of 1961-12-01, as amended from time to time thereafter, (hereinafter referred to as "the Regulations") delegated the powers and/or functions conferred upon the Treasury by the provisions of the Exchange Control Regulations (with the exception of the powers and functions conferred upon the Treasury by Regulations 3(5), 3(8), 20 and 22 which exception does, however, not include Regulations 22A, 22B, 22C and 22D) and assigned the duties imposed

2  
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thereunder on the Treasury, to the Governor and Deputy Governors of the South African Reserve Bank.

2. On or about 29 May 2015 Homix (Pty) Limited (herein referred to as "Homix") and/or its sole director Mr Yakub Ahmed Suleman Bhikhu (herein referred to as "Mr Bhikhu") was party to certain acts and/or omissions which constituted contraventions of the provisions of the Regulations or which are, on reasonable grounds, suspected to have constituted such contraventions, details of which contraventions or suspected contraventions are more fully set out in paragraph 3 *infra*.
3. As referred to in paragraph 2 above, the following contraventions of the provisions of the Regulations have been committed or are, on reasonable grounds, suspected to have been committed, namely:
  - 3.1 Contraventions or suspected contraventions of Regulation 2(4) in that Homix and/or Mr Bhikhu applied for foreign currency to the value of Rand 29,885,671.00 to be transferred via Mercantile Bank Limited out of the Republic, on behalf of Homix, which foreign currency was to be used for, or applied to a purpose other than stated in the relevant application;
  - 3.2 contraventions or suspected contraventions of Regulation 3(1) in that Homix and/or Mr Bhikhu attempted to transfer foreign currency from the Republic, without permission granted by the Treasury or not in accordance with the conditions that the Treasury may have imposed;
  - 3.3 contraventions or suspected contraventions of Regulation 10(1)(c) in that Homix and/or Mr Bhikhu entered into transactions whereby capital or any right to capital was directly or indirectly exported from the Republic, without permission granted by the Treasury or not in accordance with the conditions that the Treasury may have imposed;
  - 3.4 contraventions or suspected contraventions of Regulation 19 read with Regulation 22 in that:

Alleged contraventions of the provisions of the Exchange Control Regulations, made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933) as amended, as promulgated by Government Notice R.1111 of 1991-12-01 as amended: Homix (Pty) Limited (registration number 2012/178961/07) and/or its sole director Mr Yakub Ahmed Suleman Bhikhu (identity number 710822837081)

File ref. no.: 201505-0034/JCB  
Date: 2015-07-29



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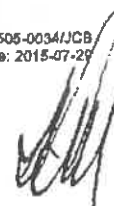
3  
CONFIDENTIAL

- 3.4.1 incorrect statements were made in declarations in applications to purchase foreign currency to an Authorised Dealer;
- 3.4.2 false documentation and/or documentation containing false or incorrect statements were provided to an Authorised Dealer, in support of applications to purchase foreign currency.
4. On or about 29 May 2015, a duly authorised officer of the Financial Surveillance Department of the South African Reserve Bank issued an order, in terms of the provisions of Regulation 22A whereby no person may withdraw, cause the withdrawal of or appropriate in any manner an amount of Rand 14,472,075.00 together with interest thereon and/or accrual thereof standing to the credit of Homix in account number 4000564463, held at Mercantile Bank Limited.
5. The funds referred to in paragraph 4 *supra* constitute money which may be forfeited to the State in terms of Regulation 22B of the Regulations.
6. The purpose of this letter is, therefore, in compliance with the *audi alteram partem* principle, to invite you, which I hereby do, to make written representations for consideration by the appropriate designated functionary as contemplated in paragraph 1 hereof:
- 6.1 In connection with the possibility that some or all of the money described in paragraphs 4 and 5 *supra*, may be forfeited to the State in the manner provided for in Regulation 22B; and/or;
- 6.2 as to why some or all the money described in paragraphs 4 and 5 *supra*, should not be forfeited to the State in the manner as provided for in Regulation 22B.
7. The representations referred to in paragraph 6 *supra*:
- 7.1 May be made by you or on your behalf, with or without the assistance of a legal advisor;

Alleged contraventions of the provisions of the Exchange Control Regulations, made under Section 9 of the Currency and Exchange Act, 1933 (Act No. 9 of 1933) as amended, as promulgated by Government Notice R.1111 of 1981-12-01 as amended: Homix (Pty) Limited (registration number 2012/176951/67) and/or its sole director Mr Yakub Ahmed Suleman Bhikhu (identity number 7106228837081)

File ref. no.: 201505-0034/JCB  
Date: 2015-07-29

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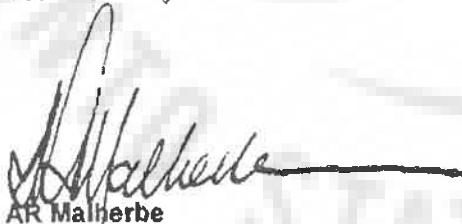


4

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- 7.2 must be in writing and signed by you or on your behalf; and
- 7.3 must on/or before 28 August 2015, reach the Financial Surveillance Department of the South African Reserve Bank, 370 Helen Joseph Street (formerly Church Street), Pretoria, 0002 or P O Box 3125 Pretoria, 0001, for the attention of Mrs J Bekker, telephone number 012 399 7610, who has been authorised to accept receipt thereof.
8. Should you for any reason whatsoever be unable to respond hereto, or require any further information, elucidation or guidance with regard to the contents of this letter, you may, before the due date stated in paragraph 7.3 above, submit full particulars as to the reason(s) for being unable to do so and/or make a request for assistance, guidance or elucidation, as the case may be, in writing for the attention of Mrs J Bekker at the above address or to facsimile number 012 313 3771 or by e-mail to [SARBFNSDEPT@resbank.co.za](mailto:SARBFNSDEPT@resbank.co.za).
9. The contents of this letter should not be construed as an admission of any allegation or fact relevant to this matter and is directed to you strictly without prejudice to any rights which this Department may have including the right to amplify the ambit of this letter, should it become necessary.
10. Should this Department not receive the representations called for hereinbefore, it may proceed with the forfeiture process in terms of Exchange Control Regulation 22B.

Yours faithfully



AR Malherbe

Manager: Compliance and Enforcement Division

*Alleged contraventions of the provisions of the Exchange Control Regulations, made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933) as amended, as promulgated by Government Notice R.1111 of 1981-12-01 as amended: Homix (Pty) Limited (registration number 2012/179851/07) and/or its sole Director Mr Yakub Ahmed Saleman Shikhu (Identity number 7108225837081)*

File ref. no.: 201605-0034/JCB  
Date: 2016-07-29

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## Annexure “SEM16”





"SEM 16" 326

Page 1 of 1

CDIRIDXView



Search ▼ Product ▼ Shopping ▼ About e-Search ▼ Logout ▼

Welcome!

System Clock: 11-AUG-2015 23:47:48 GMT +0800



Directors Index Search (Company-based)

Your Search: CR No.: = 2196203

CR No.: 2196203

Company Name: MORNINGSTAR INTERNATIONAL TRADE LIMITED

Director

No.	Name in English	Name in Chinese	HKID No./ CR No.	Overseas Passport No.	Passport Issuing Country	Director Type	Director Particulars	All Directorships
1	GOVENDER, MAHASHVERAN				南非 SOUTH AFRICA	Natural Person		

Displaying: Record 1 to 1 of 1 records.

Jump to page 1 of 1

Please select the Order Type



Order certified report

HK\$141.00 plus additional handling charges for different delivery mode(\*)

(\*) Additional handling charges for different delivery mode will be shown when check out shopping cart.

Back to top  
ICRIS\_Ver\_1\_0\_5\_Build\_08\_03

ICRIS CSC Companies Registry, The Government of the Hong Kong Special Administrative Region.

## Annexure “SEM17”



Where am I? Research Domain &gt; Cipro Search &gt; Company List &gt; VIPER WHOLESALERS

## PRODUCT MODULE SELECTION MENU

Please use the product module selection menu to navigate between the different product modules.

Please Select A Product Module ...

PRODUCT MODULE EXPORT OPTIONS



Cipro Company Report  
 VIPER WHOLESALERS  
 Report Date: 11 May 2015 8:41:26 AM

## Company Details

Enterprise Name  
 Short Name  
 Translated Name  
 Type  
 Country of Origin  
 Reg #  
 Registration Date  
 Business Start Date  
 Document Date  
 Cipro Received Date  
 SIC  
 Status and Date  
 Province Name  
 Physical Address  
 Postal Address  
 Financial Year End  
 Financial Effective Date  
 Tax #

## VIPER WHOLESALERS

n/a  
 n/a  
 Private Company (Pty) Ltd  
 n/a  
 2013/156734/07  
 20130830  
 20130830  
 n/a  
 n/a  
 In Business,  
 n/a  
 NO 102 266 BREE AND ELOFF, JOHANNESBURG, GAUTENG, 2000  
 NO 102 266 BREE AND ELOFF, JOHANNESBURG, GAUTENG, 2000  
 February  
 n/a

## Auditor Details

Name  
 Profession #  
 Profession Code  
 Physical Address  
 Postal Address  
 Type  
 Status  
 Effective Date  
 Start Date  
 End Date

n/a  
 n/a  
 .....  
 n/a  
 n/a  
 n/a  
 n/a  
 n/a

## Capital Details

Type  
 #  
 Per Share  
 Premium

n/a  
 n/a  
 n/a  
 n/a

## History Details

## Company Directors

ID #	Surname	First Names	Initials	Type	Status	Resignation Date	Interest %
	GOVENDER	MAHASHVERAN		Director	Active		0

## Annexure “SEM18”



5/8/2015

INET BFA Research Domain

"SEM 18" 328

## INET BFA

[Contact Us](#)

Where am I? Research Domain &gt; Cipro Search &gt; Director List &gt; FGC COMMODITIES

## PRODUCT MODULE SELECTION MENU

Please use the product module selection menu to navigate between the different product modules.

No Product Modules Found

## PRODUCT MODULE EXPORT OPTIONS



## CIPRO COMPANY REPORT

Cipro Company Report  
FGC COMMODITIES  
Report Date: 08 May 2015 8:39:23 AM



## Company Details

Enterprise Name	FGC COMMODITIES
Short Name	n/a
Translated Name	n/a
Type	Private Company (Pty) Ltd
Country of Origin	n/a
Reg #	2014/063448/07
Registration Date	20140327
Business Start Date	20140327
Document Date	n/a
Cipro Received Date	n/a
STCC	n/a
Status and Date	In Business,
Province Name	n/a
Physical Address	110 WILLEM BOTHA STREET, WIERDA PARK, GAUTENG, 0149
Postal Address	P O BOX 77485, ELDO PARK, GAUTENG, 0171
Financial Year End	February
Financial Effective Date	
Tax #	n/a

## Auditor Details

Name	n/a
Profession #	n/a
Profession Code	
Physical Address	
Postal Address	
Type	n/a
Status	n/a
Effective Date	n/a
Start Date	n/a
End Date	n/a

## Capital Details

Type	n/a
#	n/a
Per Share	n/a
Premium	n/a

## History Details

## Company Directors

ID #	Surname	First Names	Initials	Type	Status	Resignation Date	Interest %
	GOVENDER	MAHASHVERAN		Director	Active		0

User Manuals  
Get your user manuals here.  
Registered users only.

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Lost? Confused? Problems? Let  
us help you.

Our Data  
View a matrix of our available  
data.

Our Products  
Information on the McGregor  
BFA product set.

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Data provided by INET BFA



## Annexure “SEM19”





## Annexure “SEM20”





ACCOUNT NAME: Hombi Pty Ltd  
ACCOUNT NUMBER: 01363097  
BANK: The Standard Bank of SA Ltd  
PERIOD: 2014-03-27 TO 2015-12-03

[illegible]







[illegible]





## Annexure “SEM21”



"SEM 21" 330



12 Avonwold Rd (Cnr. Jan Smuts Ave) Saxonwold Johannesburg South Africa  
Private Bag 836 Saxonwold 2132 Docex 125 Jhb Website: [www.smitsew.co.za](http://www.smitsew.co.za)  
Deeds Office Lodgement Numbers: Johannesburg 477; Pretoria 1683  
Registration Number 2003/007801/21 • VAT Registration Number 4270208095  
Tel + 27 11 646 0006 • Fax + 27 11 646 0016

Our Reference: MAT32415/OCJ/dr

E-mail: [liaan@smitsew.co.za](mailto:liaan@smitsew.co.za)

Your Reference: Andre Malherbe

**SOUTH AFRICAN RESERVE BANK  
FINANCIAL SURVEILLANCE DEPARTMENT**

ATTENTION: MR ANDRE MALHERBE  
PER E-MAIL: [andre.malherbe@resbank.co.za](mailto:andre.malherbe@resbank.co.za)

12 October 2018

Dear Sirs

**RE: - REQUEST FOR INFORMATION**

1. Your request for information dated 10 May 2017 refers.
2. We represent Regiments Capital (Pty) Ltd ("**Regiments**").
3. As mentioned to you in earlier e-mail correspondence, there appears to have been a misunderstanding between our client and BDK Attorneys ("**BDK**") regarding the responsibility to deal with your request. BDK was under the impression that our client had briefed us to attend to your request, which was not the case. Our client, on the other hand, was under the impression that BDK had attended thereto.
4. This has caused the considerable delay in responding to you, for which we apologise on behalf of our client. Since having been entrusted with the matter, we have worked diligently together with our client to gather the information sought. We trust the information will assist you with your investigation.

