



CK 2001/022608/23

CONSULTING ELECTRICAL AND MECHANICAL ENGINEERS PROJECT AND FACILITIES MANAGERS



VAT REG NO. 4490198274

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WEBSITE TERMS AND CONDITIONS

IN TERMS OF SECTION 11 OF THE [ELECTRONIC COMMUNICATIONS AND TRANSACTIONS \(ECT\) ACT 25 OF 2002](#) AND THE COMMON LAW OF CONTRACT, THESE TERMS AND CONDITIONS ARE VALID, BINDING AND ENFORCEABLE AGAINST ALL PERSONS THAT ACCESS THE RPS ENGINEERING WEBSITE, WEB PAGES OR ANY PART THEREOF.

IF YOU DO NOT AGREE TO BE BOUND BY THESE TERMS AND CONDITIONS YOU MAY NOT USE THE RPS ENGINEERING WEBSITE. REASONABLE USE OF THE RPS ENGINEERING WEBSITE SHALL AUTOMATICALLY BIND THE USER TO THIS AGREEMENT.



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DEFINITIONS AND INTERPRETATION

a)

“the RPS Engineering website” means the RPS Engineering website, owned and operated by [RPS Engineering](http://www.RPSEngineering.co.za) and located at <http://www.RPSEngineering.co.za>, including any page, part or element thereof;

b)

“RPS Engineering” means [RPS Engineering](http://www.RPSEngineering.co.za), registration number 2001/22608/23, including its subsidiaries, owners, shareholders and branches;

c)

“User” means any person who enters or uses the RPS Engineering website, notwithstanding the fact that such a person only visits the home page of the RPS Engineering website;

d)

References herein to the singular includes the plural and vice versa; and

e)

Hyperlinks herein to legal documents should be deemed part of these terms and conditions in terms of section 11(3) of the [ECT Act](#). The fact that some or all of the hyperlinks may, from time to time, be non-operational, shall not affect the validity and interpretation of these terms and conditions.



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1. GENERAL

RPS Engineering is a consulting engineering professional practice.

2. ALLOWED USE AND LICENSE

2.1

RPS Engineering licenses the User to view, download, save and print the content of the RPS Engineering website, provided that such content is used for private, personal, educational and/or non-commercial purposes only or to view, download, save and print this agreement for legal and / or evidential purposes as detailed in section 11(3) of the [ECT Act](#).

2.2

Content from the RPS Engineering website may not be used or exploited by Users for any commercial and non-private purposes without the prior written consent of RPS Engineering.

2.3

Users may only access, browse and use the RPS Engineering website for legitimate personal or commercial purposes and may not use the RPS Engineering website or any RPS Engineering services and/or products for:

2.3.1

Harmful purposes;

2.3.2

Illegal purposes;

2.3.3

Disclosing, sharing or publishing material that may be offensive, defamatory, regulated, prohibited, infringing or damaging to any person; and/or

2.3.4

The creation, storage and sending of unsolicited commercial communications.

2.4

The caching of the RPS Engineering website shall only be allowed if:

2.4.1

The purpose of the caching is to make the onward transmission of the content from the RPS Engineering website more efficient;



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2.4.2

The cached content is not modified in any manner whatsoever;

2.4.3

The cached content is updated at least every 12 (twelve) hours; and

2.4.4

The cached content is removed or updated when so required by RPS Engineering.

2.5

If any User uses content from the RPS Engineering website in breach of the provisions detailed herein:

2.5.1

RPS Engineering reserves the right to claim damages from the User;

2.5.2

RPS Engineering reserves the right to institute criminal proceedings against the User; and

2.5.3

RPS Engineering shall not be liable, in any manner whatsoever, for any damage, loss or liability that resulted from the use of such content by the User or any third party who obtained any content from the User.

2.6

Hyperlinks to the RPS Engineering website from any other source shall be directed at the home page of the RPS Engineering website. Links beyond the RPS Engineering home page may only be used with RPS Engineering's prior written consent.

