



SOUTH AFRICA

GUIDE

With the implementation of the PPPFA regulations, 2022 changes regarding the application of B-BBEE has come about as National Treasury has removed certain prescriptions from the regulations. However, the Electoral Commission is still required to comply with what is required by section 10 (1) of the B-BBEE Act.

1. It is contrary to the B-BBEE Act, 2000 as amended by the B-BBEE Amendment Act, 2013 for a measured entity to trade with an invalid/ inconclusive or incorrect B-BBEE sworn affidavit.
2. The dtic has designed sworn affidavit templates and qualifying measured entities must use these templates, which can be accessed free of charge on the dtic website.
3. If a measured entity falls under a sector charter, the enterprise must be assessed as per the relevant sector code (e.g. ICT, property, financial services etc). Therefore please ensure that if you fall under a sector to submit the affidavit as prescribed in the sector code for the particular applicable sector as submitted a general code affidavit will be not accepted.
 - 3.1. Also note that CIPC certificate is also made available for entities in sector codes such as tourism, but with limitations in some instance such as construction sector due to difference in annual revenue.
4. There is no prescription that an affidavit must be certified.
5. Please ensure to complete all fields in the dtic affidavit template. Do not leave any fields open, but indicate using either a zero or n/a where applicable.
6. The dtic has provided guidance in determining the validity of a B-BBEE affidavit. Please ensure that you follow all the prescriptions set out below:
 - 6.1. The affidavit must have a declaration.
 - 6.2. Name/s of deponent as they appear in the identity document and
 - 6.3. the identity number must be completed.
 - 6.4. Designation of the deponent as either the director, owner or member must be indicated in order to know that the person deposing to the sworn affidavit is duly authorised.
 - 6.4.1. A deponent is able to tick more than one option if the person is a director and owner of the entity.
 - 6.5. Name of enterprise must be cited as per the enterprise registration documents issued by the CIPC, where applicable, including
 - 6.6. the enterprise business address.
 - 6.7. Percentage of ownership held by black people,
 - 6.8. black female and
 - 6.9. black designated groups.
 - 6.9.1. For designated groups, the percentage must be indicated for each sub-category or nil where there is none.
 - 6.10. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected.
 - 6.11. Indicate the total annual revenue for the year under review and
 - 6.12. whether it is based on audited financial statements or financial statements or management accounts. Please select one option.

- 6.13. Indicate the full financial year end (day/month/year) as per the enterprise's registration documents, which was used to determine the total revenue.
 - 6.13.1. This must be the most recent financial year end.
 - 6.14. Select the B-BBEE Status level based on black ownership percentage.
 - 6.14.1. An enterprise can only have one B-BBEE status level.
 - 6.15. Deponent's signature.
 - 6.16. Commissioner of Oath signature.
 - 6.17. Commissioner of Oath stamp.
 - 6.17.1. Please ensure the stamp is legible.
 - 6.18. Date of signature for the deponent.
 - 6.19. Date of signature for the Commissioner of Oath.
 - 6.20. Date of signature for both the deponent and Commissioner of Oath must be the same.
 - 6.21. Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.
 - 6.22. A B-BBEE sworn affidavit is valid for a period of 12 months calculated from the date the sworn affidavit was commissioned, for example, if the sworn affidavit is commissioned on 12 August 2022, it will expire on 11 August 2023. **NOT** a year and a day.
7. The B-BBEE affidavit must be accompanied by the following supporting documents:
- 7.1. Proof of ownership
 - 7.1.1. Companies - Copies of share certificates
 - 7.1.2. Close corporations – CK1 or CK2 or recent disclosure certificate
 - 7.2. Copies of IDs for owners
 - 7.3. Proof of disability claims
 - 7.3.1. Form EEA1
 - 7.3.2. Doctor's certificate
 - 7.4. Unemployment claims
 - 7.4.1. Financial statements for the enterprise