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VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 72, 1982

DATUM VAN INWERKINGTREDING VAN DIE BEPALINGS VAN ARTIKEL 38 VAN DIE WET OP VERPLEGING, 1978

Kragtens die bevoegdheid my verleen by artikel 47 van die Wet op Verpleging, 1978 (Wet 50 van 1978), verklaar ek hierby dat die bepalings van artikel 38 van die genoemde Wet vanaf die datum van publikasie hiervan in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyf-en-twintigste dag van Maart Eenduisend Negehoenderd Twee-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

L. A. P. A. MUNNIK.

No. R. 73, 1982

SKEMA VIR DIE REËLING VAN DIE BEMARKING VAN OLIESADE KRAGTENS DIE BEMARKINGSWET, 1968, EN VIR AANGELEENTHEDE IN VERBAND DAARMEE

Nademaal die Minister van Landbou en Visserye kragtens artikel 9 (2) (c) van die Bemarkingswet, 1968 (Wet 59 van 1968), die Skema in die Bylae hiervan uiteengesit, aangeneem het en kragtens artikel 12 (1) (b) van genoemde Wet goedkeuring van die voorgestelde Skema aanbeveel het.

So is dit dat ek, kragtens die bevoegdheid my verleen by artikel 14 (1) (a) van genoemde Wet, hierby verklaar dat genoemde Skema op die datum van publikasie hiervan in werking tree ter vervanging van die Oliesadebeheerskema, afgekondig by Proklamasie R. 55 van 1968, soos gewysig, wat hierby herroep word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehoenderd Twee-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

P. T. C. DU PLESSIS.

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 72, 1982

DATE OF COMMENCEMENT OF THE PROVISIONS OF SECTION 38 OF THE NURSING ACT, 1978

Under the powers vested in me by section 47 of the Nursing Act, 1978 (Act 50 of 1978), I hereby declare that the provisions of section 38 of the said Act shall come into operation with effect from the date of publication hereof.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fifth day of March, One thousand Nine hundred and Eighty-two.

M. VILJOEN, State President.

By Order of the State President-in-Council:

L. A. P. A. MUNNIK.

No. R. 73, 1982

SCHEME FOR REGULATING THE MARKETING OF OILSEEDS IN TERMS OF THE MARKETING ACT, 1968, AND FOR MATTERS INCIDENTAL THERETO

Whereas the Minister of Agriculture and Fisheries has, in terms of section 9 (2) (c) of the Marketing Act, 1968 (Act 59 of 1968), accepted the Scheme in the Schedule hereto, and has, in terms of section 12 (1) (b) of the said Act recommended the approval of the said Scheme.

Now, therefore, under the powers vested in me by section 14 (1) (a) of the said Act, I do hereby declare that the said Scheme shall come into operation on the date of publication hereof in substitution of the Oilseed Control Scheme, published by Proclamation R. 55 of 1968, as amended, which is hereby repealed.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Eighty-two.

M. VILJOEN, State President.

By Order of the State President-in-Council:

P. T. C. DU PLESSIS.

BYLAE INHOUD

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WOORDOMSKRYWINGS

1. In hierdie Skema, tensy uit die samehang ander blyk, het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, 'n ooreenstemmende betekenis en beteken—

“die Wet” die Bemarkingswet, 1968 (Wet 59 van 1968);

“grondbone” die ondergrondse vrug van die grondboonplant *Arachis hypogaeae*, hetsy gedop of ongedop;

“oliekoek” die residu van oliesade (hetsy gepel of nie) nadat die olie gedeeltelik of geheel daaruit verwyder is;

“olieperser” 'n persoon wat oliesade verwerk met die doel om tydens enige stadium van die verwerking daarvan, olie en oliekoek daaruit te vervaardig;

“oliesade” grondbone, sojabone of sonneblomsaad;

“oliesadeprodukte” produkte wat verkry word as gevolg van die verwerking van oliesade deur 'n olieperser;

“produsent” iemand wat betrokke is by die produksie van oliesade en sluit in, met betrekking tot 'n hoeveelheid oliesade—

(a) wat van iemand verkry is as vergoeding vir die reg om grond te gebruik waarop daardie persoon 'n hoeveelheid oliesade geproduseer het, of as beloning vir dienste aan 'n produsent van oliesade gelewer, die persoon wat daardie hoeveelheid oliesade aldus verkry het;

(b) wat in die Republiek van Suid-Afrika ingevoer word, die persoon wat daardie hoeveelheid oliesade aldus invoer.

“Raad” die by artikel 6 ingestelde Oliesaderaad;

“Republiek” nie ook die gebied nie;

“sojabone” die saad van die sojaboonplant, *Glycine soya*; en

“sonneblomsaad” die saad van die sonneblomplant, *Helianthus annuus*.