**DIRECTORS:** Rikesh Sewgoolam; Johannes Engelbrecht; Tiaan Jonker; Arilla du Plessis; Bouwer van Niekerk; Jacques Marais; Rachelle Freed; Ravika Sukdeo; Peto Milton  
**ASSOCIATES:** Megan Rosseau; Marnelize Olivier; Sinenhlanhla Mtshali; Charmaine Du Preez  
**PROFESSIONAL ASSISTANTS:** Lizanne Fourie; Mahomed Ganie; Tasneem Areff  
**ALSO AT:** Umhlanga Rocks (+27 31 830 5067) and Cape Town (+27 10 110 1568/9)  
**IN ASSOCIATION WITH:** Schoerie & Sewgoolam Inc – Pietermaritzburg

A member of



Independent legal & accounting firms  
**LEVEL 2 BBBEE**  
QSE Codes gazetted on  
6 May 2015

---

**THE RELATIONSHIP BETWEEN HOMIX, REGIMENTS AND ALBATIME**

5. McKinsey appointed Regiments as a development partner and it was through this relationship that Regiments was exposed to Transnet SOC as a client (In 2005 Regiments did some work for Transnet SOC but this mandate came to an end and Regiments received no further work from Transnet for a number of years).
6. Regiments' introduction to McKinsey was facilitated by Mr Kuben Moodley (who was well known to Mr Niven Pillay) and Mr Salim Essa (who had a relationship with Mr Vikas Sagar of McKinsey).
7. In terms of the agreement with Mr Moodley and Mr Essa, these two gentlemen, or their nominees, would be entitled to a business development fee for all revenue received by Regiments pursuant to its relationship with McKinsey. This evolved to include other mandates, including the Transnet Second Defined Benefit Fund mandate (referred to below), procured by Regiments Fund Managers (a subsidiary of our client, hereinafter referred to as **"Fund Managers"**) directly, as it was recognised that Fund Managers would not have qualified for this mandate had it not been for the exposure to the greater Transnet group via the McKinsey relationship.
8. The fee agreed at the time was 35% of all revenue earned, 5% to Mr Moodley and 30% to Mr Essa, or their nominees. The initial entity nominated by Mr Moodley and Mr Essa, jointly to receive their fees, was Chivita Trading (Pty) Ltd (**"Chivita"**). Payments were made to Chivita by Regiments until this entity was later replaced by Albatime (Pty) Ltd (**"Albatime"**), nominated by Mr Moodley, and Homix (Pty) Ltd (**"Homix"**), nominated by Mr Essa.
9. Mr Pillay and Mr Nyhonyha were later informed by Dr Eric Wood that the business development fee had been increased from 35% to 55% pursuant to negotiation between Dr Wood and Mr Essa. Neither Mr Pillay nor Mr Nyhonyha was party to these negotiations and they considered this fee unacceptable.



- 
10. At all material times, the directors of Regiments were:
- 10.1. Mr Litha Nyhonyha;
- 10.2. Mr Niven Pillay; and
- 10.3. Dr Eric Wood.
11. Dr Wood left Regiments and formally joined Trillian (mentioned below) in March 2016, whereafter he was removed as a director of Regiments in October 2016 under very acrimonious circumstances.

#### **DETAILS OF TRANSACTIONS DURING THE PERIOD 1 MARCH 2014 AND 28 FEBRUARY 2016**

12. A schedule of all payments made by Regiments to Albatime and Homix during the aforementioned period are attached.
13. We also attach copies of all invoices submitted by these entities to Regiments.

#### **THE COMMERCIAL RATIONALE**

14. Regiments was prepared to pay Mr Moodley and Mr Essa a fee for the facilitation of the relationship with McKinsey and McKinsey, represented by Mr Sagar, insisted the fee be paid by Regiments, so it agreed to the 35% figure as it was affordable by Regiments to pay the fee at this rate and still enabled Regiments to make a profit. It is not an unheard of commission rate.
15. McKinsey is a multinational company with large clients (both in the public and private sphere). The exposure to these clients and work, together with the expected skills transfer, were extremely valuable to Regiments, which was a medium sized black owned business at the time.
16. Regardless the aforementioned, neither Mr Nyhonyha or Mr Pillay were satisfied with the agreement later reached between Mr Wood and Mr Essa to increase the business development fee payable to Albatime and Homix, to 55%, which they considered unsustainable. Hence the decision to unwind the relationship (amongst other reasons).

#### **ORIGINS OF THE FUNDS**

17. The origins of the funds paid to Albatime and Homix are recorded in the schedule.

18. It is necessary to deal with certain payments made to Albatime, that originated from the Transnet Second Defined Benefit Fund ("TSDBF"), as these payments were not made pursuant to the aforementioned arrangement, but for a different reason. We explain this below.

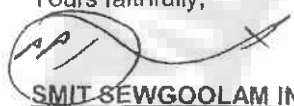
#### TSDBF

19. In 2015, Fund Managers were appointed together with Old Mutual and Colourfields pursuant to a competitive bid process to manage various portfolios of assets for TSDBF.
20. It was contemplated by TSDBF, at the time of appointing Fund Managers to manage its funds that one of the primary means whereby the fund's portfolio would be managed would be through swap transactions.
21. Transnet SOC independently resolved to enter into swap transactions to manage its interest rate risk on various liabilities. In doing so and in executing the swaps referred to below, Transnet SOC was represented by Trillian Capital Partners ("Trillian") as its transaction advisor.
22. Accordingly TSDBF and Fund Managers entered into swap transaction as counterparties to manage the risk in their respective portfolios.
23. The swaps in question were fixed rate for floating rate interest rate swaps on amortising principles, executed as between the TSDBF (the floating rate payer) and Transnet SOC (fixed rate payer).
24. Transnet SOC and its advisor, Trillian, had agreed that the transaction fees would be the present value of a 20bps spread on the amortising notional value of each swap.
25. The parties (Transnet SOC and TSDBF) had agreed to add an extra spread of 20bps ("the Fee Spread") to the fixed rate Transnet SOC would pay to TSDBF over the duration of the swaps, to cater for the fees, and for it to then be paid upfront to Trillian at present value.
26. Our instructions in relation to the advisors fees paid are as follows:

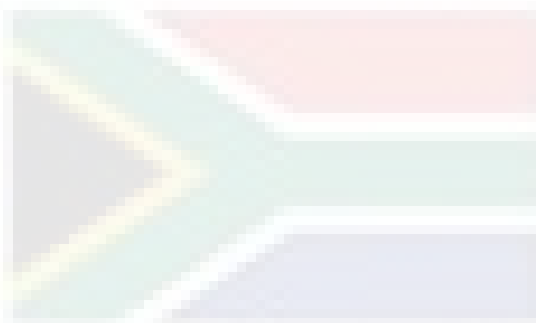
- 26.1. Transnet SOC and its advisor had agreed that the transaction fees would be the present value of a 20bps spread on the amortising notional value of each swap.
- 26.2. The advisor's fee is customarily paid by its client, in this case Transnet SOC, at the time of the swap.
- 26.3. Where a bank acts as swap counterparty, it is customary for the advisor's fee to be paid by the bank, and for the bank to recover the fee by means of an increase in the spread, i.e. an increased rate.
- 26.4. The practices of the financial services industry relating to swap transactions were followed, with suitable adaptation to the particular circumstances. Whereas Nedbank participated in the first six swaps in question purely as a credit intermediary (due to Transnet SOC not as yet having approved counterparty lines direct to TSDBF), the counterparties contracted directly in the last four (after Transnet SOC had approved direct counterparty lines to TSDBF).
- 26.5. The countervailing payment for the Fee Spread was the present value of the Fee Spread to be paid by TSDBF to Transnet SOC on the start date of the swaps in order for Transnet to pay the fee to its transaction advisors.
- 26.6. Fund Managers effected payment directly to the transaction advisor, as a bank would have ordinarily done, if a bank had been a counterparty in the swap.
- 26.7. In practice, Fund Managers paid the fee to Regiments Securities, who paid the fee to the transaction advisors.
- 26.8. This approach is common market practice between banks and clients when there is an independent transaction advisor to the client and is used so as to amortise the transaction fees over the life of the swap by the client.
- 26.9. The payments comprise the fees paid by the company to Transnet SOC's advisor, Trillian, on the instruction of Transnet SOC in accordance with industry practice, and disclosed to TSDBF via the quarterly reports.

- 26.10. Transnet SOC confirmed that the advisory fees were to be paid to Trillian.
27. Trillian directed where the fees needed to be paid. In some instances it would be paid to Trillian, in other instances to its nominee, Albatime. Invoices were issued to Regiments Securities or Regiments Capital by Trillian and Albatime, which Regiments paid. The invoices relating to these payments are included in the bundle, marked consolidated invoices.
28. There has been considerable controversy over these payments subsequently, Regiments lost the TSDBF mandate in August 2016 and it has been locked in litigation with TSDBF since August 2017 over the fee paid to Trillian and Albatime.

Yours faithfully,

  
SMIT SEWGOOLAM INC.

per: OC JONKER



UNITED STATES CAPTURE

### Payment schedules in respect of Transnet Coal

Homix

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	30-May-14	0088	Coal Optimisation (work done to 30 May 2014) Out of pocket expenses and support services included	Coal	R 1 634 000.01
	30-Jun-14	0122	Coal Line Optimisation (work done to 30 June 2014) Out of pocket expenses and support services included	Coal	R 7 649 423.94
	30-Jun-14	0132	Coal Line Optimisation (work done to 30 June 2014) Out of pocket expenses and support services included	Coal	R 152 926.06
	31-Jul-14	0154	Coal Line Breakthrough (work done to 31 July 2014) Out of pocket expenses and support services included	Coal	R 3 594 799.95
	31-Aug-14	0193	Coal Line Breakthrough (work done to 31 August 2014) Out of pocket expenses and support services included	Coal	R 3 594 800.00
	30-Sep-14	0240	Coal Line Breakthrough (work done to 30 September 2014) Out of pocket expenses and support services included	Coal	R 3 594 800.00
	31-Oct-14	0260	Transnet Coal Line Breakthrough (work done to 30 October 2014) Out of pocket expenses and support services included	Coal	R 6 437 200.00
	30-Nov-14	0323	Transnet Coal Line Breakthrough (work done to 30 November 2014) Out of pocket expenses and support services included	Coal	R 2 675 200.00
	02-Jan-15	0382	Transnet Coal Line Breakthrough (work done to 30 December 2014) Out of pocket expenses and support services included	Coal	R 2 346 666.35
	02-Jan-15	385	Transnet Coal Line Breakthrough (work done to 30 December 2014) Out of pocket expenses and support services included	Coal	R 328 533.30



31-Jan-15	407	Transnet Coal Line Breakthrough (work done to 31 January 2015) Out of pocket expenses and support services included	Coal	R 2 675 200.00
28-Feb-15	424	Transnet Coal Line Breakthrough (work done to 28 February 2015) Out of pocket expenses and support services included	Coal	R 2 675 200.00
<b>Total</b>			<b>R</b>	<b>37 358 750</b>

**Albatime**

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	22-Jul-14	REG118	Coal	Coal	R 721 717.38
	18-Nov-14	REG124	TRX Coal	Coal	R 359 480.00
	18-Nov-14	REG124	TRX Coal	Coal	R 359 480.00
	18-Nov-14	REG124	TRX Coal	Coal	R 359 480.00
	27-Nov-14	REG125	TRX Coal	Coal	R 643 720.00
	27-Jan-15	REG126	TRX Coal	Coal	R 267 520.00
	27-Jan-15	REG126	TRX Coal	Coal	R 267 520.00
	11-Mar-15	REG129	TRX Coal Jan	Coal	R 267 520.00
	12-Mar-15	REG130	Coal	Coal	R 267 520.00
	06-Jul-15	REG140	COAL010 march	Coal	R 66 880.38
	06-Jul-15	REG140	COAL012 April	Coal	R 713 212.50
	06-Jul-15	REG140	Coal May	Coal	R 211 612.50
	18-Aug-15	REG141	TRX COAL014	Coal	R 623 875.45
	02-Sep-15	REG143	TRXCOAL015	Coal	R 1 434 576.00
	01-Oct-15	REG146	TRXCOAL015	Coal	R 270 571.40
Total				R	6 834 686

