

SWORN AFFIDAVIT – B-BBEE QUALIFYING SMALL ENTERPRISE - GENERAL

I, the undersigned,

Full Names & Surname	
Identity Number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a Member / Director / Owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name (If applicable):	
Company Registration No.:	
Company VAT Registration No.:	
Enterprise Physical Address:	
Type of Entity (CC, (Pty) Ltd, Sole Proprietor, etc.):	
Nature of Business:	
B-BBEE Interpretive Guidelines:	Appendix A

3. I hereby declare under Oath the Black Ownership of the Entity stated above:

- The Enterprise is _____% Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of [B-BBEE Act No 53 of 2003](#) as [Amended by Act No 46 of 2013](#),
- The Enterprise is _____% Black Woman Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of [B-BBEE Act No 53 of 2003](#) as [Amended by Act No 46 of 2013](#),
- The Enterprise is _____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of [B-BBEE Act No 53 of 2003](#) as [Amended by Act No 46 of 2013](#):
 - Black Youth _____%
 - Black Unemployed _____%
 - Black People Living in Rural Areas _____%
 - Black Disabled _____%
 - Black Military Veterans _____%

Black Ownership Principle Applied (as per the guidelines in Appendix A), by ticking the applicable box:	Flow-Through	
	Modified Flow-Through	

- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of _____ (month and year), the annual Total Revenue was between R10,000,000.00 (Ten Million Rands) and R50,000,000.00 (Fifty Million Rands)
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	Level One (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	Level Two (125% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the Entity, which I represent in this matter.
5. This sworn affidavit will be valid for a period of 12 months from the date signed by the commissioner.

 Commissioner of Oaths
 Signature, Date & Stamp

Deponent Signature : _____
 Date : _____

Appendix A

B-BBEE Interpretive Guidelines

(Extracted from Government Gazette of 31 May 2019, No. 42496 - SCHEDULE 1)

"51% Black Owned "	means an Entity in which: a) Black People hold at least 51% of the Exercisable Voting Rights as determined under Code series 100; b) Black People hold at least 51% of the Economic Interest as determined under Code series 100; and c) has earned all the points for Net Value under statement 100.
"51% Black Women Owned "	means an Entity in which: a) Black women hold at least 51% of the Exercisable Voting Rights as determined under Code series 100; b) Black women hold at least 51% of the Economic Interest as determined under Code series 100; and c) has earned all the points for Net Value under statement 100.
"30% Black Women Owned"	means an Entity in which: a) Black women hold at least 30% of the Exercisable Voting Rights as determined under Code series 100; b) Black women hold at least 30% of the Economic Interest as determined under Code series 100; and c) has earned all the points for Net Value under statement 100.
"B-BBEE"	means Broad-Based Black Economic Empowerment;
"B-BBEE Controlled Company"	means a juristic person, having shareholding or similar members interest, in which Black Participants enjoy a right to Exercisable Voting Rights that is at least 51% of the total such rights measured using the Flow-Through Principle;
"B-BBEE Owned Company"	means a juristic person, having shareholding or similar members interest, that is B-BBEE controlled, in which Black Participants enjoy a right to Economic Interest that is at least 51% of the total such rights measured using the Flow-Through Principle;
"Black Designated Groups"	means: a) unemployed Black People not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; and/or b) Black People who are youth as defined in the National Youth Commission Act of 1996 ; and/or c) Black People who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act ; and/or d) Black People living in rural and under developed areas; and/or e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011 .
"Black People"	Is a generic term which means Africans, Coloureds and Indians: a) who are citizens of the Republic of South Africa by birth or decent; or b) who became citizens of the Republic of South Africa by naturalization:- (i) before 27 April 1994; (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.
"Economic Interest"	means a claim against an Entity representing a return on ownership of the Entity similar in nature to a dividend right, measured using the Flow-Through Principle and where applicable, the Modified Flow-Through Principle;
"Entity"	means a legal entity or a natural or a juristic person conducting a business, trade or profession in the Republic of South Africa;
"Equity Instrument"	means the instrument by which a Participant holds rights of ownership in an Entity;
"Exercisable Voting Right"	means a voting right of a Participant that is not subject to any limit;

<p>“Flow-Through Principle”</p>	<p>As a general principle, when measuring the rights of ownership of any category of Black People in an Entity, only rights held by natural persons are relevant. If the rights of ownership of Black People pass through a juristic person, then the rights of ownership of Black People in that juristic person are measurable. This principle applies across every tier of ownership in a multi-tiered chain of ownership until that chain ends with a Black Person holding rights of ownership.</p> <p>The method of applying the Flow-Through Principle across one or more intervening juristic persons is as follows:</p> <ol style="list-style-type: none"> a) Multiply the percentage of the Participant's rights of ownership in the juristic persons through which those rights pass by the percentage rights of ownership of each of those juristic persons successively to the Entity; and b) The result of this calculation represents the percentage of rights of ownership held by the Participant.
<p>“Modified Flow-Through Principle”</p>	<p>An Entity applying this Modified Flow-Through Principle cannot benefit from the exclusion principle.</p> <p>The Modified Flow-Through Principle applies to B-BBEE owned or controlled company in the ownership of the Entity.</p> <p>In calculating Exercisable Voting Rights under paragraph 2.1.1, and Economic Interest under paragraph 2.2.1 of the Ownership scorecard the following applies:</p> <ol style="list-style-type: none"> a) Where in the chain of ownership, Black People have a flow-through level of participation of at least 51%, and then <u>only once</u> in the entire ownership structure of the Entity, such Black Participation may be treated as if it were 100% Black. b) The Modified Flow-Through Principle may only be applied in the calculation of the indicators in paragraphs 2.1.1 and 2.2.1 of the Ownership scorecard. In all other instances, the Flow-Through Principle applies.
<p>“Net Value”</p>	<p>means the percentage resulting from the formula in Annexe 100(C) of statement 100;</p>
<p>“Participant”</p>	<p>means a natural person holding rights of ownership in a Entity;</p>
<p>“Qualifying Small Enterprise”</p>	<p>means an Entity that qualifies for measurement under the Qualifying Small Enterprise scorecard with a turnover of R10 million or more but less than R50 million;</p>
<p>“Rights of Ownership”</p>	<p>Is a collective term for the right to Economic Interest and the right to Exercisable Voting Rights;</p>
<p>“Sector Code”</p>	<p>means a code in series 003 which is applicable to a particular sector;</p>
<p>“Standard Valuation”</p>	<p>means a standard valuation method for an asset, an Economic Interest, or any other instrument or right relevant to measurement under statement 100, undertaken using normal valuation methods that represent standard market practice;</p>
<p>“Supplier”</p>	<p>means any supplier or service provider to an Entity if any portion of the supply or service provision falls within the definition of Total Measured Procurement Spend;</p>
<p>“the Act”</p>	<p>means the Broad-Based Black Economic Empowerment Act 53 of 2003;</p>
<p>“the Codes”</p>	<p>means the Codes of Good Practice including all the statements as issued under section 9 of the Act;</p>
<p>“Total Revenue”</p>	<p>means the total income of an Entity from its operations as determined under South African Generally Accepted Accounting Practice;</p>
<p>“VAT Registration”</p>	<p>It is mandatory for any Entity to register for VAT if the income earned in any consecutive twelve month period <u>exceeded or is likely to exceed</u> R1 million.</p> <p>Any Entity may choose to register voluntarily if the income earned, in the past twelve month period, exceeded R50 000.</p>
<p>“Voting Right”</p>	<p>means a voting right attached to an Equity Instrument owned by or held for a Participant measured using the Flow-Through Principle or the Control Principle;</p>