DEEL I

NAAM, OMVANG EN TOEPASSING VAN SKEMA

Naam van Skema

2. Hierdie Skema heet die Oliesadeskema.

Produk waarop Skema betrekking het

3. Hierdie Skema het betrekking op oliesade wat in die Republiek geproduseer of daarin ingevoer is en by die toepassing van artikel 33 ook op oliesadeprodukte.

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DEFINITIONS

1. In this Scheme, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Act, shall have a corresponding meaning, and—

“Board” means the Oilseeds Board referred to in section 6;

“groundnuts” means the underground fruit of the groundnut plant *Arachis hypogaeae*, whether shelled or unshelled;

“oilcake” means the residue of oilseeds (whether decorated or not) after the oil has been partially or totally removed therefrom;

“oil expresser” means a person who processes oilseeds for the purpose of manufacturing oil and oilcake during any stage of the processing thereof;

“oilseeds” means groundnuts, soya beans or sunflower seed;

“oilseeds products” means products obtained as a result of the processing of oilseeds by an oil expresser;

“producer” means any person concerned in the production of oilseeds and includes, in relation to any quantity of oilseeds—

(a) which has been acquired from any person as a consideration for the right to use land on which that person has produced a quantity of oilseeds or as remuneration for services rendered to a producer of oilseeds, the person who so acquired that quantity;

(b) which is imported into the Republic, the person who so imports that quantity of oilseeds;

“Republic” excludes the territory;

“soya beans” means the seed of the soya bean plant, *Glycine soya*;

“sunflower seed” means the seed of the sunflower plant *Helianthus annuus*; and

“the Act” means the Marketing Act, 1968 (Act 59 of 1968).

PART I

NAME, SCOPE AND APPLICATION OF SCHEME

Name of Scheme

2. This Scheme shall be called the Oilseeds Scheme.

Product to which Scheme relates

3. This Scheme relates to oilseeds produced in or imported into the Republic and in the application of section 33 also to oilseeds products.

Gebied waarin Skema van toepassing is

4. (1) Hierdie Skema is in die Republiek van toepassing.

(2) 'n Voorskrif van, of verbod opgelê of besluit geneem deur die Raad met betrekking tot 'n gedeelte van die Republiek, kan verskil van so 'n voorskrif, verbod of besluit met betrekking tot 'n ander gedeelte van die Republiek.

Persone op wie Skema van toepassing is

5. (1) Hierdie Skema is van toepassing op alle persone wat oliesade produseer of as 'n besigheid daarmee handel.

(2) Hierdie Skema is op 'n koöperasie wat oliesade hanteer van toepassing op dieselfde wyse asof daardie koöperasie 'n produsent van oliesade is.

DEEL II**DIE BEHEERRAAD***Voortbestaan*

(6). (1) Hierdie Skema word uitgevoer deur die Oliesade-beheerraad ingestel by artikel 3 van die Oliesade-beheerskema, afgekondig by Proklamasie R. 55 van 1968, soos gewysig, wat ondanks die herroeping van daardie Skema deur hierdie Skema as 'n beheerraad bly voortbestaan en voortaan bekend sal staan as die Oliesaderaad.

(2) Die Raad is met regspersoonlikheid bekleed en kan in sy eie naam as eiser en verweerder in regte optree en al die handelings verrig wat nodig is vir, of verbonde is aan die bereiking van sy doelstellings en die uitoefening van sy bevoegdhede ingevolge hierdie Skema.

Samestelling

7. (1) Die Raad bestaan uit 13 lede van wie—

(a) agt die verteenwoordigers moet wees van produsente van oliesade;

(b) drie die verteenwoordigers moet wees van oliepersers;

(c) een die verteenwoordiger moet wees van persone wat grondbone bak; en

(d) een die verteenwoordiger moet wees van persone wat met oliesade as 'n besigheid handel.

Met dien verstande dat die in paragraaf (a) bedoelde verteenwoordigers self een of meer van die produkte grondbone, sojabone of sonneblomsaad moet produseer sodat produsente van elkeen van die drie produkte deur minstens een sodanige lid verteenwoordig sal wees.

(2) Die Raad kan een persoon as adviserende lid van die Raad koöpteer.

Ampstermyn

8. (1) 'n Lid van die Raad word behoudens die bepalings van artikel 28A van die Wet deur die Minister aangestel vir die tydperk wat hy bepaal, maar van hoogstens drie jaar: Met dien verstande dat geen persoon wat 68 jaar of ouer is as lid aangestel mag word nie.

(2) 'n Aftredende lid kan weer aangestel word.

Toelaes aan lede

9. Die Raad kan, met die Minister se goedkeuring, die toelaes vasstel wat uit die Raad se fondse aan sy lede en adviserende lede betaal moet word.