### Payment schedules in respect of Transnet Manganese

#### Homix

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	30-May-14	0091	Manganese Project Management of Line Upgrade (work done to 30 May 2014) Out of pocket expenses and support services included	Manganese Execution Support	R 3 053 750.00
	30-Jun-14	0120	Manganese Project Management of Line Upgrade (Work done to 30 June 2014) Out of pocket expenses and support services included	Manganese Execution Support	R 4 325 328.72
	30-Jun-14	0130	Manganese Project Management of Line Upgrade (Work done to 30 June 2014) Out of pocket expenses and support services included	Manganese Execution Support	R 86 471.28
	31-Jul-14	0155	Transnet Manganese Execution Support (work done to 31 July 2014) Out of pocket expenses and support services included	Manganese Execution Support	R 4 411 800.00
	31-Aug-14	0191	Transnet Manganese Execution Support (work done to 31 August 2014) Out of pocket expenses and support services included	Manganese Execution Support	R 4 411 800.00
<b>Total</b>					<b>R 16 299 150</b>

## Albatime

Doc No	Date	Invoice Number	Description	Project	Amount (Ind. VAT)
	17-Mar-14	REG97	SWAT Managanese	Manganese Execution Support	R 84 076.08
	22-Jul-14	REG118	Maganese	Manganese Execution Support	R 408 091.50
	15-Aug-14	REG122	Managanese	Manganese Execution Support	R 441 180.00
	06-Oct-14	REG123	Maganese	Manganese Execution Support	R 441 180.00
	06-Jul-15	REG140	Maganese Mega Project	Manganese Megaproject Execution	R 344 083.67
	18-Aug-15	REG141	TRX MANG002	Maganese Megaproject Execution	R 344 083.67
	01-Oct-15	REG146	TRXMAN003 july	Maganese Megaproject Execution	R 344 083.67
	01-Oct-15	REG146	TRXMAN003 august	Maganese Megaproject Execution	R 344 083.67
	31-Jan-16	Reg 151	TRXMANG	Maganese Megaproject Execution	R 344 083.66
	02-Nov-15	REG147	TRXMANG005	Maganese Megaproject Execution	R 344 083.67
	07-Dec-15	REG148	TRXMANG006	Maganese Megaproject Execution	R 344 083.67
<b>Total</b>					<b>R 3 783 114</b>

### Payment schedules in respect of Transnet Iron Ore

#### Homix

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	30-May-14	0090	Iron Ore Negotiating (work done to 30 May 2014)	Iron Ore	R 2 451 000.00
	30-Jun-14	0125	Out of pocket expenses and support services included Iron Ore Negotiating (work done to 30 June 2014)	Iron Ore	R 2 144 625.00
	31-Jul-14	0156	Out of pocket expenses and support services included Transnet Iron Ore Renegotiation (work done to 31 July 2014)	Iron Ore	R 2 757 375.00
	28-Feb-15	427	Out of pocket expenses and support services included Transnet Iron Ore (work done to 28 February 2015)	Iron Ore	R 5 016 000.00
	28-Feb-15	432	Out of pocket expenses and support services included Transnet Iron Ore (work done to 28 February 2015)	Iron Ore	R -456 000.00
			Out of pocket expenses and support services included		
<b>Total</b>					<b>R 11 913 000</b>

#### Albatime

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	22-Jul-14	REG118	Iron Ore	Iron Ore	R 198 377.81
	15-Aug-14	REG122	Iron Ore	Iron Ore	R 275 737.50
	12-Mar-15	REG130	TRXIO004	Kumba Iron Ore	R 456 000.00
	06-Jul-15	REG140	Kumba IO April	Kumba Iron Ore	R 67 089.00
	06-Jul-15	REG140	Kumba IO May	Kumba Iron Ore	R 263 910.00
<b>Total</b>					<b>R 1 261 114</b>

**Payment schedules in respect of Transnet GFB**

**Albatime**

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	24-Aug-15	REG142	TRX GFB May and June	GFB Breakthrough	R 185 592.00
	24-Aug-15	REG142	TRX GFB May and June	GFB Breakthrough	R 250 800.00
	17-Sep-15	REG145	TRXGFB0003	GFB Breakthrough	R 407 550.00
	01-Oct-15	REG146	TRXGFB	GFB Breakthrough	R 470 250.00
	21-Feb-16	Reg 154	GFB0005	GFB Breakthrough	R 470 250.00
	31-Jan-16	Reg 151	TRXGFB	GFB Breakthrough	R 226 645.73
<b>Total per Annexure F4</b>					<b>R 2 011 088</b>



### Payments schedules in respect of Transnet 1064

#### Albatime

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
93	03-Mar-14	303142	TA Loco 1064 FRM Work Part 1	Loco 1064	R 342 000.00
93	03-Mar-14	303142	TA Loco 1064 TCO Work Part 1	Loco 1064	R 228 000.00
93	03-Mar-14	303142	TA Loco 1064 FRM Work Part 2	Loco 1064	R 342 000.00
93	03-Mar-14	303142	TA Loco 1064 TCO Work Part 2	Loco 1064	R 171 000.00
93	03-Mar-14	303142	TA Loco 1064 TE Work	Loco 1064	R 114 000.00
94	01-Apr-14	REG103	Transaction Advisory TCO	Loco 1064	R 57 000.00
95	01-Apr-14	REG102	Transaction Advisory Fees	Loco 1064	R 285 000.00
96	02-May-14	REG116	Outperformance Fee	Loco 1064	R 2 573 550.00
97	02-May-14	REG117	TA Outperformance Portion	Loco 1064	R 57 000.00
98	17-Jun-15	REG137	TRXFR00001	Debt origination \$1.5 billion - China Development Bank	R 5 677 200.00
<b>Total</b>					<b>R 9 846 750</b>

#### Albatime - Bank of Baroda Account

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	22-Jun-15	REG138	CDB	Debt origination \$1.5 billion - China Development Bank	R 141 930 000.00
<b>Total</b>					<b>R 141 930 000</b>

### Payment schedules in respect of Transnet NMPP

Homix

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	30-May-14	0085	NMPP Acceleration Consulting (work done to 30 May 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 1 838 250.00
	30-Jun-14	0123	NMPP Acceleration Consulting (work done to 30 June 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 628 681.50
	30-Jun-14	0133	NMPP Acceleration Consulting (work done to 30 June 2014) Out of pocket expenses and support services included	NMPP Acceleration	R -15 931.50
	31-Jul-14	0157	NMPP Acceleration (work done to 31 July 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 2 978 645.82
	31-Aug-14	0194	NMPP Acceleration (work done to 31 August 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 3 002 475.00
	30-Sep-14	0239	NMPP Acceleration (work done to 30 September 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 3 002 475.00
	31-Oct-14	0261	NMPP Acceleration (work done to 30 October 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 7 461 300.00
	30-Nov-14	0324	NMPP Acceleration (work done to 30 November 2014) Out of pocket expenses and support services included	NMPP Acceleration	R 7 461 300.00

	02-Jan-15	0383	NMPP Acceleration (work done to 30 December 2014) Out of pocket expenses and support services included	NMPP Acceleration	R	4 797 069.19
	02-Jan-15	0386	NMPP Acceleration (work done to 30 December 2014) Out of pocket expenses and support services included	NMPP Acceleration	R	671 589.68
	31-Jan-15	408	NMPP Acceleration (work done to 31 January 2015) Out of pocket expenses and support services included	NMPP Acceleration	R	7 461 300.00
	28-Feb-15	425	NMPP Acceleration (work done to 28 February 2015) Out of pocket expenses and support services included	NMPP Acceleration	R	2 565 000.00
	31-Mar-15	451	NMPP Acceleration (work done to 31 March 2015) Out of pocket expenses and support services	NMPP Acceleration	R	1 973 916.78
	30-Apr-15	502	NMPP Acceleration (work done to 30 April 2015)	NMPP Acceleration	R	1 973 916.78
<b>Total</b>					<b>R</b>	<b>45 799 988</b>

## Albatime

Doc No	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	22-Jul-14	REG118	NMPP	NMPP Acceleration	R 56 679.38
	15-Aug-14	REG122	NMPP	NMPP Acceleration	R 297 864.57
	06-Oct-14	REG123	NMPP	NMPP Acceleration	R 300 133.50
	18-Nov-14	REG124	NMPP	NMPP Acceleration	R 300 247.50
	27-Nov-14	REG125	NMPP	NMPP Acceleration	R 746 130.00
	27-Jan-15	REG126	NMPP	NMPP Acceleration	R 746 130.00
	27-Jan-15	REG126	NMPP	NMPP Acceleration	R 546 865.89
	12-Mar-15	REG130	NMPP10	NMPP Acceleration	R 746 130.00
	12-Mar-15	REG130	NMPP11	NMPP Acceleration	R 256 500.00
	26-May-15	REG135	NMPP	NMPP Acceleration	R 197 391.68
	26-May-15	REG136	NMPP	NMPP Acceleration	R 197 391.68
	06-Jul-15	REG140	NMPP may	NMPP Acceleration	R 213 750.00
	18-Aug-15	REG141	TRX NMPP	NMPP Acceleration	R 181 033.36
	01-Oct-15	REG146	TRXNMPP0015	NMPP Acceleration	R 238 931.46
	02-Nov-15	REG147	TRXNMPP0017	NMPP Acceleration	R 250 800.00
	07-Dec-15	REG148	TRXNMPP0018	NMPP Acceleration	R 250 800.00
	31-Jan-16	Reg 151	NMPP	NMPP Acceleration	R 125 400.00
<b>Total per Annexure F6</b>					<b>R 5 652 179</b>

### Payment schedules in respect of Transnet TSDBF

#### Homix

Date	Invoice Number	Description	Project	Amount (Incl. VAT)
30-May-14	0096	Transnet Second Defined Benefit Fund Consulting Service (work done to 30 May)	2nd Defined Benefit Fund	R 3 990 000.00
<b>Total</b>				<b>R 3 990 000</b>

#### Albatime

Date	Invoice Number	Description	Project	Amount (Incl. VAT)
03-Mar-14	303141	TSDBF Design Phase 1	2nd Defined Benefit Fund	R 153 900.00
03-Mar-14	303141	TSDBF Design Phase 2	2nd Defined Benefit Fund	R 570 000.00
01-Apr-14	REG101	TSDBF Design Work	2nd Defined Benefit Fund	R 399 000.00
02-May-14	REG115	TSDBF Design Work (April 2014)	2nd Defined Benefit Fund	R 399 000.00
22-Jul-14	REG118	2nd Defined Benefit	2nd Defined Benefit Fund	R 369 075.00
<b>Total</b>				<b>R 1 890 975</b>



Payment schedules in respect of Denel SOC

Albatime (Pty) Ltd Invoice to Regiments Capital (Pty) Ltd					
Date	Invoice Number	Description	Project	Amount (incl. VAT)	
21-Feb-16	Reg 155	SAA010 SACOL	SA Express	R 139 650.00	
		Denel	SAFCOL - Development of funding plan DEN11/15	R 88 065.00	
				R 228 000.00	
			<b>Total</b>	<b>R 228 000.00</b>	

### Payment schedules in respect of SA Express

Albatime (Pty) Ltd Invoice to Regiments Capital (Pty) Ltd					
Date	Invoice Number	Description	Project	Amount (Incl. VAT)	
21-Feb-16	Reg 155	SAA010 SACOL	SA Express	R 139 650.00	
		Denel	SAFCOL - Development of funding plan	R 88 065.00	
				R 228 000.00	
			<b>Total</b>	<b>R 139 650.00</b>	

**Payment schedules in respect of McKinsey (SAA)**

Albatime (Pty) Ltd Invoice to Regiments Capital (Pty) Ltd				
Date	Invoice Number	Description	Project	Amount (Incl. VAT)
26-May-15	REG134	SAA HR Jan	SAA HR Strategy	312 075.00
				62 451.48
			<b>Total</b>	<b>R 312 075.00</b>