2.7

RPS Engineering shall not be liable, in any manner whatsoever, for any damage, loss or liability that resulted from the use of content, products or services available from the RPS Engineering website, if such content, products or services was accessed through a hyperlink not directed at the home page of the RPS Engineering website. Persons that wish to link to pages beyond the home page of the RPS Engineering website without RPS Engineering's prior written consent shall do so at their own risk and indemnify RPS Engineering against any loss, liability or damage that may result from the use of such hyperlinks. RPS Engineering's non-liability for deep linking is based on the fact that deep links bypass these terms and conditions.

2.8



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Users may quote small and reasonable amounts of content available from the RPS Engineering website and only if such a quote is placed in inverted commas and acknowledged.

2.9

No person may, without the prior written consent of RPS Engineering, frame the RPS Engineering website in any manner whatsoever.

2.10

Apart from bona-fide search engine operators and use of the search facility provided on the RPS Engineering website by Users, no person may use or attempt to use any technology or applications (including web crawlers, robots or web spiders) to search, collect or copy content from the RPS Engineering website for any purpose whatsoever, without the prior written consent of RPS Engineering.

2.11

E-mail addresses, names, telephone numbers and fax numbers published on the RPS Engineering website may not be incorporated into any database used for electronic marketing or similar purposes. No permission is given or should be implied that information on the RPS Engineering website may be used to communicate unsolicited communications to RPS Engineering and all rights detailed in 45 of the [ECT Act](#) are reserved.

2.12

All licenses and/or permissions granted in terms of this clause 2 are provided on a non-exclusive and non-transferable basis and may be terminated or cancelled by RPS Engineering at any time without prior notice or reasons.

3. INTELLECTUAL PROPERTY RIGHTS

3.1

All intellectual property on the RPS Engineering website, including but not limited to content, trademarks (or any confusingly similar trademarks), logos, pictures, video, downloads, domain names, patents, design elements, software, source code, meta tags, databases, text, graphics, icons and hyperlinks are the property of or licensed to RPS Engineering and as such, are protected from infringement by domestic and international legislation and treaties. Subject to the rights licensed to the User in clause 2, all other rights to intellectual property on the RPS Engineering website are expressly reserved.

3.2

No person may use logos, icons or trade marks from the RPS Engineering website as hyperlinks or other purposes without RPS Engineering's prior written consent.



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4. SOFTWARE AND EQUIPMENT

It is the responsibility of the User to acquire and maintain, at his/her own expense, the necessary computer hardware, software, communication lines and Internet access accounts required to access the Internet and the RPS Engineering website and/or download content from the RPS Engineering website.

5. DISCLOSURES REQUIRED BY SECTION 43 OF THE ECT ACT

These terms and conditions as well as product and / or service specific terms and conditions govern the sale of goods and / or the provision of services from or through the RPS Engineering website.

Access to the services, content, software and downloads available from the RPS Engineering website may be classified as "electronic transactions" as defined in terms of the [ECT Act](#) and therefore Users have the rights detailed in Chapter 7 of the [ECT Act](#) and RPS Engineering has, amongst others, the duty to disclose the following information:

5.1

The full name and legal status of the website owner: [RPS Engineering cc](#), registration number 2001/22608/23.

5.2

Members: <http://www.rpsengineering.co.za/>.

5.3

Street address: RPS Engineering, 620 24th Avenue Villieria, Pretoria, 0186, RSA.

5.4

Postal address: PO Box 744, Pretoria, 0001, South Africa.

5.5

Physical address for receipt of legal service: RPS Engineering, 620 24th Avenue Villieria, Pretoria, 0186, RSA.

5.6

Main business: Telecommunications services provider, see <http://www.rpsengineering.co.za>.