Voorsitter en Ondervoorsitter

10. (1) Die Raad kies so dikwels as wat dit nodig word, een van sy lede as Voorsitter en een van sy lede as Ondervoorsitter van die Raad.

Area in which Scheme applies

4. (1) This Scheme shall apply in the Republic.

(2) Any requirement of, or prohibition imposed or decision taken by the Board which relates to any portion of the Republic, may differ from any such requirement or prohibition or decision which relates to any other portion of the Republic.

Persons to whom Scheme applies

5. (1) This Scheme shall apply to all persons producing or dealing in the course of trade with oilseeds.

(2) This Scheme shall apply to any co-operative which handles oilseeds in the same manner as if that co-operative was the producer of such oilseeds.

PART II**THE CONTROL BOARD***Continuation*

6. (1) This Scheme shall be administered by the Oilseeds Control Board established by section 3 of the Oilseeds Control Scheme, published by Proclamation R. 55 of 1968, as amended, which shall notwithstanding the substitution for that Scheme of this Scheme, continue to exist as a control board and shall forthwith be known as the Oilseeds Board.

(2) The Board shall be a body corporate, capable of suing and being sued in its own name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and powers under this Scheme.

Constitution

7. (1) The Board shall consist of 13 members of whom—

(a) eight shall be the representatives of producers of oilseeds;

(b) three shall be the representatives of oil-expressers;

(c) one shall be the representative of persons who roast groundnuts; and

(d) one shall be the representative of persons dealing in the course of trade with oilseeds:

Provided that the representatives referred to in paragraph (a) shall themselves produce one or more of the products groundnuts, soya beans or sunflower seeds so that producers of each of the three products shall be represented by at least one such member.

(2) The Board may co-opt one person as advisory member of the Board.

Period of office

8. (1) A member of the Board shall, subject to the provisions of section 28A of the Act, be appointed by the Minister for such period, not exceeding three years, as he may determine: Provided that no person of or over the age of 68 years shall be appointed as a member.

(2) A retiring member shall be eligible for re-appointment.

Allowances to members

9. The Board may, with the approval of the Minister, determine the allowances payable out of the funds of the Board to its members and advisory members.

Chairman and Vice-Chairman

10. (1) The Board shall, whenever it becomes necessary, elect one of its members to be the Chairman and one of its members to be the Vice-Chairman of the Board.

(2) Mits hy lid van die Raad bly, beklee die Voorsitter van die Raad sy amp as Voorsitter vir die tydperk wat eindig op die datum van die eerste vergadering van die Raad [uitgesonderd artikel 11 (2) of (3) bedoelde spesiale vergadering van die Raad] gehou na verstryking van 11 maande na die datum van sy verkiesing en kan hy as voorsitter herkies word.

(3) Die bepalings van subartikel (2) is *mutatis mutandis* ten opsigte van die Ondervoorsitter van toepassing.

(4) Wanneer die Voorsitter afwesig is of nie in staat is om sy werksaamhede te verrig nie, moet die Ondervoorsitter in sy plek optree en wanneer sowel die Voorsitter as die Ondervoorsitter afwesig is of nie in staat is om hul werksaamhede te verrig nie, moet die Raad een van sy ander lede kies om as voorsitter op te tree.

Vergaderings

11. (1) Die vergaderings van die Raad word gehou op die tye en plekke wat die Raad of die Voorsitter indien deur die Raad daartoe gemagtig, van tyd tot tyd mag bepaal.

(2) Die Voorsitter van die Raad kan self te eniger tyd 'n spesiale vergadering van die Raad belê wat gehou moet word op 'n tyd en plek deur hom bepaal.

(3) Op skriftelike versoek van minstens drie lede van die Raad moet die Voorsitter 'n spesiale vergadering van die Raad belê wat binne 14 dae na die datum van ontvangs van so 'n versoek gehou moet word op 'n tyd en plek wat hy bepaal.

(4) 'n Vergadering van die Raad word belê by kennisgewing deur of op gesag van die Voorsitter of 'n beampite van die Raad wat deur die Raad daartoe gemagtig is.

Kworum en besluite

12. (1) Sewe lede van die Raad (uitgesonderd adviseerende lede) maak 'n kworum uit vir 'n vergadering van die Raad.

(2) Die besluit van die meerderheid van die lede van die Raad wat op enige vergadering daarvan teenwoordig is, is 'n besluit van die Raad en by 'n staking van stemme oor enige aangeleentheid het die Voorsitter van die Raad benevens sy beraadslagende stem, ook 'n beslissende stem.

Raadskomitees

13. (1) Die Raad kan met die Minister se toestemming en onderworpe aan die voorwaardes wat die Raad opla, een of meer komitees uit sy lede aanstel en na goeddunke van sy bevoegdhede aan so 'n komitee oordra: Met dien verstande dat die Raad nie ontdoen word van 'n bevoegdheid wat hy aan so 'n komitee oordra nie.

