

# PAIA Manual

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**This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.**

**This manual applies to**

**Madron Farming CC**

**Registration number: 1994/033857/23**

**(hereinafter Madron Farming)**

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## **1. Background to the Promotion of Access to Information Act**

- 1.1. The Promotion of Access to Information Act, No. 2 of 2000 (the “Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).
- 1.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

## **2. Madron Farming**

- 2.1. Madron Farming is a close corporation registered in terms of the Close Corporations Act 69 of 1984.
- 2.2. This PAIA Manual is available at its premises: R320 Hemel & Aarde Valley, Hermanus, 7200

## **3. Purpose of the PAIA Manual**

- 3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within Madron Farming by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1. Limitations aimed at the reasonable protection of privacy;

3.3.2. Commercial confidentiality; and

3.3.3. Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4. This PAIA Manual complies with the requirements of guide mentioned in section 10 of the Act and recognises that in terms of the Protection of Personal Information Act 4 of 2013, that the Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

#### **4. Contact Details of the Managing Director [Section 51(1)(a)]**

Managing Director:	Charlie Jenkin
Registered Address:	R320 Hemel en Aarde Valley Hermanus 7200
Postal Address:	PO BOX 2244 Hermanus 7200
Telephone Number:	0283132474
Website:	n/a

#### **5. The Information Officer [Section 51(1)(b)]**

5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51.

5.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section

55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

5.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render Madron Farming as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All request for information in terms of this Act must be addressed to the Information Officer.

Information Officer Deputy Information Officer	Nokuthula Duma
Registered Address:	R320 Hemel en Aarde Valley Hermanus 7200
Postal Address:	PO BOX 2244 Hermanus 7200
Telephone Number:	0283132474
Website:	R320 Hemel en Aarde Valley Hermanus 7200

## **6. Guide of SA Human Rights Commission (Section 51(1) (b))**

6.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

6.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

6.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

6.4. The contact details of the South African Human Rights Commission

Physical Address	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton 2041
Email:	PAIA@sahrc.org.za
Telephone Number:	+27 11 877 3600
Website:	www.sahrc.org.za

## **7. Notice in terms of section 52(2) of the Act**

At this stage no notice(s) has / have been published

## **8. Applicable Legislation**

- ☐ No 61 of 1973 Companies Act
- ☐ No 98 of 1978 Copyright Act
- ☐ No 55 of 1998 Employment Equity Act
- ☐ No 95 of 1967 Income Tax Act
- ☐ No 66 of 1995 Labour Relations Act
- ☐ No 89 of 1991 Value Added Tax Act
- ☐ No 37 of 2002 Marine Living Resources Act
- ☐ No 75 of 1997 Basic Conditions of Employment Act
- ☐ No 69 of 1984 Close Corporations Act
- ☐ No 25 of 2002 Electronic Communications and Transactions Act
- ☐ No 2 of 2000 Promotion of Access of Information Act
- ☐ No 30 of 1996 Unemployment Insurance Act

## **9. Records that may be requested**

9.1. Any request for access to a record in terms of PAIA must substantially correspond with Form 2 of Annexure A of the PAIA Regulations No 757 of 2021, and should be specific in terms of the record requested.

9.2. Madron Farming maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

9.3. Please note further that many of the records held by Madron Farming are those of third parties, such as clients and employees, and Madron Farming takes the protection of third-party confidential information very seriously. Where Madron Farming acts as professional advisors to clients, many of the records held are confidential and others are the property of the client and not of Madron Farming .

9.4. For further information on the grounds of refusal of access to a record please see paragraph 12 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of records	Records
<b>Internal records</b>  The records listed pertain to Madron Farming 's own affairs	<input type="checkbox"/> Memoranda and Articles of Association <input type="checkbox"/> Financial records <input type="checkbox"/> Operational records <input type="checkbox"/> Intellectual property <input type="checkbox"/> Marketing records <input type="checkbox"/> Internal correspondence <input type="checkbox"/> Service records <input type="checkbox"/> Statutory records <input type="checkbox"/> Internal policies and procedures <input type="checkbox"/> Minutes of meetings
<b>Personnel records</b>  For the purposes of this section, “ <b>personnel</b> ” means any person who works for or provides services to or on behalf of Madron Farming and receives or is entitled to receive any remuneration and	<input type="checkbox"/> Any personal records provided to Madron Farming by Madron Farming personnel <input type="checkbox"/> Any records a third party has provided to Madron Farming about any of their personnel <input type="checkbox"/> Conditions of employment and other personnel-related contractual and quasi legal records <input type="checkbox"/> Employment policies and procedures

