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GENERAL NOTICE

NOTICE 396 OF 2015

NOTICE OF CLARIFICATION

DEPARTMENT OF TRADE AND INDUSTRY

1. By virtue of the powers vested in me in terms of sections 9(1) and 14 (2) of the Broad-Based Black Economic Empowerment Act, 2013 (Act No. 46 of 2013), I Dr Rob Davies, Minister of Trade and Industry, hereby:

(a) Confirm that the Amended Codes of Good Practice, gazette No 36928 will come into effect on the 1st May 2015. Clarify that all B-BBEE verifications conducted using the financial year ending before 30 April 2015 can be verified using the old Codes of Good Practice, gazette No 29617 and all B-BBEE verifications conducted using the financial year ending after the 1st May 2015 must be verified using the Amended Codes of Good Practice, with the exception of the Sector Codes.

(b) Further extend the transitional period for the alignment of Sector Codes to the end of October 2015. From the 1st November 2015 Sector Codes that are aligned shall be effective in accordance with section (a) above of this Notice. Sector Codes not aligned and ready for gazette by the end of October 2015, a consideration shall be made for them to be repealed.

(c) Determine that for the inaugural year of the Amended Codes of Good Practice, all valid B-BBEE certificates issued under the old Codes of Good Practice gazette No 29617, as well as the relevant Sector Codes should remain valid and should therefore be accepted and should be treated as empowering suppliers.

For all EME (Exempted Micro Enterprises) certificates issued without Empowering Supplier Status, the interpretation stated in the Amended Codes of Good Practice clause 3.3.1, Amended Code Series 400 Gazette No 36928 will be applied, which state that "Exempted Micro Enterprises and Start-Ups are automatically recognised as Empowering Suppliers."

(d) Black participants in Broad-Based Ownership Schemes and Employee Share Ownership Programmes holding rights of Ownership in a Measured Entity must only score points under paragraph 2.2.3 under the Ownership scorecard.

2. The amendments embodied in this Notice will become effective on the date of publication of this Notice.

Ms Lindiwe Zulu, MP

Acting Minister of Trade and Industry

22 April 2015

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