(2) Die Voorsitter van die Raad is *ex officio* lid van die komitee deur die Raad kragtens subartikel (1) aangestel.

(3) Die Raad moet ten opsigte van elke komitee wat hy kragtens subartikel (1) aanstel, reëls neerlê met betrekking tot die hou van en die prosedure op vergaderings (met inbegrip van die kworum), die wyse waarop vergaderings belê moet word en aangeleenthede in verband daarmee.

(4) Die beslissing van die meerderheid van al die lede van so 'n komitee maak 'n besluit van die komitee uit, tensy die Raad met goedkeuring van die Minister anders bepaal.

Indiensneming van persone

14. Die Raad kan behoudens die voorskrifte wat die Minister in 'n bepaalde geval uitreik, dié persone in diens neem wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en vir die bereiking van die oogmerke van hierdie Skema.

(2) The Chairman of the Board shall, subject to his remaining a member of the Board, hold office as chairman for the period terminating on the date of the first meeting of the Board [excluding any special meeting of the Board referred to in section 11 (2) or (3)] held subsequent to the expiration of 11 months after the date of his election and be eligible for re-election as chairman.

(3) The provisions of subsection (2) shall *mutatis mutandis* apply in respect of the Vice-Chairman.

(4) Whenever the Chairman is absent or unable to fulfil his functions, the Vice-Chairman shall act in his stead, and whenever both the Chairman and Vice-Chairman are absent or unable to fulfil their functions, the Board shall elect another of its members to act as chairman.

Meetings

11. (1) The meetings of the Board shall be held at such times and places as the Board, or the Chairman, if authorised thereto by the Board, may from time to time determine.

(2) The Chairman of the Board may himself at any time call a special meeting of the Board which shall be held at a time and place determined by him.

(3) At the written request of not less than three members of the Board, the Chairman shall call a special meeting of the Board to be held within 14 days from the date of receipt of such request and at a time and place determined by him.

(4) A meeting of the Board shall be convened by notice given by or by direction of the Chairman or an official of the Board authorised thereto by the Board.

Quorum and decisions

12. (1) Seven members of the Board (excluding advisory members) shall constitute a quorum for any meeting of the Board.

(2) The decision of the majority of the members of the Board present at any meeting thereof shall constitute a decision of the Board and in the event of an equality of votes, the Chairman of the Board shall have a casting vote in addition to his deliberative vote.

Committees of the Board

13. (1) The Board may, with the consent of the Minister and subject to such conditions as the Board may impose, appoint one or more committees from among its members and invest any such committee with such of its powers as it may deem fit: Provided that the Board shall not be divested of any power with which it may invest any such committee.

(2) The Chairman of the Board shall *ex officio* be a member of any committee appointed by the Board under subsection (1).

(3) The Board shall in respect of every committee appointed by it under subsection (1) make rules with regard to the conduct of and procedure at meetings (including the quorum), the manner in which meetings shall be called and matters incidental thereto.

(4) The decision of the majority of all the members of such committee shall constitute a decision of the committee unless the Board, with the approval of the Minister, determines otherwise.

Employment of persons

14. The Board may, subject to such directions as the Minister may issue in a particular case, employ such persons as the Board may consider necessary for the proper performance of its functions and the attainment of the objects of this Scheme.

Verkryging van eiendom

15. Die Raad kan—

(a) behoudens die bepalings van artikel 34 (2) van die Wet, dié eiendom aanskaf of huur wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en vir die bereiking van die oogmerke van hierdie Skema;

(b) geld of eiendom aanneem wat by wyse van geskenk, toekenning of andersins aan die Raad gegee word, en kan sodanige geld of eiendom gebruik op 'n wyse wat die Minister goedkeur.

Bystand aan ondernemings en navorsingswerk

16. Die Raad kan, met die Minister se goedkeuring, deur middel van toekenning of lening of op 'n ander wyse bystand verleen—

(a) aan enige onderneming vir die bewaring, verwerking, opberging of bewerking van oliesade;

(b) in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking, opberging of bemarking van oliesade;

(c) aan—

(i) 'n komitee of organisasie wat deur die Suid-Afrikaanse Landbou-unie ingestel of in die lewe geroep is om die een of ander vertakking van die oliesadebedryf te bevorder; en

(ii) 'n organisasie wat in die lewe geroep is om die een of ander vertakking van die oliesadebedryf te bevorder en by genoemde Unie of provinsiale landbou-unie geaffilieer is;

Met dien verstande dat die Raad nie sodanige bystand aan so 'n komitee of organisasie verleen nie, tensy die komitee of organisasie deur middel van en met die goedkeuring van genoemde Suid-Afrikaanse Landbou-unie vertoë daarvoor tot die Raad gerig het.