### Payment schedules in respect of SAFCOL

Hornix (Pty) Ltd Invoice to Regiment's Capital (Pty) Ltd					
Doc No.	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
163	15-Apr-15	473	Fees - Safcol Development for evaluation of initiatives Out of pocket expenses and support services	SAFCOL	R 456 000.00 R 22 800.00
164	15-Apr-15	472	Fees - Safcol Strategic Analysis Out of pocket expenses and support services	SAFCOL	R 1 425 000.00 R 71 250.00
<b>Total</b>					<b>R 1 975 050.00</b>

Albatime (Pty) Ltd Invoice to Regiment's Capital (Pty) Ltd					
	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	29-Apr-15	REG132	Safcol 1001 Safcol 1002	SAFCOL - Development of standard template for evaluation of initiatives SAFCOL - Strategic analysis	R 47 880.00 R 149 625.00
	21-Feb-16	Reg 155	SAA010 SACOL Denel	SA Express SAFCOL - Development of funding plan	R 139 650.00 R 88 065.00 R 228 000.00
<b>Total</b>					<b>R 285 570.00</b>

**Payment schedules in respect of Transnet HR Strategy**

**Homix**

Doc.No	Date	Invoice Number	Description	Project	Amount (incl. VAT)
165	30-Nov-14	0320	Transnet TCP HR Strategy (work done to 30 October 2014)	HR Strategy	R 1 688 187.53
166	30-Nov-14	0325	Out of pocket expenses and support services included Transnet TCP HR Strategy (work done to 30 November 2014)	HR Strategy	R 2 767 301.56
<b>Total per Annexure F13</b>					<b>R 4 455 489</b>

**Albatime**

Date	Invoice Number	Description <sup>16</sup>	Project	Amount (incl. VAT)
27-Nov-14	REG125	Capital Project HR Strategy	HR Strategy	R 168 818.75
16-Feb-15	REG128	HR Strategy	HR Strategy	R 276 730.16
<b>Total per Annexure F13 - updated</b>				<b>R 445 549</b>



### Payment schedules in respect of Transnet SWAT

Homix

	Date	Invoice Number	Description	Project	Amount (Incl. VAT)
	23-May-14	0076	Transnet SWAT Capital Savings Progress Payment SWAT Phase 1	Swot 1	R 21 660 000.00
	30-Apr-14	0060	Transnet Capital Projects - Project Factory (work done to 30 April 2014) Professional fees and out of pocket expenses and support services included	Project Factory	R 1 360 795.20
	30-Apr-14	0061	Transnet SWAT Capital Savings (work done to 30 April 2014) Out of pocket expenses and support services included	Capital Room and Business Case	R 1 680 282.48
	30-May-14	0081	Transnet Capital Projects - Project Factory (work done to 30 May 2014) Out of pocket expenses and support services included	Project Factory	R 1 830 665.72
	30-May-14	0084	Transnet SWAT Capital Savings (work done to 30 May 2014) Out of pocket expenses and support services included	Capital Room and Business Case	R 2 191 349.18
	30-Jun-14	0124	Transnet Capital Projects - Project Factory (work done to 30 June 2014) Professional fees and out of pocket expenses and support services included	Project Factory	R 1 654 425.00
	30-Jun-14	0121	Transnet SWAT Capital Savings (work done to 30 June 2014) Out of pocket expenses and support services included	Capital Room and Business Case	R 1 922 368.32
	30-Jun-14	0131	Transnet SWAT Capital Savings (work done to 30 June 2014) Out of pocket expenses and support services included	Capital Room and Business Case	R 38 431.68
	31-Jul-14	0153	Transnet Capital Allocation Project (work done to 31 July 2014) Out of pocket expenses and support services included	Capital Projects	R 1 960 800.00
	31-Aug-14	0199	Transnet Capital Allocation Project (work done to 31 August 2014) Out of pocket expenses and support services included	Capital Org	R 612 750.00

31-Oct-14	0264	DBN Warroom (work done to 30 October 2014) Out of pocket expenses and support services included	Durban Warroom	R	1 070 615.04
31-Oct-14	0263	PLP (work done to 30 October 2014) Out of pocket expenses and support services included	Project LifeCycle Process	R	1 552 853.28
30-Nov-14	0321	DBN Warroom (work done to 30 November 2014) Out of pocket expenses and support services included	Durban Warroom	R	870 326.16
30-Nov-14	0326	GCIA Portfolio Optimisation (work done to 30 November 2014) Out of pocket expenses and support services included	GCIA Portfolio Optimisation	R	1 722 695.04
30-Nov-14	0322	PLP (work done to 30 November 2014) Out of pocket expenses and support services included	Project LifeCycle Process	R	1 316 700.00
30-Nov-14	0328	PLP (work done to 30 November 2014) Out of pocket expenses and support services included	Project LifeCycle Process	R	50 567.55
02-Jan-15	0392	DBN Warroom (work done to 30 December 2014) Out of pocket expenses and support services included	Durban Warroom	R	646 060.80
02-Jan-15	0390	GCIA Portfolio Optimisation (work done to 30 December 2014) Out of pocket expenses and support services included	GCIA Portfolio Optimisation	R	680 420.40
02-Jan-15	0391	PLP (work done to 30 December 2014) Out of pocket expenses and support services included	Project LifeCycle Process	R	679 818.48
31-Jan-15	416	Durban Container Terminal (work done to 31 January 2015) Out of pocket expenses and support services included	Durban Container Terminal Support	R	439 000.32
31-Jan-15	415	GCIA Portfolio Optimisation (work done to 31 January 2015) Out of pocket expenses and support services included	GCIA Portfolio Optimisation	R	332 410.32
31-Jan-15	417	SWAT 2 (work done to 31 January 2015) Out of pocket expenses and support services included	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	451 527.78

28-Feb-15	426	Durban Container Terminal (work done to 28 February 2015) Out of pocket expenses and support services included	Durban Container Terminal Support	R	1 241 560.32
28-Feb-15	428	GCIA Portfolio Optimisation (work done to 28 February 2015) Out of pocket expenses and support services included	GCIA Portfolio Optimisation	R	1 532 739.12
28-Feb-15	429	SWAT 2 (work done to 28 February 2015) Out of pocket expenses and support services included	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	1 447 554.90
31-Mar-15	452	Durban Container Terminal (work done to 31 March 2015) Out of pocket expenses and support services	Durban Container Terminal Support	R	1 075 831.68
31-Mar-15	453	GCIA Portfolio Optimisation (work done to 31 March 2015) Out of pocket expenses and support services	GCIA Portfolio Optimisation	R	1 376 756.57
31-Mar-15	454	SWAT 2 (work done to 31 March 2015) Out of pocket expenses and support services	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	1 115 851.21
<b>Total</b>				<b>R</b>	<b>52 515 157</b>

## Albatime

Date	Invoice Number	Description	Project	Amount (incl. VAT)
17-Mar-14	REG100	Capital Allocation (All work from Start to Feb 2014)	Capital Projects	R 123 681.79
02-May-14	REG117	SWAT Progress Part 1	Swot 1	R 205 200.00
17-Mar-14	REG100	TCP Project Factory	Project Factory	R 56 088.00
17-Mar-14	REG98	War Room Feb 2014 Work	Capital Room and Business Case	R 120 384.00
01-Apr-14	REG105	TCP Project Factory	Project Factory	R 109 485.60
02-May-14	REG117	SWAT Progress Part 2	Swot 1	R 125 400.00
01-Apr-14	REG104	TCP Capital Room	Capital Room and Business Case	R 162 518.40
01-Jun-14	REG119	SWAT Progress Part 3 (R20 million)	Swot 1	R 228 000.00
22-Jul-14	REG118	TCP Project Factory	Project Factory	R 153 034.32
22-Jul-14	REG118	Capital Room and Business Case	Capital Room and Business Case	R 181 374.00
15-Aug-14	REG122	Capital Projects	Capital Projects	R 196 080.00
06-Oct-14	REG123	Capital Projects	Capital Org	R 280 155.00
27-Nov-14	REG125	Durban War Room	Durban Warroom	R 107 061.50
27-Nov-14	REG125	GCIA Portfolio	GCIA Portfolio Optimisation	R 196 725.51
27-Nov-14	REG125	Project Life Cycle Process	Project LifeCycle Process	R 155 285.33
05-Feb-15	REG127	Durban Warroom	Durban Warroom	R 87 032.62
05-Feb-15	REG127	GCIA Portfolio	GCIA Portfolio Optimisation	R 172 269.50
05-Feb-15	REG127	Project Life Cycle Process	Project LifeCycle Process	R 136 726.76
05-Feb-15	REG127	Durban Warroom	Durban Warroom	R 64 606.08
05-Feb-15	REG127	GCIA portfolio	GCIA Portfolio Optimisation	R 68 042.04
05-Feb-15	REG127	Project Lifecycle process	Project LifeCycle Process	R 67 981.85
29-Apr-15	REG131	Durban Container Terminal	Durban Container Terminal	R 43 900.02
29-Apr-15	REG131	CGIA TRX 5	Support	R 33 241.03
29-Apr-15	REG131	CGIA TRX 5	GCIA Portfolio Optimisation	R 33 241.03



	29-Apr-15	REG131	GCIA Swat 2	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	45 152.78
	29-Apr-15	REG131	Durban container Terminal 2	Durban Container Terminal Support	R	124 156.02
	29-Apr-15	REG131	GCIA TRX 6	GCIA Portfolio Optimisation	R	153 273.90
	29-Apr-15	REG131	GCIA Swat 2 TRX2	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	144 755.49
	26-May-15	REG135	Durban container Terminal	Durban Container Terminal Support	R	107 583.17
	26-May-15	REG135	GCIA	GCIA Portfolio Optimisation	R	137 675.66
	26-May-15	REG135	Swat 2	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	111 585.12
	03-Jul-15	REG139	TRXGCIA008	GCIA Portfolio Optimisation	R	166 367.23
	03-Jul-15	REG139	TRXIES0004	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	106 632.39
	06-Jul-15	REG140	GCIA may	GCIA Portfolio Optimisation	R	171 273.60
	06-Jul-15	REG140	GCIA SWAT2 IES May	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	103 970.28
	18-Aug-15	REG141	TRX GCIA010	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	88 940.90
	18-Aug-15	REG141	TRX IES006	GCIA - SWAT2 Capital Reporting and Budgeting Support	R	190 796.60



06-Jul-15	REG140	GCIA Saldhana Support	GCIA - Saldanha Support	R	116 729.16
18-Aug-15	REG141	TRX SAL0002	GCIA - Saldanha Support	R	146 252.91
01-Oct-15	REG146	TRXGCIA011	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	96 606.34
01-Oct-15	REG146	TRXIES0007	GCIA - SWAT2 Capital Reporting and Budgeting Support	R	205 508.91
04-Sep-15	REG144	TRX GCIA, IES, DOBE	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	96 606.34
04-Sep-15	REG144	TRX GCIA, IES, DOBE	GCIA - SWAT2 Capital Reporting and Budgeting Support	R	205 508.91
02-Nov-15	REG147	TRXGCIA013	GCIA - SWAT2 Implementation, Embedding and Sustainability	R	55 135.80
02-Nov-15	REG147	TRXIES0009	GCIA - SWAT2 Capital Reporting and Budgeting Support	R	102 050.71
02-Nov-15	REG147	TRXSWIBC0001	SWAT2 General Freight Business Case	R	175 561.60
07-Dec-15	REG148	TRXIES00010	GCIA - SWAT2 Capital Reporting and Budgeting Support	R	114 012.08
07-Dec-15	REG148	TRXSWIBC0001	SWAT2 General Freight Business Case	R	177 495.80
04-Sep-15	REG144	TRX GCIA, IES, DOBE	Project LifeCycle Process Adobe Tool Integration	R	51 189.71
Total				R	6 269 095

HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 771 5537  
FAX: +27 12 771 5537  
[www.homix.co.za](http://www.homix.co.za)

# TAX INVOICE

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/05/2014  
INVOICE NO: 0088  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

## INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS

HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 771 5537  
FAX: +27 12 771 5537  
[www.homix.co.za](http://www.homix.co.za)

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE:	30/06/2014
INVOICE NO:	0122
ORDER NO:	
PROJECT:	Coal
CONTACT:	
ACC. NO:	REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

