



B-BBEE ICT SECTOR — COUNCIL —

Frequently Asked Questions - The 2016 Amended B-BBEE ICT Sector Code

1. What is the effective date of the 2016 Amended B-BBEE ICT Sector Code?

Answer: The 2016 Amended B-BBEE ICT Sector Code is effective from the date of publication, i.e. 7 November 2016. All verifications in the ICT Sector conducted from the date of publication must be done in terms of the Amended B-BBEE ICT Sector Code

2. What happens to B-BBEE Verification Certificates issued in terms of the 2012 ICT Sector Code prior to the publication of this Amended B-BBEE ICT Sector Code?

Answer: B-BBEE Certificates issued in terms of the 2012 ICT Sector Code prior to the publication of this Amended B-BBEE ICT Sector Code, are valid for 12 months from date of issuing of such certificates

3. What happens to verifications that were already in process prior to the publication of the 2016 Amended B-BBEE ICT Sector Code?

Answer: All verifications not concluded should comply with the Amended B-BBEE ICT Sector Code.

4. Verification Agencies need to be accredited by SANAS to be able to process and issue verification certificates in accordance with the new Code. Has consideration been given to providing a grace period to ensure that Verification Agencies are ready?

Answer: The 2016 Amended B-BBEE ICT Sector Code is effective from the date of publication, i.e. 7 November 2016. All verifications in the ICT Sector conducted from the date of publication must be done in terms of the Amended B-BBEE ICT Sector Code.

Verification Agencies accredited on the 2012 Amended B-BBEE ICT Sector Code must now verify The 2016 Amended B-BBEE ICT Sector Code

5. What happens in Sections of the Code where further clarity is not given as provided for in the Codes of Good Practice, e.g. Skills - please can you confirm that ANY training besides mandatory training is recognised, not just training on the ICT sector council priority list?

Answer: Where the Amended B-BBEE ICT Sector Code is silent on certain provisions, including Skills as demonstrated in the example, the provisions of the Amended Generic Code shall take precedence.

6. What would be the template that we would measure against as there is still a lack of clarity relating to the Verification Manual?

Answer: The fundamental principle for measuring B-BBEE compliance is that substance takes precedence over legal form.

In interpreting the provisions of the Amended B-BBEE ICT Sector Code any reasonable interpretation consistent with the objectives of the Act and the B-BBEE Strategy must take precedence.

The basis for measuring B-BBEE initiatives under the Amended B-BBEE ICT Sector Code is the B-BBEE compliance of the measured entities at the time of measurement.

Any misrepresentation or attempt to misrepresent any enterprise's true B-BBEE Status may lead to the disqualification of the entire scorecard of that enterprise.

Initiatives which split, separate or divide enterprises as a means of ensuring eligibility as an Exempted Micro-Enterprise, a Qualifying Small Enterprise or a Start-Up Enterprise are a circumvention of the Act and may lead to the disqualification of the

entire scorecard of those enterprises concerned.

Any representation made by an entity about its B-BBEE compliance must be supported by suitable evidence or documentation. An entity that does not provide evidence or documentation supporting any initiative, must not receive any recognition for that initiative.

Wherever a Standard Valuation Method applies to measuring an indicator, the same standard should apply, as far as reasonably possible, consistently in all other applicable calculations in this statement.

Where the Amended B-BBEE ICT Sector Code is silent on certain provisions, the provisions of the Amended Generic Code shall take precedence.

7. Kindly provide clarity relating to the maximum Ownership points that can be scored by designated groups/ ESOPs/COOPs/BBOS?

Answer: The Maximum points for Designated groups is 3.

8. GG 40407 p12 para 3.2 refers to the basis of measuring B-BBEE compliance, and indicates under 3.2.2 that for QSE's must refer to AICT600; but this statement does not stipulate that Black Owned entity's at 51% or 100% are afforded affidavits.

Answer: Where the Amended B-BBEE ICT Sector Code is silent on certain provisions, the provisions of the Amended Generic Code shall take precedence.

9. The interpretation on clause 9.3 of the amended codes by the ICT Council is the following :

"If an entities financial period being rated, ends before the date of Gazette, they may be rated against the "old" ICT codes".

While we have been given a verbal assurance in this regard, please may we have a formal confirmation in writing?

Answer: The Amended B-BBEE ICT Sector Code is effective from the date of publication in the government gazette and applies to entities listed under paragraph P above.

All verifications in the ICT Sector conducted from the date of publication must be done in terms of the Amended B-BBEE ICT Sector Code.

B-BBEE Certificates issues in terms of the 2012 ICT Sector Code prior to the publication of this Amended BBEE ICT Sector Code, are valid for 12 months from date of issuing of such certificates and should be acceptable.

10. Do you have the ICT Priority Skills List?

Answer: The MICT SETA has published a list of ICT priority skills that will be published on the DTSPS website.