5.7

The website address of the RPS Engineering is: <http://www.rpsengineering.co.za>;



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5.8

The official e-mail address of the RPS Engineering website is: info@rpsengineering.co.za.

5.9

Membership of self-regulatory or accreditation bodies: SAACE (www.saace.co.za).

5.10

Codes of conduct to which RPS Engineering subscribes: Business Code of Ethics (www.saace.co.za).

5.11 Access to, saving and printing of terms:

5.11.1

These terms and conditions may be saved by Users by clicking on either the save or print buttons available on the Acrobat Reader toolbar; and

6. CHANGES AND AMENDMENTS

RPS Engineering reserves the right, in its sole and absolute discretion, to do any of the following, at any time without prior notice or justification:

6.1

change these terms and conditions;

6.2

change the content and/or services available from the RPS Engineering website;

6.3

discontinue any aspect of the RPS Engineering website or service(s) available from the RPS Engineering website; and/or

6.4

change the software and hardware required to access and use the RPS Engineering website.

7. PRIVACY

7.1

RPS Engineering shall take all reasonable steps to protect the personal information of Users and for the purpose of this clause, "personal information" shall be defined as detailed in the Promotion of Access to Information Act 2 of 2000 (PAIA). The PAIA may be downloaded from: <http://www.polity.org.za/html/govdocs/legislation/2000/act2.pdf>



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7.2

RPS Engineering may electronically collect, store and use the following personal information of Users:

7.2.1 name and surname;

7.2.2 identity number;

7.2.3 passport number;

7.2.4 account number;

7.2.5 area code;

7.2.6 street address;

7.2.7 postal address;

7.2.8 title;

7.2.9 contact numbers;

7.2.10 non-personal browsing habits and click patterns;

7.2.11 e-mail address;

7.2.12 IP address; and/or

7.2.13 User selected username and password.

7.3

RPS Engineering collects, stores and uses the abovementioned information for the following purposes:

7.3.1 Communicate requested information to the User;

7.3.2 Provide services to the User as requested by the User;

7.3.3 Authenticate the User;

7.3.4 Provide the User with access to restricted pages on this website; and

7.3.5 Compile non-personal statistical information about browsing habits, click-patterns and access to the RPS Engineering website.

7.4 Information detailed above is collected either electronically by using cookies or is provided voluntarily by the User. Users may determine cookie use independently



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through their browser settings. For purposes of this clause, a cookie means a small computer file created by a web browser to save user information for web site.

7.5

RPS Engineering may collect, maintain, save, compile, share, disclose and sell any information collected from users, subject to the following provisions:

7.5.1 RPS Engineering shall not disclose personal information from Users unless the User consents thereto;

7.5.2 RPS Engineering shall disclose personal information without the User's consent only through due legal process; and

7.5.3 RPS Engineering may compile, use and share any information that does not relate to any specific individual.

7.6

RPS Engineering owns and retains all rights to non-personal statistical information collected and compiled by the RPS Engineering.

8. HYPERLINKS TO THIRD PARTY SITES

8.1

RPS Engineering may provide hyperlinks to websites not controlled by RPS Engineering ("target sites") and such hyperlinks do not imply any endorsement, agreement on or support of the content, products and/or services of such target sites.

8.2

RPS Engineering does not editorially control the content, products and/or services on target sites and shall not be liable, in any manner whatsoever, for the access to, inability to access, use, inability to use or content available on or through target sites.

9. SECURITY

9.1

RPS Engineering shall take all reasonable steps to secure the content of the RPS Engineering website and the information provided by and collected from Users from unauthorised access and/or disclosure. However, RPS Engineering does not make any warranties or representations that content shall be 100% safe or secure.

9.2



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Subject to the provisions of sections 43(5) and 43(6) of the [ECT Act](#) and the requirements for a valid electronic invoice issued by the South African Revenue Service from time to time, if applicable, RPS Engineering is under no legal duty to encrypt any content or communications from and to Users and is also under no legal duty to provide digital authentication of any pages on the RPS Engineering website.