## TAX INVOICE

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

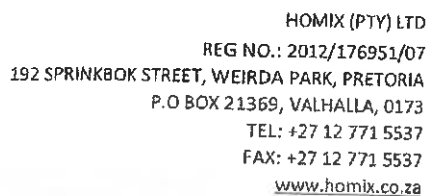
DATE:	30/06/2014
INVOICE NO:	0132
ORDER NO:	
PROJECT:	Coal
CONTACT:	
ACC. NO:	REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Coal Line Optimisation( work done to 30 June 2014)	R 6 844 166,67	R 6 844 166,67
	Out of pocket expenses and support services included		
		SUB TOTAL	R 6 844 166,67
		VAT	R 958 183,33
		TOTAL	R 7 802 350,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 31/07/2014  
INVOICE NO: 0154  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet:Coal Line Breakthrough	R 2 933 333,29	R 2 933 333,29
	Out of pocket expenses and support services (work done to 31 July 2014)	R 220 000,00	R 220 000,00
		SUB TOTAL	R 3 153 333,29
		VAT	R 441 468,66
		TOTAL	R 3 594 799,95

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**



HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 771 5537  
FAX: +27 12 771 5537  
[www.homix.co.za](http://www.homix.co.za)

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 31/08/2014  
INVOICE NO: 0193  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet:Coal Line Breakthrough	R 2 933 333,33	R 2 933 333,33
	Out of pocket expenses and support services (work done to 31 August 2014)	R 220 000,00	R 220 000,00
		<b>SUB TOTAL</b>	R 3 153 333,33
		VAT	R 441 466,67
		<b>TOTAL</b>	R 3 594 800,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

# TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

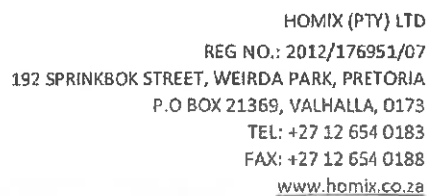
DATE: 30/09/2014  
INVOICE NO: 0240  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet:Coal Line Breakthrough	R 2 933 333,33	R 2 933 333,33
	Out of pocket expenses and support services (work done to 30 September 2014)	R 220 000,00	R 220 000,00
<b>SUB TOTAL</b>			R 3 153 333,33
<b>VAT</b>			R 441 466,67
<b>TOTAL</b>			R 3 594 800,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**



VAT No.:4880263159

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/10/2014  
INVOICE NO: 0260  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet:Coal Line Breakthrough	R 5 252 713,18	R 5 252 713,18
	Out of pocket expenses and support services (work done to 30 October 2014)	R 393 953,49	R 393 953,49
		<b>SUB TOTAL</b>	R 5 646 666,67
		VAT	R 790 533,33
		<b>TOTAL</b>	R 6 437 200,00

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS

HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 654 0183  
FAX: +27 12 654 0188  
[www.homix.co.za](http://www.homix.co.za)

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 30/11/2014  
INVOICE NO: 0323  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Transnet:Coal Line Breakthrough	R 2 133 333,33	R 2 133 333,33
	Out of pocket expenses and support services (work done to 30 November 2014)	R 213 333,33	R 213 333,33
		SUB TOTAL	R 2 346 666,66
		VAT	R 328 533,33
		TOTAL	R 2 675 200,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

**TAX INVOICE**

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 02/01/2015  
INVOICE NO: 0382  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet:Coal Line Breakthrough	R 1 871 344,78	R 1 871 344,78
	Out of pocket expenses and support services (work done to 30 December 2014)	R 187 134,48	R 187 134,48
		<b>SUB TOTAL</b>	R 2 058 479,26
		VAT	R 288 187,10
		<b>TOTAL</b>	R 2 346 666,35

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**



**TAX INVOICE****INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE:	02/01/2015
INVOICE NO:	385
ORDER NO:	
PROJECT:	Coal
CONTACT:	
ACC. NO:	REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

## TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 31/01/2015  
INVOICE NO: 407  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet:Coal Line Breakthrough	R 2 133 333,33	R 2 133 333,33
	Out of pocket expenses and support services (work done to 31 January 2015)	R 213 333,33	R 213 333,33
		<b>SUB TOTAL</b>	R 2 346 666,66
		VAT	R 328 533,33
		<b>TOTAL</b>	R 2 675 200,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS

# TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

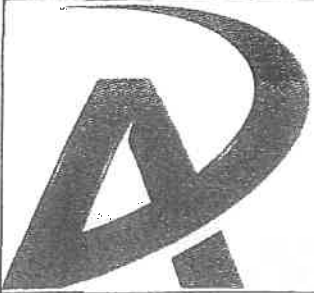
DATE: 28/02/2015  
INVOICE NO: 424  
ORDER NO:  
PROJECT: Coal  
CONTACT:  
ACC. NO: REC001


<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet Coal Line Breakthrough	R 2 133 333,33	R 2 133 333,33
	Out of pocket expenses and support services (work done to 28 February 2015)	R 213 333,33	R 213 333,33
		<b>SUB TOTAL</b>	R 2 346 666,66
		VAT	R 328 533,33
		<b>TOTAL</b>	R 2 675 200,00

**ACCOUNT DETAILS:**

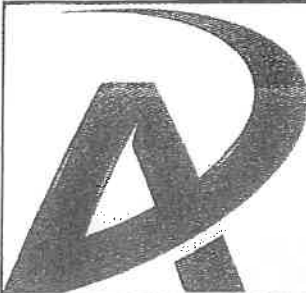
BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

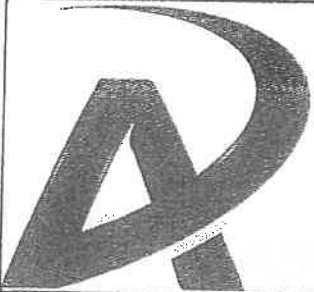
**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
		<b>Tax Invoice</b>	
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 22/7/2014 Invoice #: <b>REG118</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TCP Project Factory	R 134 240,63	R 134 240,63
2	2nd Defined Benefit	R 323 750,00	R 323 750,00
3	Manganese	R 357 975,00	R 357 975,00
4	Capital Room and Business Case	R 159 100,00	R 159 100,00
5	Coal	R 633 085,42	R 633 085,42
6	Iron Ore	R 174 015,62	R 174 015,62
7	NMPP	R 49 718,75	R 49 718,75
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total: R 1 831 885,42 VAT: R 256 463,96 <b>Total Due: R 2 088 349,38</b>	

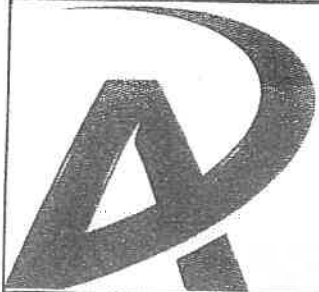
 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za	
		www.albatime.co.za	
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	18-Nov-14
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG124</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	erico@regiments.co.za		
Quantity	Description	Unit Price	Total
1	TRX Coal		R359 480.00
2	TRX Coal		R359 480.00
3	TRX Coal		R359 480.00
4	NMPP		R300 247.50
Banking Details: Albatime		Sub-Total	R 1209 375.00
Bank: ABSA		VAT	<b>R 169 312.50</b>
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R1 378 687.50</b>



 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodiey Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0890 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 27-Nov-14 Invoice # <b>REG125</b> VAT Number: 4870254267  Telephone: 011 715 0300	
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	TRX Coal		R643 720.00
2	GCIA Portfolio		R196 725.51
3	NMPP		R746 130.00
4	Durban war room		R107 061.60
5	Project Life Cycle Process		R155 285.33
6	Capital Project Hr Strategy		R168 818.75
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b>  <b>Total Due</b>	R 1 769 948.32 <b>R247 792.77</b>  <b>R 2 017 741.08</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za																									
<b>Tax Invoice</b>																									
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>	Date: 27-Jan-15 Invoice #: <b>REG126</b> VAT Number: 4870254267 Telephone: 011 715 0300																								
<table border="1"> <thead> <tr> <th>Quantity</th> <th>Description</th> <th>Unit Price</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>TRX Coal</td> <td></td> <td>R234 666.67</td> </tr> <tr> <td>2</td> <td>NMPP</td> <td></td> <td>R654 500.00</td> </tr> <tr> <td>3</td> <td>Capital Projects HR Recruitment</td> <td></td> <td>R64 901.92</td> </tr> <tr> <td>4</td> <td>TRx Coal</td> <td></td> <td>R234 666.67</td> </tr> <tr> <td>5</td> <td>NMPP</td> <td></td> <td>R479 706.92</td> </tr> </tbody> </table>	Quantity	Description	Unit Price	Total	1	TRX Coal		R234 666.67	2	NMPP		R654 500.00	3	Capital Projects HR Recruitment		R64 901.92	4	TRx Coal		R234 666.67	5	NMPP		R479 706.92	
Quantity	Description	Unit Price	Total																						
1	TRX Coal		R234 666.67																						
2	NMPP		R654 500.00																						
3	Capital Projects HR Recruitment		R64 901.92																						
4	TRx Coal		R234 666.67																						
5	NMPP		R479 706.92																						
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747	<table border="1"> <tr> <td>Sub-Total</td> <td>R 1 668 442.18</td> </tr> <tr> <td>VAT</td> <td><b>R233 581.86</b></td> </tr> <tr> <td><b>Total Due</b></td> <td><b>R 1 902 024.04</b></td> </tr> </table>	Sub-Total	R 1 668 442.18	VAT	<b>R233 581.86</b>	<b>Total Due</b>	<b>R 1 902 024.04</b>																		
Sub-Total	R 1 668 442.18																								
VAT	<b>R233 581.86</b>																								
<b>Total Due</b>	<b>R 1 902 024.04</b>																								

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>	Date: 11-Mar-15 Invoice #: <b>REG129</b> VAT Number: 4870254267 Telephone: 011 715 0300		
Quantity	Description	Unit Price	Total
1	TRX Coal Jan		R234 666.67
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> Total Due	R234 666.67 <b>R32 853.33</b> <b>R 267 520.00</b>

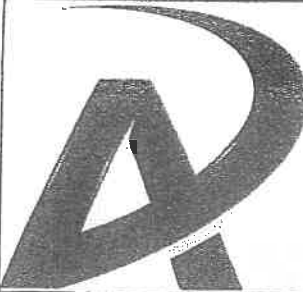
 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	12-Mar-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG130</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	TRXIO004		R 400 000.00
2	NMPP10		R 654 500.00
3	Coal		R 234 666.67
4	NMPP11		R 225 000.00
Banking Details: Albatime		Sub-Total	R 1 514 166.67
Bank: ABSA		VAT	<b>R 211 983.33</b>
Branch: 632005		Total Due	<b>R 1 726 150.00</b>
Account No.: 4078529747			

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za	
www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 06-Jul-15 Invoice #: <b>REG140</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	COAL010 march		R 58 667,00
2	COAL012 April		R 625 625,00
3	Kumba IO April		R 58 850,00
4	Coal May		R 185 625,00
5	GCIA may		R 150 240,00
6	NMPP may		R 187 500,00
7	GCIA SWAT2 IES May		R 91 202,00
8	Kumba IO May		R 231 500,00
9	GFB		R 162 800,00
10	GCIA Saldhana Support		R 102 394,00
11	Manganese Mega project		R 301 828,00
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 2 156 231,00
Bank: ABSA Wealth		VAT	R 301 872,34
Branch: 632005			
Account No.: 4078529747		Total Due	R 2 458 103,34



 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 18-Aug-15 Invoice # <b>REG141</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRX MANG002		R 301 827.78
2	TRX COAL014		R 547 259.17
3	TRC GCIA010		R 78 018.33
4	TRX IES006		R 167 365.44
5	TRX SAL0002		R 128 292.03
6	TRX NMPP		R 158 801.19
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 1 381 563.94
Bank: ABSA Wealth		VAT	R 193 418.95
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 1 574 982.89</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za									
		<b>Tax Invoice</b>							
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za		Date: 02-Sep-15 Invoice #: <b>REG143</b> VAT Number: 4870254267 Telephone: 011 715 0300							
Quantity	Description	Unit Price	Total						
1	TRXCOAL015		R 1 258 400.00						
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total VAT Total Due	<table border="1"> <tr> <td>R</td> <td>1 258 400,00</td> </tr> <tr> <td>R</td> <td>176 176,00</td> </tr> <tr> <td>R</td> <td>1 434 576,00</td> </tr> </table>	R	1 258 400,00	R	176 176,00	R	1 434 576,00
R	1 258 400,00								
R	176 176,00								
R	1 434 576,00								

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za									
<b>Tax Invoice</b>									
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 01-Oct-15 Invoice #: <b>REG146</b> VAT Number: 4870254267 Telephone: 011 715 0300							
Quantity	Description	Unit Price	Total						
1	TRXMAN003 july		R 344 083,67						
2	TRXCOAL015		R 270 571,40						
3	TRXGCIA011		R 96 606,34						
4	TRXNMPP015		R 238 931,46						
5	TRXIES0007		R 205 508,91						
6	TRXGBF		R 470 250,00						
7	TRXMAN003 august		R 344 083,67						
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> Total Due	<table border="1"> <tr> <td>R</td> <td>1 728 101,27</td> </tr> <tr> <td>R</td> <td><b>241 934,18</b></td> </tr> <tr> <td>R</td> <td><b>1 970 035,45</b></td> </tr> </table>	R	1 728 101,27	R	<b>241 934,18</b>	R	<b>1 970 035,45</b>
R	1 728 101,27								
R	<b>241 934,18</b>								
R	<b>1 970 035,45</b>								