Verstreking van inligting en advies

17. Die Raad kan—

(a) 'n inligtingsdiens instel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande oor die algemeen of aangaande die toestand ten opsigte van 'n besondere mark;

(b) die Minister van advies dien aangaande—

(i) die voorwaardes wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merk van oliesade of 'n houër, of omhulsel wat dit bevat, en waarop oliesade verkoop of vir verkoop ingevoer mag word;

(ii) die verbod op, of beheer of reëling van, die invoer of uitvoer van oliesade; en

(iii) alle aangeleenthede betreffende die bemarking of verwerking van oliesade.

Bevordering van vraag na oliesade

18. Die Raad kan die stappe doen wat die Minister goedkeur ter bevordering of stimulering van die vraag, hetsy binne of buite die Republiek, na oliesade.

Samewerking met enigiemand of 'n ander raad

19. Die Raad kan, met die Minister se goedkeuring en behoudens die bepalings van artikel 38 van die Wet, met enigeen meedoen aan 'n behandeling wat die Raad kan verrig en kan namens 'n ander raad wat kragtens 'n wetsbepaling vir of ten opsigte van 'n landbou of verwante bedryf ingestel is, alle handelinge verrig wat daardie ander raad kan verrig.

Acquisition of property

15. The Board may—

(a) subject to the provisions of section 34 (2) of the Act, acquire or hire such property as it may consider necessary for the proper performance of its functions and the attainment of the objects of this Scheme;

(b) accept money or property given to the Board by way of donation, grant or otherwise, and utilise such money or property in such a manner as the Minister may approve.

Assistance to undertakings and research work

16. The Board may, with the approval of the Minister, assist by grant or loan or in any other manner—

(a) any undertaking for preserving, processing, storing or conditioning oilseeds;

(b) research work relating to the improvement, production, processing, storing or marketing of oilseeds;

(c) (i) a committee or organisation established or instituted by the South African Agricultural Union to promote any branch of the oilseeds industry;

(ii) any organisation instituted to promote any branch of the oilseeds industry and affiliated with the said Union or a provincial agricultural union;

Provided that the Board shall not grant such assistance to such a committee or organisation unless the committee or organisation has, through and with the said South African Agricultural Union, made representations therefor to the Board.

Furnishing of information and advice

17. The Board may—

(a) establish an information service in order to inform producers from time to time about marketing conditions in general or about the condition of a particular market;

(b) advise the Minister as to—

(i) the conditions regarding grades, standards of quality, methods of packing and the marking of oilseeds or of any receptacle or cover containing it, subject to which such oilseeds may be sold or imported for sale;

(ii) the prohibition, control or regulation of the importation or export of oilseeds; and

(iii) all matters relating to the marketing or processing of oilseeds.

Stimulating demand for oilseeds

18. The Board may take such steps as may be approved by the Minister for fostering or stimulating the demand, whether within or outside the Republic, for oilseeds.

Co-operation with other persons or other boards

19. The Board may, with the approval of the Minister and subject to the provisions of section 38 of the Act, co-operate with any person in doing any act which the Board may perform, and do on behalf of any other board established under any law for or in respect of any agricultural or related industry, any act which such other board may perform.

DEEL III

FINANSIËLE MAATREËLS

Oplegging van heffings

20. (1) Die Raad kan, behoudens die bepalings van artikel 43 van die Wet, met die goedkeuring van die Minister en op 'n grondslag wat die Raad bepaal, 'n heffing lê op oliesade of oliesade van 'n bepaalde klas.

(2) 'n Heffing kragtens subartikel (1) opgelê is betaalbaar—

(a) in die geval van 'n heffing opgelê op oliesade wat deur bemiddeling van die Raad verkoop word, deur die produsent van sodanige oliesade en kan deur die Raad verhaal word deur dit af te trek van die bedrag wat ingevolge artikel 35 (5) deur die Raad aan sodanige produsent betaalbaar is;

(b) in die geval van 'n heffing opgelê op oliesade wat van die Raad gekoop word, die koper daarvan.

Oplegging van spesiale heffings

21. (1) Die Raad kan, behoudens die bepalings van artikel 43 van die Wet, met die goedkeuring van die Minister en op 'n grondslag wat die Raad bepaal, 'n spesiale heffing opleë op oliesade of op oliesade van 'n bepaalde klas.

(2) Vir die doeleindes van so 'n spesiale heffing is die bepalings van artikel 20 (2) *mutatis mutandis* van toepassing en by sodanige toepassing word 'n verwysing in daardie artikel na 'n heffing uitgelê as 'n verwysing na 'n spesiale heffing opgelê kragtens subartikel (1) van hierdie artikel.