9.3

Users may not deliver or attempt to deliver, whether on purpose or negligently, any damaging code, such as computer viruses, robots or spy ware, to the RPS Engineering website or the server and computer network that support the RPS Engineering website.

9.4

Notwithstanding criminal prosecution, any person who delivers or attempts to deliver any damaging code to the RPS Engineering website, whether on purpose or negligently, shall, without any limitation, indemnify and hold RPS Engineering harmless against any and all liabilities, damages, risks and losses that RPS Engineering and its partners / affiliates may suffer as a result of such delivery, attempt or damaging code.

9.5

Users may not develop, distribute or use any device or programme designed to breach or overcome the security measures of the restricted pages, products and services on the RPS Engineering website and RPS Engineering reserves the right to claim damages from any and all persons involved, directly and indirectly, in the development, use and distribution of such devices or programmes.

9.6

Users who commit any of the offences detailed in sections 85 to 88 of the [ECT Act](#) shall, notwithstanding criminal prosecution, be liable for all resulting liabilities, losses, destruction or damages suffered and/or incurred by RPS Engineering and its partners / affiliates due to or related to these illegal actions.

10. DISCLAIMER AND LIMITATION OF LIABILITY

10.1

Subject to the provisions of sections 43(5) and 43(6) of the [ECT Act](#), if applicable, and as far as allowed by law, RPS Engineering (including its owners, employees, suppliers, Internet service providers, partners, affiliates and agents) shall not be liable for any damage, loss or liability of any nature incurred by whomever and resulting from:

- 10.1.1 access to the RPS Engineering website;
- 10.1.2 access to websites linked to the RPS Engineering website;
- 10.1.3 inability to access the RPS Engineering website;



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Tel: 012 330 0635 Fax: 088 012 330 0635 info@rpsengineering.co.za	Tel: 031 266 9505 Fax: 088 031 266 9505 sandra@rpsengineering.co.za	Tel: 043 722 1973 Fax: 088 043 722 1973 mavis@rpsengineering.co.za	Tel: 057 352 6349 Fax: 088 057 352 6349 lebo@rpsengineering.co.za	Tel: 041 364 0801 Fax: 088 041 364 0810 rudo@rpsengineering.co.za	Tel: 021 988 3489 Fax: 088 021 988 3489 louise@rpsengineering.co.za

- 10.1.4 inability to access websites linked to the RPS Engineering website;
- 10.1.5 content available on the RPS Engineering website;
- 10.1.6 services available from the RPS Engineering website;
- 10.1.7 products available from the RPS Engineering website;
- 10.1.8 downloads and use of content from the RPS Engineering website; and/or
- 10.1.9 any other reason not directly related to RPS Engineering's gross negligence.

10.2

RPS Engineering website is supplied on an "as is" basis and has not been compiled to meet the User's individual requirements. It is the responsibility of the User to satisfy himself or herself, prior to entering into this agreement with the RPS Engineering, that the content available from and through the RPS Engineering website meet the User's individual requirements and is compatible with the User's computer hardware and/or software.

10.3

Information, ideas and opinions expressed on the RPS Engineering website should not be regarded as professional advice or the official opinion of RPS Engineering and Users are encouraged to consult professional advice before taking any course of action related to the information, ideas or opinions expressed on the RPS Engineering website.

10.4

RPS Engineering does not make any warranties or representation that content and services available from the RPS Engineering website shall in all cases be true, correct or free from any errors. RPS Engineering shall take all reasonable steps to ensure the quality and accuracy of content available from the RPS Engineering website.

10.5

RPS Engineering does not make any warranties or representations that the RPS Engineering website shall be available at all times. Users acknowledge that the RPS Engineering website may be unavailable due to updates or other causes beyond the reasonable control of RPS Engineering, including, but not limited to virus infection, unauthorised access (hacking), power failure or other "acts of God".