## TAX INVOICE

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

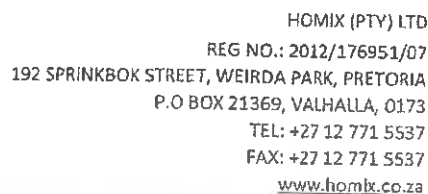
DATE: 30/05/2014  
INVOICE NO: 0091  
ORDER NO:  
PROJECT: Manganese  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Manganese Project Management of Line Upgrade (work done to 30 May 2014)	R 2 500 000,00	R 2 500 000,00
	Out of pocket expenses and support services (work done to 30 May 2014)	R 187 500,00	R 187 500,00
		<b>SUB TOTAL</b>	R 2 687 500,00
		<b>VAT</b>	R 376 250,00
		<b>TOTAL</b>	R 3 063 750,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 30/06/2014  
INVOICE NO: 0120  
ORDER NO:  
PROJECT: Manganese  
CONTACT:  
ACC. NO: REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Manganese Project Management of Line Upgrade (work done to 30 June 2014)	R 3 794 148,00	R 3 794 148,00
	Out of pocket expenses and support services included		
		SUB TOTAL	R 3 794 148,00
		VAT	R 531 180,72
		TOTAL	R 4 325 328,72

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**





VAT No.:4880263159

DATE: 30/06/2014  
INVOICE NO: 0130  
ORDER NO:  
PROJECT: Manganese  
CONTACT:  
ACC. NO: REC001

VAT NO:4620216665

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 771 5537  
FAX: +27 12 771 5537  
[www.homix.co.za](http://www.homix.co.za)

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 31/07/2014  
INVOICE NO: 0155  
ORDER NO:  
PROJECT: Manganese  
CONTACT:  
ACC. NO: REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Transnet:Manganese Execution Support (work done to 31 July 2014)	R 3 600 000,00	R 3 600 000,00
	Out of pocket expenses and support services (work done to 31 July 2014)	R 270 000,00	R 270 000,00
		SUB TOTAL	R 3 870 000,00
		VAT	R 541 800,00
		TOTAL	R 4 411 800,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

# TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 31/08/2014  
INVOICE NO: 0191  
ORDER NO:  
PROJECT: Manganese  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
<b>1</b>	Transnet:Manganese Execution Support (work done to 31 August 2014)	R 3 600 000,00	R 3 600 000,00
	Out of pocket expenses and support services (work done to 31 August 2014)	R 270 000,00	R 270 000,00
		<b>SUB TOTAL</b>	R 3 870 000,00
		<b>VAT</b>	R 541 800,00
		<b>TOTAL</b>	R 4 411 800,00

**ACCOUNT DETAILS:**


BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145


**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**


 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za	
		<a href="http://www.albatime.co.za">www.albatime.co.za</a>	
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: Transnet Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za	Date: 17/3/2014 Invoice #: REG97 VAT Number: 4870254267 Telephone:		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	SWAT Managanese	R 73 750,95	R 73 750,95
<b>Banking Details:</b> Albatime <b>Bank:</b> ABSA <b>Branch:</b> 632005 <b>Account No.:</b> 4078529747		<b>Sub-Total</b> <b>VAT</b> <b>Total Due</b>	R 73 750,95 R <b>10 325,13</b> R <b>84 076,08</b>

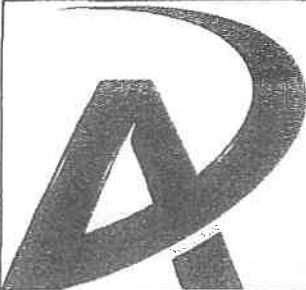
 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Hoodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za	
		<a href="http://www.albatime.co.za">www.albatime.co.za</a>	
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	22/7/2014
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG118</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	<a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	TCP Project Factory	R 134 240,63	R 134 240,63
2	2nd Defined Benefit	R 323 750,00	R 323 750,00
3	Manganese	R 357 975,00	R 357 975,00
4	Capital Room and Business Case	R 159 100,00	R 159 100,00
5	Coal	R 633 085,42	R 633 085,42
6	Iron Ore	R 174 015,62	R 174 015,62
7	NMPP	R 49 718,75	R 49 718,75
Banking Details: Albatime		Sub-Total	R 1 831 885,42
Bank: ABSA		VAT	<b>R 256 463,96</b>
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 2 088 349,38</b>



 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	15-Aug-14
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG122</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	Capital Projects	R172 000.00	R172 000.00
2	Iron Ore	R241 875.00	R241 875.00
3	NMPP	R261 284.71	R261 284.71
4	Managanese	R387 000.00	R387 000.00
Banking Details: Albatime		Sub-Total	R1 062 159.71
Bank: ABSA		VAT	<b>R148 702.35</b>
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 1 210 862.07</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Hoodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	06-Oct-14
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG123</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
Quantity	Description	Unit Price	Total
1	Manganese	R 387 000,00	R387 000,00
2	Capital projects	R 245 750, 00	R245 750,00
3	NMPP	R 263 375,00	R263 275,00
Banking Details: Albatime		Sub-Total	R896 025,00
Bank: ABSA		VAT	<b>R125 443,50</b>
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 1 021 468,50</b>

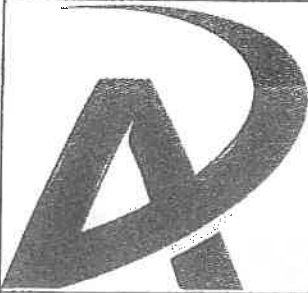
 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za	
<a href="http://www.albatime.co.za">www.albatime.co.za</a>			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 06-Jul-15 Invoice #: <b>REG140</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	COAL010 march		R 58 667,00
2	COAL012 Arpil		R 625 625,00
3	Kumba IO April		R 58 850,00
4	Coal May		R 185 625,00
5	GCIA may		R 150 240,00
6	NMPP may		R 187 500,00
7	GCIA SWAT2 IES May		R 91 202,00
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9	GFB		R 162 800,00
10	GCIA Saldhana Support		R 102 394,00
11	Manganese Mega project		R 301 828,00
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total R 2 156 231,00 VAT R 301 872,34 <b>Total Due R 2 458 103,34</b>	

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za		Date: 18-Aug-15 Invoice #: <b>REG141</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRX MANG002		R 301 827.78
2	TRX COAL014		R 547 259.17
3	TRC GCIA010		R 78 018.33
4	TRX IES006		R 167 365.44
5	TRX SAL0002		R 128 292.03
6	TRX NMPP		R 158 801.19
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 1 381 563.94
Bank: ABSA Wealth		VAT	R 193 418.95
Branch: 632005			
Account No.: 4078529747		Total Due	R 1 574 982.89

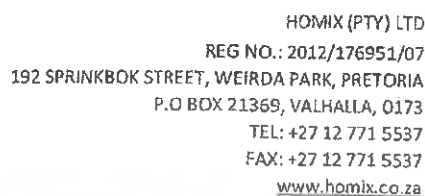
 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 01-Oct-15 Invoice # <b>REG146</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRXMAN003 july		R 344 083,67
2	TRXCOAL015		R 270 571,40
3	TRXGCIA011		R 96 606,34
4	TRXNMPP015		R 238 931,46
5	TRXIES0007		R 205 508,91
6	TRXGBF		R 470 250,00
7	TRXMAN003 august		R 344 083,67
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 1 728 101,27
Bank: ABSA Wealth		VAT	R 241 934,18
Branch: 632005			
Account No.: 4078529747		Total Due	R 1 970 035,45



 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
		<b>Tax Invoice</b>	
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 31-Jan-16 Invoice # <b>Reg 151</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRXGFB		R 198 812,04
2	TRXMANG		R 301 827,77
3	NMPP		R 110 000,00
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total R 610 639,81 VAT R 85 489,57 <b>Total Due R 696 129,38</b>	

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za	
www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	02-Nov-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG147</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	TRXNMPP0017		R 220 000,00
2	TRXMANG005		R 301 827,78
3	TRXSWIBC0001		R 154 001,40
4	TRXIES0009		R 89 518,17
5	TRXSW2CM001		R 4 723,81
6	TRXGCIA013		R 48 364,74
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> <b>Total Due</b>	R 818 435,90 R <b>114 581,03</b> R <b>933 016,93</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za		Date: 07-Dec-15 Invoice #: <b>REG148</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRXNMPP0018		R 250 800,00
2	TRXMANG006		R 344 083,67
3	TRXIES00010		R 114 012,08
4	TRXSWIBC0001		R 177 495,80
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 772 812,64
Bank: ABSA Wealth		VAT	R 108 193,77
Branch: 632005			
Account No.: 4078529747		Total Due	R 881 006,41

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 30/05/2014  
INVOICE NO: 0090  
ORDER NO: Kumba  
PROJECT: Iron Ore  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Iron Ore Negotiating(work done to 30 May 2014)	R 2 000 000,00	R 2 000 000,00
	Out of pocket expenses and support services (work done to 30 May 2014)	R 150 000,00	R 150 000,00
<b>SUB TOTAL</b>			R 2 150 000,00
<b>VAT</b>			R 301 000,00
<b>TOTAL</b>			R 2 451 000,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**



HOMIX (PTY) LTD

REG NO.: 2012/176951/07

192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA

P.O BOX 21369, VALHALLA, 0173

TEL: +27 12 771 5537

FAX: +27 12 771 5537

[www.homix.co.za](http://www.homix.co.za)

**TAX INVOICE**

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/06/2014

INVOICE NO: 0125

ORDER NO: Kumba

PROJECT: Iron Ore

**CONTACT:**

ACC. NO: REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS



## TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 31/07/2014  
INVOICE NO: 0156  
ORDER NO: Kumba  
PROJECT: Iron Ore  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Transnet Iron Ore Renegotiation	R 2 250 000,00	R 2 250 000,00
	Out of pocket expenses and support services (work done to 31 July 2014)	R 168 750,00	R 168 750,00
<b>SUB TOTAL</b>			R 2 418 750,00
<b>VAT</b>			R 338 625,00
<b>TOTAL</b>			R 2 757 375,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

## TAX INVOICE

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE:	28/02/2015
INVOICE NO:	427
ORDER NO:	Kumba
PROJECT:	Iron Ore
CONTACT:	
ACC. NO:	REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 771 5537  
FAX: +27 12 771 5537  
[www.homix.co.za](http://www.homix.co.za)

VAT No.:4880263159


VAT NO:4620216665

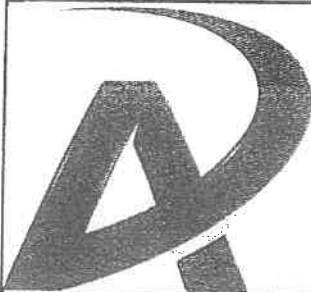
DATE:	28/02/2015
INVOICE NO:	432
ORDER NO:	Kumba
PROJECT:	Iron Ore
CONTACT:	
ACC. NO:	REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Transnet:Iron Ore	R 3 636 363,64	R 3 636 363,64
	Out of pocket expenses and support services (work done to 28 February 2015)	R 363 636,36	R 363 636,36
		SUB TOTAL	R 4 000 000,00
		VAT	R 560 000,00
		TOTAL	R 4 560 000,00


BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145


**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Hoodley Saidomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	22/7/2014
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG118</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	TCP Project Factory	R 134 240,63	R 134 240,63
2	2nd Defined Benefit	R 323 750,00	R 323 750,00
3	Manganese	R 357 975,00	R 357 975,00
4	Capital Room and Business Case	R 159 100,00	R 159 100,00
5	Coal	R 633 085,42	R 633 085,42
6	Iron Ore	R 174 015,62	R 174 015,62
7	NMPP	R 49 718,75	R 49 718,75
Banking Details: Albatime		Sub-Total	R 1 831 885,42
Bank: ABSA		VAT	R 256 463,96
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 2 088 349,38</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za		Date: 15-Aug-14 Invoice #: <b>REG122</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	Capital Projects	R172 000.00	R172 000.00
2	Iron Ore	R241 875.00	R241 875.00
3	NMPP	R261 284.71	R261 284.71
4	Managanese	R387 000.00	R387 000.00
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> Total Due	R1 062 159.71 <b>R148 702.35</b> <b>R 1 210 862.07</b>