Category of records	Records
any other person who assists in carrying out or conducting the business of Madron Farming . This includes partners, directors, all permanent, temporary, and part-time staff as well as consultants and contract workers.	<input type="checkbox"/> Internal evaluation and disciplinary records and <input type="checkbox"/> Other internal records and correspondence.
<b>Client-related records</b>	<input type="checkbox"/> Contracts with the client and between the client and other persons
<b>Other third-party records</b>  Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Madron Farming is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Madron Farming .	<input type="checkbox"/> Personnel, client, or Madron Farming records which are held by another party as opposed to being held by Madron Farming <input type="checkbox"/> Records held by Madron Farming pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers
<b>Other records</b>	<input type="checkbox"/> Information relating to Madron Farming <input type="checkbox"/> Research information belonging to Madron Farming or carried out on behalf of a third party  19.

## 10. Records Available without a Request to Access in terms of the Act



- 10.1. Records of a public nature, typically those disclosed on the Madron Farming website and in its various annual reports, may be accessed without the need to submit a formal application.
- 10.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

## **11. Prescribed Fees (Section 51 (1) (f))**

### **11.1. Fees Provided by the Act, specifically **Annexure A**:**

The Act provides for two types of fees, namely:

1. A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
2. An access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

11.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

11.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

11.4. The responsible party will respond in writing to the access of information by completing Form 3 - Fees payable and the outcome of the access request form in terms of Annexure A of the PAIA Regulations No 757 of 2021.

11.5. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

- 11.6. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure including deciding to make it available in the request form.
- 11.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

## **12. Grounds to Refuse Access**

A private body such as Madron Farming is entitled to refuse a request for information.

- 12.1. Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- 12.2. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- 12.3. Mandatory protection of the commercial information of a third party (section 64) if the record contains:
- 12.3.1. trade secrets of the third party;
  - 12.3.2. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 12.3.3. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
  - 12.3.4. information disclosed in confidence by a third party to Madron Farming , if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
  - 12.3.5. mandatory protection of the safety of individuals and the protection of property (section 66);

- 12.3.6. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

### **13. Appeal**

Appeals against the refusal for access to information are lodged by the completion of Form 4 of Annexure A of the PAIA Regulations No 757 of 2021. The form must be addressed to the Information Officer of the Responsible Party.

### **14. Availability of this Manual**

This manual is available for inspection by the public upon request, during office hours and free of charge at the offices of Madron Farming.

## Annexure A

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> <li>i. Flash drive (to be provided by requester)</li> <li>ii. Compact disc <ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to requester</li> </ul> </li> </ul>	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: <ul style="list-style-type: none"> <li>i. Flash drive (to be provided by requestor)</li> <li>ii. Compact disc <ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to requester</li> </ul> </li> </ul>	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of:	R145.00  R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of item 2 to 8.
11.	Postage, email or any other electronic transfer	Actual expense, if any.

# FORM 2

## REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

**TO:** The Information Officer


(Address)

E-mail address: 

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Fax number: 

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Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center"><b>PARTICULARS OF RECORD REQUESTED</b></p> <p><i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center"><b>TYPE OF RECORD</b></p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b> <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

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**FOR OFFICIAL USE**

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_  
**Signature of Information Officer**



**FORM 3**  
**OUTCOME OF REQUEST AND OF FEES PAYABLE**  
[Regulation 8]

Note:

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: \_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your request dated \_\_\_\_\_, refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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**OR**

**2. You requested:**

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

**3. To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

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**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_

Name of account holder: \_\_\_\_\_

Type of account: \_\_\_\_\_

Account number: \_\_\_\_\_

Branch Code: \_\_\_\_\_

Reference Nr: \_\_\_\_\_

Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Information officer

# INTERNAL APPEAL FORM

## FORM 4

[Regulation 9]

Reference Number: .....

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

<b>DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED</b> <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
<b>GROUND FOR APPEAL</b> <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Appellant/Third party**

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**FOR OFFICIAL USE**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes
				No
<b>OUTCOME OF APPEAL</b>				
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Relevant Authority**