Algemene Fonds

22. (1) Hierby word 'n fonds ingestel wat die Algemene Fonds heet, wat deur die Raad bestuur en beheer moet word en waarin alle gelde gestort moet word wat deur die Raad ontvang word, behalwe dié gelde wat die in 'n artikel 23 bedoelde Reserwefonds of in 'n spesiale fonds in artikel 24 beoog, of in 'n rekening van 'n poel in artikel 35 gestort moet word: Met dien verstande dat die Raad afsonderlike rekeninge moet hou van gelde deur die Raad verkry uit 'n heffing opgelê kragtens artikel 20 ten opsigte van—

- (a) grondbone;
- (b) sojabone; en
- (c) sonneblomsaad.

(2) Alle administratiewe uitgawes van die Raad word uit die Algemene Fonds betaal.

(3) Die Raad kan, met die Minister se goedkeuring geld in die Algemene Fonds vir enige ander doel aanwend wat na die oordeel van die Raad tot die voordeel sal strek van persone wat belang het by oliesade.

Reserwefonds

23. (1) Hierby word die volgende reserwefondse ingestel, wat deur die Raad bestuur en beheer moet word en waarin die gelde deur die Raad ontvang wat die Minister bepaal, en die bedrae tot die beskikking van die Raad wat die Minister van tyd tot tyd goedkeur, of wat die Minister na die end van 'n boekjaar ingevolge hierdie Skema en na oorlegpleging met die Raad bepaal, gestort moet word:

- (a) Reserwefonds vir grondbone.
- (b) Reserwefonds vir sojabone.
- (c) Reserwefonds vir sonneblomsaad.

(2) Die Raad kan oor die gelde in die subartikel (1) bedoelde reserwefondse beskik op die wyse wat die Minister goedkeur.

PART III

FINANCIAL PROVISIONS

Imposition of levies

20. (1) The Board may, subject to the provisions of section 43 of the Act, with the approval of the Minister and on such basis as the Board may determine, impose a levy on oilseeds or oilseeds of a particular class.

(2) Any levy imposed under subsection (1) shall be payable—

(a) in the case of a levy imposed on oilseeds sold through the Board, by the producer of such oilseeds and may be recovered by the Board by deducting it from the amount payable to such a producer by the Board in terms of section 35 (5);

(b) in the case of a levy imposed on oilseeds purchased from the Board, by the purchaser.

Imposition of special levies

21. (1) The Board may, subject to the provisions of section 43 of the Act, with the approval of the Minister and on such basis as the Board may determine, impose a special levy on oilseeds or on oilseeds of a particular class.

(2) For the purposes of such a levy the provisions of section 20 (2) shall *mutatis mutandis* apply and in such application a reference in that section to a levy shall be construed as a reference to a special levy imposed under subsection (1) of this section.

General Fund

22. (1) There is hereby established a fund to be known as the General Fund, which shall be administered and controlled by the Board and into which shall be paid all moneys received by the Board, except such moneys as are to be paid into the Reserve Fund referred to in section 23 or into a special fund contemplated in section 24 or account of a pool contemplated in section 35: Provided that the Board shall keep separate accounts of the moneys derived from a levy imposed under section 20 in respect of—

- (a) groundnuts;
- (b) soya beans; and
- (c) sunflower seed.

(2) All administrative expenses of the Board shall be paid from the General Fund.

(3) The Board may utilise, with the approval of the Minister, money in the General Fund for any other object which in the opinion of the Board will be to the advantage of persons interested in oilseeds.

Reserve Fund

23. (1) There is hereby established the following reserve funds, which shall be administered and controlled by the Board and into which shall be paid such moneys received by the Board as may be determined by the Minister and such amounts at the disposal of the Board as may from time to time be approved by the Minister or as may after the end of any financial year under this Scheme be determined by the Minister after consultation with the Board:

- (a) Reserve Fund for groundnuts;
- (b) Reserve Fund for soya beans;
- (c) Reserve Fund for sunflower seed.

(2) The Board may deal with the moneys in the reserve funds referred to in subsection (1) in such manner as may be approved by the Minister.

Spesiale fondse

24. (1) Die Raad kan afsonderlik ten opsigte van grondbone, sojabone en sonneblomsaad, een of meer spesiale fondse instel wat deur die Raad bestuur en beheer moet word waarin die gelde verkry uit 'n spesiale heffing kragtens artikel 21 opgelê, die ander gelde deur die Raad ontvang wat die Minister bepaal, en die bedrae tot die beskikking van die Raad wat die Minister goedkeur, gestort moet word.

(2) Die Raad kan oor die geld in 'n subartikel (1) beoogde spesiale fonds beskik op die wyse wat die Minister goedkeur.

Leen van geld

25. Die Raad kan, met die Minister se goedkeuring, geld leen wat ter verwesenliking van die oogmerke van hierdie Skema aangewend moet word.