 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	12-Mar-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG130</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	TRXIO004		R 400 000.00
2	NMPP10		R 654 500.00
3	Coal		R 234 666.67
4	NMPP11		R 225 000.00
Banking Details: Albatime		Sub-Total	R 1 514 166.67
Bank:	ABSA	VAT	<b>R 211 983.33</b>
Branch:	632005		
Account No.:	4078529747	<b>Total Due</b>	<b>R 1 726 150.00</b>

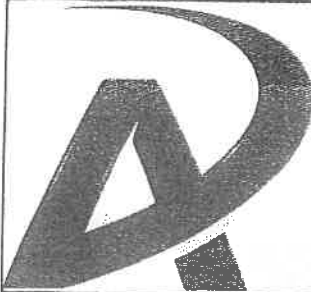
 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za	
www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	06-Jul-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG140</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	<a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		
Quantity	Description	Unit Price	Total
1	COAL010 march		R 58 667,00
2	COAL012 Arpil		R 625 625,00
3	Kumba IO April		R 58 850,00
4	Coal May		R 185 625,00
5	GCIA may		R 150 240,00
6	NMPP may		R 187 500,00
7	GCIA SWAT2 IES May		R 91 202,00
8	Kumba IO May		R 231 500,00
9	GFB		R 162 800,00
10	GCIA Saldhana Support		R 102 394,00
11	Manganese Mega project		R 301 828,00
Banking Details:		Sub-Total	R 2 156 231,00
Bank: ABSA Wealth		VAT	R 301 872,34
Branch: 632005			
Account No.: 4078529747		Total Due	R 2 458 103,34

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Hoodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 24-Aug-15 Invoice #: <b>REG142</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRX GFB May and June		R 382 800,00
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total VAT Total Due	R 382 800,00 R <b>53 592,00</b> R <b>436 392,00</b>

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za	
www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	17-Sep-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG145</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
Quantity	Description	Unit Price	Total
1	TRXGFB0003		R 357 500,00
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 357 500,00
Bank: ABSA Wealth		VAT	R 50 050,00
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 407 550,00</b>

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Hoodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za	
www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	01-Oct-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG146</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
Quantity	Description	Unit Price	Total
1	TRXMAN003 july		R 344 083,67
2	TRXCOAL015		R 270 571,40
3	TRXGCIA011		R 96 606,34
4	TRXNMPP015		R 238 931,46
5	TRXIES0007		R 205 508,91
6	TRXGBF		R 470 250,00
7	TRXMAN003 august		R 344 083,67
Banking Details: Albatime (Pty) Ltd		Sub-Total	R 1 728 101,27
Bank: ABSA Wealth		VAT	R 241 934,18
Branch: 632005			
Account No.: 4078529747		<b>Total Due</b>	<b>R 1 970 035,45</b>



 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za									
<b>Tax Invoice</b>									
Attention:	Eric Wood	Date:	21-Feb-16						
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>Reg 154</b>						
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267						
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300						
Client VAT Number	4620216665								
E-mail Address:	<a href="mailto:eriew@regiments.co.za">eriew@regiments.co.za</a>								
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>						
1	GFB0005		R 412 500,00						
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total VAT Total Due	<table border="1"> <tr> <td>R</td> <td>412 500,00</td> </tr> <tr> <td>R</td> <td><b>57 750,00</b></td> </tr> <tr> <td>R</td> <td><b>470 250,00</b></td> </tr> </table>	R	412 500,00	R	<b>57 750,00</b>	R	<b>470 250,00</b>
R	412 500,00								
R	<b>57 750,00</b>								
R	<b>470 250,00</b>								

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 31-Jan-16 Invoice # <b>Reg 151</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRXGFB		R 198 812,04
2	TRXMANG		R 301 827,77
3	NMPP		R 110 000,00
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b>  <b>Total Due</b>	R 610 639,81 R <b>85 489,57</b>  <b>R 696 129,38</b>

PO Box 61495  
Marshalltown  
2107

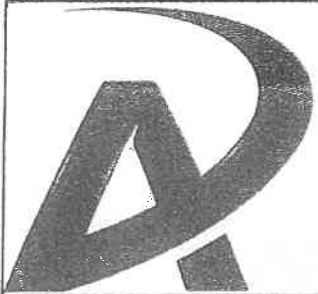
Date:03/03/2014

Please pay to:  
ABSA Bank  
Acc No. 407 852 9747  
Acc Name: Albatime

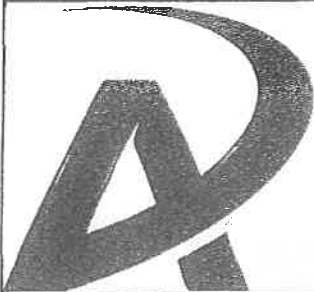
 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Loco 1064 TA</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>	Date: 1/4/2014 Invoice #: <b>REG103</b> VAT Number: 4870254267 Telephone: 011 715 0300		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	Transaction Advisory TCO	R 50 000,00	R 50 000,00
<b>Banking Details:</b> Albatime <b>Bank:</b> ABSA <b>Branch:</b> 632005 <b>Account No.:</b> 4078529747		<b>Sub-Total</b> <b>VAT</b> <b>Total Due</b>	R 50 000,00 R 7 000,00 <b>R 57 000,00</b>

 <b>ALBATIME</b> <small>Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley          Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191          Cell: +27 (0)82 775 0990          info@albatime.co.za</small> <small>www.albatime.co.za</small>									
		<b>Tax Invoice</b>							
<b>Attention:</b> Eric Wood <b>Company:</b> Regiments Capital (Pty) Ltd <b>Physical Address:</b> 91 Central Road, Houghton, 2198 <b>Project Name:</b> <b>Transnet Loco 1064 TA</b> <b>Client VAT Number:</b> 4620216665 <b>E-mail Address:</b> ericw@regiments.co.za		<b>Date:</b> 1/4/2014 <b>Invoice #</b> <b>REG102</b> <b>VAT Number:</b> 4870254267 <b>Telephone</b> 011 715 0300							
Quantity	Description	Unit Price	Total						
1	Transaction Advisory Fees	R 250 000,00	R 250 000,00						
<b>Banking Details:</b> Albatime <b>Bank:</b> ABSA <b>Branch:</b> 632005 <b>Account No.:</b> 4078529747		<b>Sub-Total</b> <b>VAT</b> <b>Total Due</b>	<table border="1"> <tr> <td>R</td> <td>250 000,00</td> </tr> <tr> <td>R</td> <td>35 000,00</td> </tr> <tr> <td>R</td> <td>285 000,00</td> </tr> </table>	R	250 000,00	R	35 000,00	R	285 000,00
R	250 000,00								
R	35 000,00								
R	285 000,00								



 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za  www.albatime.co.za			
		<b>Tax Invoice</b>	
Attention:	Eric Wood	Date:	2/5/2014
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG116</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet TA Loco1064</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	<a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	Outperformance Fee	R 2 257 500,00	R 2 257 500,00
Banking Details:		Sub-Total	R 2 257 500,00
Bank:	ABSA	VAT	R 316 050,00
Branch:	632005		
Account No.:	4078529747	Total Due	R 2 573 550,00

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Hoodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	2/5/2014
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG117</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Progress Fees</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	<a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	Swat Progress Part 1	R 180 000,00	R 180 000,00
1	Swat progress Part 2	R 110 000,00	R 110 000,00
1	TA Outperformance Portion	R 50 000,00	R 50 000,00
Banking Details:		Sub-Total	R 340 000,00
Bank:	ABSA	VAT	R 47 600,00
Branch:	632005		
Account No.:	4078529747	<b>Total Due</b>	<b>R 387 600,00</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za  www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 17-Jun-15 Invoice #: <b>REG137</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	TRXFR00001		R4 980 000.00
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b>  <b>Total Due</b>	R4 980 000.00 <b>R697 200.00</b>  <b>R5 677 200.00</b>

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za							
		www.albatime.co.za							
<b>Tax Invoice</b>									
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>CDB</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>	Date: 22-Jun-11 Invoice #: <b>REG138</b> VAT Number: 4870254267 Telephone: 011 715 0300								
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>						
1	CDB	R 124 500 000,00	R 124 500 000,00						
Banking Details: Bank of Baroda Bank: Nedbank Branch: 145405 Account No.: 1454095326 Reference: <b>ALBATIME</b>		Sub-Total <b>VAT</b> Total Due	<table border="1"> <tr> <td>R</td> <td>124 500 000,00</td> </tr> <tr> <td>R</td> <td>17 430 000,00</td> </tr> <tr> <td><b>R</b></td> <td><b>141 930 000,00</b></td> </tr> </table>	R	124 500 000,00	R	17 430 000,00	<b>R</b>	<b>141 930 000,00</b>
R	124 500 000,00								
R	17 430 000,00								
<b>R</b>	<b>141 930 000,00</b>								

## TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/05/2014  
INVOICE NO: 0085  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	NMPP Consulting (work done to 30 May 2014)	R 1 500 000,00	R 1 500 000,00
	Out of pocket expenses and support services (work done to 30 May 2014)	R 112 500,00	R 112 500,00
		<b>SUB TOTAL</b>	R 1 612 500,00
		VAT	R 225 750,00
		<b>TOTAL</b>	R 1 838 250,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS



HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 771 5537  
FAX: +27 12 771 5537  
[www.homix.co.za](http://www.homix.co.za)

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 30/06/2014  
INVOICE NO: 0123  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	NMPP Consulting (work done to 30 June 2014)	R 551 475,00	R 551 475,00
	Out of pocket expenses and support services included		
		<b>SUB TOTAL</b>	R 551 475,00
		<b>VAT</b>	R 77 206,50
		<b>TOTAL</b>	R 628 681,50

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**





## TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 31/08/2014  
INVOICE NO: 0194  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	NMPP Acceleration (work done to 31 August 2014)	R 2 450 000,00	R 2 450 000,00
	Out of pocket expenses and support services (work done to 31 August 2014)	R 183 750,00	R 183 750,00
		<b>SUB TOTAL</b>	R 2 633 750,00
		VAT	R 368 725,00
		<b>TOTAL</b>	<b>R 3 002 475,00</b>

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

## TAX INVOICE

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/09/2014  
INVOICE NO: 0239  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**



HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 654 0183  
FAX: +27 12 654 0188  
[www.homix.co.za](http://www.homix.co.za)

**TAX INVOICE**

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/10/2014  
INVOICE NO: 0261  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 654 0183  
FAX: +27 12 654 0188  
[www.homix.co.za](http://www.homix.co.za)

**TAX INVOICE**

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE: 30/11/2014  
INVOICE NO: 0324  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	NMPP Acceleration (work done to 30 November 2014)	R 5 950 000,00	R 5 950 000,00
	Out of pocket expenses and support services (work done to 30 November 2014)	R 595 000,00	R 595 000,00
		SUB TOTAL	R 6 545 000,00
		VAT	R 916 300,00
		TOTAL	R 7 461 300,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**











HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 654 0183  
FAX: +27 12 654 0188  
[www.homix.co.za](http://www.homix.co.za)

VAT No.:4880263159

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

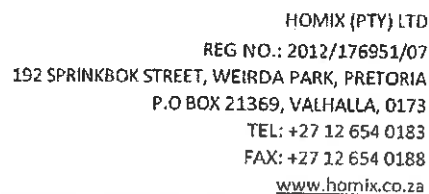
VAT NO:4620216665

DATE: 31/03/2015  
INVOICE NO: 451  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

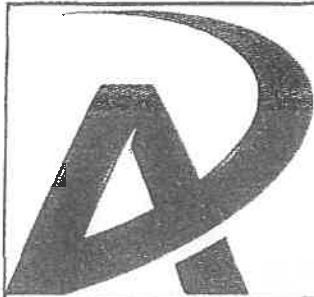
VAT No.:4880263159


DATE: 30/04/2015  
INVOICE NO: 502  
ORDER NO: NMPP  
PROJECT: NMPP  
CONTACT:  
ACC. NO: REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za	
www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za		Date: 26-May-15 Invoice #: <b>REG135</b> VAT Number: 4870254267 Telephone: 011 715 0300	
Quantity	Description	Unit Price	Total
1	Mar-15		R 66 880.00
2	Coal		R137 675.68
3	GCIA		R197 391.68
4	NMPP		R107 583.17
5	Durban Container Terminal		R 111 585.12
	Swat 2		
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> Total Due	R 544 838.26 <b>R 76 277.35</b> <b>R 621 115.62</b>