11. COMMENTS

RPS Engineering does not edit or scan comments posted by the User or e-mails from the User to RPS Engineering or the RPS Engineering website and shall not be liable for any defamatory, illegal, infringing, hateful, pornographic or harmful postings. Users use the forum service at their own risk and indemnify RPS Engineering against any liability, loss and/or damage resulting from a User's postings.



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CONSULTING ELECTRICAL AND MECHANICAL ENGINEERS PROJECT AND FACILITIES MANAGERS



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12. REMOVAL AND CORRECTION OF CONTENT

Users are encouraged to report untrue, inaccurate, defamatory, illegal, infringing and/or harmful content available from the RPS Engineering website to RPS Engineering and RPS Engineering undertakes to correct and/or remove such content or any part thereof if the person reporting such content provided reasonable grounds to prove the alleged nature of the content.

13. INTERCEPTION OF COMMUNICATIONS

13.1

Subject to the provisions of the Regulation of Interception of Communications (RIC) Act 70 of 2002, the User agrees to RPS Engineering's right to intercept, block, filter, read, delete, disclose and use all communications (including all "data messages" as defined in the [ECT Act](#)) send or posted by the User to the RPS Engineering website, its staff and employees. The RIC Act may be downloaded from: <http://www.info.gov.za/acts/2002/a70-02/>.

13.2

The User agrees and acknowledges that the consent provided by the User in clause 13.1 satisfies the "writing" requirement as detailed in the [ECT Act](#) and the RIC Act.



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14. ENTIRE AGREEMENT AND SEVERABILITY

14.1

These terms and conditions constitute the entire agreement between RPS Engineering and the User and shall take precedent over any disclaimers and/or legal notices attached to any communications and/or postings received by RPS Engineering from the User.

14.2

Any failure by RPS Engineering to exercise or enforce any right or provision shall in no way constitute a waiver of such right or provision.

14.3

In the event that any term or condition detailed herein is found unenforceable or invalid for any reason, such term(s) or condition(s) shall be severable from the remaining terms and conditions. The remaining terms and conditions shall remain enforceable and applicable.

15. AGREEMENT IN TERMS OF SECTION 21 OF THE ECT ACT

The User and RPS Engineering agree that:

15.1

the User shall be bound to these term and conditions and such agreement is concluded in Pretoria (South Africa) at the time the User enters the RPS Engineering website for the first time;

15.2

data messages (as defined in the [ECT Act](#)) addressed by the User to RPS Engineering shall only be deemed to have been received if and when responded to or when receipt is acknowledged. Notwithstanding section 23(1)(b) of the [ECT Act](#), RPS Engineering shall not be deemed to have received a data message if such data messages are blocked and / or filtered and / or destroyed by RPS Engineering's content filtering and virus security systems;

15.3

data messages (as defined in the [ECT Act](#)) addressed to the User by RPS Engineering shall be deemed to be received by the User as detailed in section 23(1)(b) of the [ECT Act](#);

15.4

data messages (as defined in the [ECT Act](#)) addressed to the User by RPS Engineering shall be deemed to be sent from the location(s) as detailed in section 23(1)(c) of the [ECT Act](#);

15.5

data messages (as defined in the [ECT Act](#)) addressed by the User to RPS Engineering shall be deemed to have been created and sent by the User from within the geographical boundaries of South Africa; and

15.6



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electronic signatures, encryption and/or authentication are not required for valid electronic communications between the User and RPS Engineering.

16. APPLICABLE AND GOVERNING LAW

The RPS Engineering website is hosted, controlled and operated from the Republic of South Africa and therefore, subject to clause 5.22, the South African law enforced by the South African courts governs the use or inability to use the RPS Engineering website, its content, services, products and these terms and conditions.

17. LEGAL COSTS

RPS Engineering shall not be liable for costs incurred by Users to obtain professional advice relating to these terms and conditions.

END