Boekjaar

26. Die boekjaar ingevolge hierdie Skema is die tydperk van die 1ste dag van Junie in enige jaar tot die 31ste dag van Mei in die daaropvolgende jaar, albei dae ingesluit.

Beskikking oor bates van Raad by opheffing van Skema

27. In geval hierdie Skema opgehef word—

(a) word alle bates van die Raad, nadat al sy skulde betaal is, aan die Minister oorhandig en die bates aldus oorhandig deur die Minister na goeddunke vir die bevordering van die oliesadebedryf aangewend;

(b) word enige tekort wat mag bestaan nadat al die bates van die Raad tot geld gemaak is, gedra deur produsente van oliesade in verhouding tot die onderskeie bedrae in die vorm van heffing en spesiale heffing kragtens hierdie Skema gedurende die tydperk van drie jaar onmiddellik voor die datum waarop die Skema opgehef is, deur hulle betaal.

DEEL IV**BEHEER KRAGTENS SKEMA***Aantekeninge, opgawes en inligting*

28. Die Raad kan, met die Minister se goedkeuring—

(a) enigiemand of enigiemand wat tot 'n klas of groep persone behoort, of enigiemand behalwe iemand wat tot 'n klas of groep persone behoort, gelas om aan die Raad dié inligting met betrekking tot oliesade of iets waarvan oliesade verkry word of iets wat van oliesade verkry word te verstrek waaroor bedoelde persoon beskik en wat die Raad spesifiseer;

(b) aantekeninge wat in verband met oliesade of so iets gehou moet word, die tydperk waarvoor so 'n aantekening gehou moet word en die opgawes wat ten opsigte van sodanige oliesade of iets aan die Raad verstrek moet word deur enigiemand, of deur enigiemand wat tot 'n klas of groep persone behoort, of deur enigiemand behalwe iemand wat tot 'n klas of groep persone behoort, voorskryf, asook die tye waarop, die vorm waarin en die wyse waarop bedoelde opgawes aldus verstrek moet word.

Aanstelling van agente

29. (1) Die Raad kan, onderworpe aan die goedkeuring van die Minister en die voorwaardes deur hom goedgekeur, die agente aanstel wat die Raad nodig ag vir die behoorlike verrigting van sy werksaamhede.

Special funds

24. (1) The Board may establish one or more separate special funds in respect of groundnuts, soya beans and sunflower seed which shall be administered and controlled by the Board, and into which shall be paid the moneys derived from a special levy imposed under section 21, such other moneys received by the Board as may be determined by the Minister and such amounts at the disposal of the Board as may be approved by the Minister.

(2) The Board may deal with the money in the special fund referred to in subsection (1) in such manner as may be approved by the Minister.

Borrowing of money

25. The Board may borrow money, with the approval of the Minister, to be utilised for the purpose of attaining the objects of this Scheme.

Financial year

26. The financial year under this Scheme shall be the period from the 1st day of June in any year to the 31st day of May in the next succeeding year, both days inclusive.

Assets of the Board in the event of discontinuance of Scheme

27. In the event of discontinuance of this Scheme—

(a) all the assets of the Board after all its debts have been paid, shall be handed over to the Minister and the assets so handed over shall be utilised by the Minister at his discretion for the advancement of the oilseeds industry;

(b) any deficit which may exist after all the assets of the Board have been realised, shall be borne by producers of oilseeds in proportion to the different amounts paid by them by way of levies and special levies under this Scheme during the period of three years immediately preceding the date on which this Scheme was discontinued.

PART IV**CONTROL UNDER SCHEME***Records, returns and information*

28. The Board may, with approval of the Minister—

(a) require any person, or any person belonging to any class or group of persons, or any person other than a person belonging to any class or group of persons, to furnish the Board with such information relating to oilseeds or anything from which oilseeds are derived or anything which is derived from oilseeds, as may be available to such person and as the Board may specify;

(b) prescribe the records to be kept in connection with such oilseeds or thing, the period for which any such record shall be retained and the returns to be rendered in regard to such oilseeds or thing to the Board by any person, or by any person belonging to any class or group of persons or by any person other than a person belonging to any class or group of persons, and the times at which and the form and manner in which such returns shall be so rendered.

Appointment of agents

29. (1) The Board may, subject to the approval of the Minister and the conditions approved by him, appoint such agents as it may consider necessary for the proper performance of its functions.

(2) Iemand wie se aansoek om aanstelling kragtens subartikel (1) as 'n agent geweier is, of wie se aanstelling kragtens daardie subartikel as 'n agent beëindig is, kan ingevolge artikel 53 (2) van die Wet op die wyse by regulasie kragtens artikel 89 van die Wet voorgeskryf, teen sodanige weiering of beëindiging by die Minister appél aanteken.