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 26-May-15 Invoice # <b>REG136</b> VAT Number: 4870254267 Telephone: 011 715 0300	
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	Apr-15		R713 212.50
2	Coal		R 166 367.24
3	GCIA		R197 391.68
4	NMPP		R106 632.39
5	Swat 2		R 67 089.00
5	Kumba		
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> Total Due	R 1 097 098.95 <b>R 153 593.85</b> <b>R1 250 692.80</b>



Please pay to:  
ABSA Bank  
Acc No. 407 852 9747  
Acc Name: Albatime

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet TSDBF</b> Client VAT Number: 4620216665 E-mail Address: ericw@regiments.co.za	Date: 1/4/2014 Invoice #: <b>REG101</b> VAT Number: 4870254267 Telephone: 011 715 0300		
Quantity	Description	Unit Price	Total
1	TSDBF Design Work	R 350 000,00	R 350 000,00
Banking Details: Albatime		Sub-Total	R 350 000,00
Bank: ABSA		VAT	R 49 000,00
Branch: 632005			
Account No.: 4078529747		Total Due	R 399 000,00

 <b>ALBATIME</b>		Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 info@albatime.co.za							
		<a href="http://www.albatime.co.za">www.albatime.co.za</a>							
<b>Tax Invoice</b>									
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet TSDBF</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>	Date: 2/5/2014 <b>Invoice # REG115</b> VAT Number: 4870254267 Telephone: 011 715 0300								
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>						
1	TSDBF Design Work (April 2014)	R 350 000,00	R 350 000,00						
Banking Details: Albatime Bank: ABSA Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b>  <b>Total Due</b>	<table border="1"> <tr> <td>R</td> <td>350 000,00</td> </tr> <tr> <td>R</td> <td>49 000,00</td> </tr> <tr> <td>R</td> <td>399 000,00</td> </tr> </table>	R	350 000,00	R	49 000,00	R	399 000,00
R	350 000,00								
R	49 000,00								
R	399 000,00								

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za									
<b>Tax Invoice</b>									
Attention: Eric Wood Company: Regiments Capital (Pty) Ltd Physical Address: 91 Central Road, Houghton, 2198 Project Name: <b>Transnet Capital Projects</b> Client VAT Number: 4620216665 E-mail Address: <a href="mailto:ericw@regiments.co.za">ericw@regiments.co.za</a>		Date: 21-Feb-16 Invoice # <b>Reg 155</b> VAT Number: 4870254267 Telephone: 011 715 0300							
Quantity	Description	Unit Price	Total						
1	SAA010		R 122 500,00						
2	SACOL		R 77 250,00						
3	Denel		R 200 000,00						
Banking Details: Albatime (Pty) Ltd Bank: ABSA Wealth Branch: 632005 Account No.: 4078529747		Sub-Total <b>VAT</b> Total Due	<table border="1"> <tr> <td>R</td> <td>399 750,00</td> </tr> <tr> <td>R</td> <td>55 965,00</td> </tr> <tr> <td>R</td> <td>455 715,00</td> </tr> </table>	R	399 750,00	R	55 965,00	R	455 715,00
R	399 750,00								
R	55 965,00								
R	455 715,00								



CAPITAL MARKETS

**REGIMENTS**

Enabling Progress

**Tax Invoice**

Invoice: SAA - 010  
 VAT #: 4620216665  
 Date: 30 Oct 2015

Inathi Ntshanga  
 CEO  
 South African Express (SOC) PTY Ltd  
 O R Tambo International Airport  
 2<sup>nd</sup> Floor  
 E Block office  
 Airways park  
 1 Jones Road  
 VAT # 4400140499

Analysis and evaluation of funding proposal

Preparation of submission to procurement committee and board

Professional fee

R 450 000.00

VAT (14%)

R 63 000.00

**Total****R 513 000.00**

Banking details:

**Bank:** Standard Bank  
**Account Name:** Regiments Capital (Pty) Ltd  
**Account Number:** 00 20 047 775 7  
**Branch:** Parktown  
**Branch Code:** 000355

Please quote invoice number on transfer and remittance.

Invoice is payable upon receipt.

ADVISORY FUND MANAGEMENT SECURITIES

T +27 11 715 0300 F +27 86 691 1523 E info@regiments.co.za

Physical Address 35 Feigson Road, Illovo 2196 Postal Address Postnet Suite 25, Private Bag X11, Birnam Park, 2015

Directors L. Ntshonyha, M. Pillay, E. Wood

Regiments Capital (Pty) Ltd Reg No (2004/023761/07) FSP No 16831.

www.regiments.co.za

An Authorised Financial Services Provider





## Tax Invoice

Invoice: SAA - 011  
VAT #: 4620216665  
Date: 30 Oct 2015

Inathi Ntshanga  
CEO  
South African Express (SOC) PTY Ltd  
O R Tambo International Airport  
2<sup>nd</sup> Floor  
E Block office  
Airways park  
1 Jones Road  
VAT # 4400140499

Detailed financial modelling for proposed Fleet Re-planned Model

Integration with Board, Procurement Committee, main board, shareholder and National Treasury

Professional fee	R1 000 000.00
VAT (14%)	R 140 000.00
<b>Total</b>	<b>R1 140 000.00</b>

## Banking details:

**Bank:** Standard Bank  
**Account Name:** Regiments Capital (Pty) Ltd  
**Account Number:** 00 20 047 775 7  
**Branch:** Parktown  
**Branch Code:** 000355

Please quote invoice number on transfer and remittance.

Invoice is payable upon receipt.

## ADVISORY FUND MANAGEMENT SECURITIES

T +27 11 715 0300 F +27 86 691 1523 E info@regiments.co.za

Physical Address 35 Ferguson Road, Illovo 2196 Postal Address Postnet Suite 25, Private Bag X11, Birnam Park, 2015

Directors L Nyhonyila, M Pillay, E Wood

Regiments Capital (Pty) Ltd Reg No (2004/023761/07) FSP No 16631

www.regiments.co.za  
An Authorised Financial Services Provider



## Tax Invoice

Invoice: SAA - 012  
 VAT #: 4620216665  
 Date: 30 Oct 2015

Inathi Ntshanga  
 CEO  
 South African Express (SOC) PTY Ltd  
 O R Tambo International Airport  
 2<sup>nd</sup> Floor  
 E Block office  
 Airways Park  
 1 Jones Road  
 VAT # 4400140499

Detailed financial modelling for proposed Fleet Re-planned Model (Part2)

Integration with Board, Procurement Committee, main board, shareholder and National Treasury

Professional fee

R1 000 000.00

VAT (14%)

R 140 000.00

Total

R1 140 000.00

Banking details:

Bank: Standard Bank  
 Account Name: Regiments Capital (Pty) Ltd  
 Account Number: 00 20 047 775 7  
 Branch: Parktown  
 Branch Code: 000355

Please quote invoice number on transfer and remittance.

Invoice is payable upon receipt.

ADVISORY FUND MANAGEMENT SECURITIES

T +27 11 715 0300 F +27 86 691 1523 E info@regiments.co.za

Physical Address 35 Ferguson Road, Mowbray 2196 Postal Address Postnet Suite 25, Private Bag X11, Birnam Park, 2015

Directors L Nyhonyha, M Pillay, E Wood

Regiments Capital (Pty) Ltd Reg No (2004/073761/07) FSP No 16631

www.regiments.co.za  
 An Authorised Financial Services Provider



## REGIMENTS CAPITAL™

91 Central Street Houghton 2198  
 Postnet Suite 25 Private Bag x 11 Binnam Park 2015  
 Tel + 27 11 715 0300 Fax + 27 11 715 0535  
 www.regiments.co.za

## Invoice

Invoice: MK/SAA1001

VAT #: 4620216665

Date: 30/03/2015

Attention: Christina Planert  
 Mckinsey & Company  
 88 Stella Street  
 Sandown

VAT# 4260170990

Professional Fees \*

R 5,475,000.00

VAT

R 766,500.00

Total

R 6,241,500.00

(\*) SAA Working Capital Optimisation project

This invoice is payable upon receipt.

Should you choose to make payment electronically, please use the following banking details:


Bank: Standard Bank

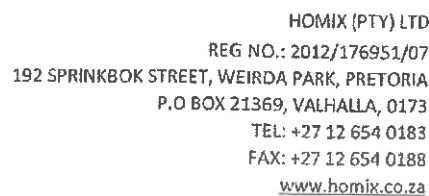
Account Name: Regiments Capital (Pty) Ltd

Account Number: 200477757

Branch: Park town

Branch Code: 000 355

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: +27 (0)82 775 0990 Info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	26-May-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG134</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	SAA		R 273 750.00
2	HR jan		R 54 782.00
Banking Details: Albatime		Sub-Total	R 328 532.00
Bank:	ABSA	<b>VAT</b>	<b>R45 994.48</b>
Branch:	632005		
Account No.:	4078529747	<b>Total Due</b>	<b>R 374 526.48</b>

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.:4880263159

DATE: 15/04/2015  
INVOICE NO: 472  
ORDER NO:  
PROJECT: SAFCOL  
CONTACT:  
ACC. NO: REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Fees-Safcol Strategic Analysis	R 1 250 000,00	R 1 250 000,00
	Out of pocket expenses and support services	R 62 500,00	R 62 500,00
		SUB TOTAL	R 1 312 500,00
		VAT	R 183 750,00
		TOTAL	R 1 496 250,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**





HOMIX (PTY) LTD  
REG NO.: 2012/176951/07  
192 SPRINKBOK STREET, WEIRDA PARK, PRETORIA  
P.O BOX 21369, VALHALLA, 0173  
TEL: +27 12 654 0183  
FAX: +27 12 654 0188  
[www.homix.co.za](http://www.homix.co.za)

## TAX INVOICE

VAT No.:4880263159

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

DATE:	15/04/2015
INVOICE NO:	473
ORDER NO:	
PROJECT:	SAFCOL
CONTACT:	
ACC. NO:	REC001

<b>QTY</b>	<b>DESCRIPTION</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
1	Fees-Safcol Development for evaluation of initiatives	R 400 000,00	R 400 000,00
	Out of pocket expenses and support services	R 20 000,00	R 20 000,00
		SUB TOTAL	R 420 000,00
		VAT	R 58 800,00
		TOTAL	R 478 800,00

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665

VAT No.: 4880263159

DATE: 30/11/2014  
INVOICE NO: 0320  
ORDER NO:  
PROJECT: HRSX  
CONTACT:  
ACC. NO: REC001

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	Transnet TCP HR Strategy	R 1 377 550,00	R 1 377 550,00
	Out of pocket expenses and support services (work done to 30 October 2014)	R 103 316,25	R 103 316,25
		SUB TOTAL	R 1 480 866,25
		VAT	R 207 321,28
		TOTAL	R 1 688 187,53

**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

**INVOICE TO:**

Regiments Capital (Pty) Ltd  
91 Central Street  
Houghton  
Johannesburg  
2198

VAT NO:4620216665


VAT No.:4880263159

DATE: 30/11/2014  
INVOICE NO: 0325  
ORDER NO:  
PROJECT: HRSX  
CONTACT:  
ACC. NO: REC001

[illegible]**ACCOUNT DETAILS:**

BANK:	STANDARD BANK
ACCOUNT NAME:	HOMIX (PTY) LTD
ACCOUNT TYPE:	CURRENT ACCOUNT
ACCOUNT NUMBER:	011863897
BRANCH NAME:	VAN DER WALT STREET
BRANCH CODE:	10145

**INTELLECTUAL PROPERTY & HUMAN RESOURCE CONSULTANTS**

 <b>ALBATIME</b> Albatime (Pty) Ltd   Registration Number: 2009/021474/07   Director: K. Moodley Saldomax House, Ground Floor, 25 Autumn Street, Rivonia, Sandton, Johannesburg, 2191 Cell: 427 (0)82 775 0990 info@albatime.co.za www.albatime.co.za			
<b>Tax Invoice</b>			
Attention:	Eric Wood	Date:	16-Feb-15
Company:	Regiments Capital (Pty) Ltd	Invoice #	<b>REG128</b>
Physical Address:	91 Central Road, Houghton, 2198	VAT Number:	4870254267
Project Name:	<b>Transnet Capital Projects</b>	Telephone	011 715 0300
Client VAT Number	4620216665		
E-mail Address:	ericw@regiments.co.za		
<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
1	HR Strategy		R242 745.75
<b>Banking Details:</b> Albatime <b>Bank:</b> ABSA <b>Branch:</b> 632005 <b>Account No.:</b> 4078529747		<b>Sub-Total</b> <b>VAT</b> <b>Total Due</b>	R242 745.75 <b>R33 984.41</b> <b>R276 730.16</b>