Magtiging van inspekteurs

30. Die Raad kan, vir die uitvoering van die bepalings van hierdie Skema, enigiemand in die algemeen of in 'n besondere geval magtig om te alle redelike tye—

(a) 'n plek te betree wat geokkupeer word deur iemand wat 'n produsent is of vermoed word 'n produsent te wees van of deur iemand wat as 'n besigheid handel of vermoed word as 'n besigheid te handel met oliesade of iets waarvan oliesade verkry word of iets wat van oliesade verkry word, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid oliesade deur iemand gehou word of na vermoede gehou word;

(b) sodanige oliesade of iets te inspekteur en alle boeke en stukke op bedoelde plek of in of op bedoelde voertuig na te gaan wat, na op redelike gronde vermoed word, op sodanige oliesade betrekking het, en afskrifte van of uittreksels uit die boeke en stukke te maak;

(c) van die eienaar van sodanige oliesade of iets of van die persoon wat dit in sy bewaring het, inligting aangaande sodanige oliesade of iets te eis;

(d) van die eienaar van so 'n boek of stuk of van die persoon wat dit in sy bewaring het 'n verklaring van 'n inskrywing daarin te eis;

(e) beslag te lê op boeke, stukke of artikels wat bewys kan lewer van die pleeg van 'n misdryf ingevolge die Wet of hierdie Skema of 'n kragtens die Wet uitgevaardigde regulasie, of op 'n hoeveelheid oliesade ten opsigte waarvan so 'n misdryf vermoedelik gepleeg is, en om boeke, stukke of artikels of enige hoeveelheid oliesade waarop beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op bedoelde plek of voertuig te laat en na goeë dunks 'n identifikasiemerk wat hy nodig ag, aan te bring op so 'n boek, stuk, artikel of oliesade of op die houër daarvan;

(f) monsters te neem van oliesade met inbegrip van 'n hoeveelheid daarvan waarop daar beslag gelê is ingevolge paragraaf (e), en sodanige monsters te ondersoek, te ontleed of te gradeer, of te laat ondersoek, ontleed of gradeer.

Handelinge met oliesade en plantmateriaal

31. Die Raad kan—

(a) teen dié prys of op dié grondslag wat die Minister goedkeur oliesade koop;

(b) oliesade wat hy gekoop het, behandel soos hy goeëvind, klassifiseer, gradeer, verpak, opberg, verwerk, vir verkoop geskik maak, verseker, vervoer en, behoudens die bepalings van artikel 18 van hierdie Skema, adverteer;

(c) oliesade wat hy gekoop het, teen die prys of op die grondslag wat die Minister goedkeur, verkoop, hetsy in sy oorspronklike of in gedeeltelik of geheel en al verwerkte vorm of 'n deel daarvan aan die mark onthou;

(d) as agent vir die ontvangs en verkoop van oliesade optree;

(e) op die voorwaardes wat die Minister goedkeur—

(i) plantmateriaal verkry of ontwikkel wat produsente gebruik vir die produksie van oliesade;

(ii) sodanige plantmateriaal vermeerder of verbeter of sodanige plantmateriaal verkoop aan produsente van oliesade of aan persone wat in die loop van hul besigheid sodanige plantmateriaal aan bedoelde produsente verkoop;

(2) Any person whose application for appointment as an agent under subsection (1) has been refused, or whose appointment as an agent under that subsection has been terminated, may appeal against such refusal or termination to the Minister in terms of section 53 (2) of the Act in the manner prescribed by regulation under section 89 of the Act.

Authorisation of inspectors

30. The Board may, for the purpose of the enforcement of the provisions of this Scheme, empower any person generally or in any particular case at all reasonable hours—

(a) to enter any place occupied by any person who is, or is suspected to be, a producer or a person dealing in the course of trade with oilseeds or anything from which oilseeds are derived or anything which is derived from oilseeds, or any place or vehicle in or on which there is kept or suspected to be kept any quantity of oilseeds by any person;

(b) to inspect such oilseeds or thing and to examine all books and documents at any such place or in or on any such vehicle, which are believed on reasonable grounds to relate to such oilseeds or thing and to make copies of or take extracts from such books and documents;

(c) to demand from the owner or custodian of such oilseeds or thing any information concerning such oilseeds or thing;

(d) to demand from the owner or custodian of any such book or document an explanation of any entry therein;

(e) to seize any books, documents or articles which may afford evidence of the commission of an offence under the Act or this Scheme or any regulation made under the Act, or any quantity of oilseeds in respect of which any such offence is suspected to have been committed and to remove from the place or vehicle in question or to leave at such place or on such vehicle any books, documents or articles or any quantity of oilseeds which have been so seized, and, if he deems fit, to place on any such book, document, article or oilseeds or on the container thereof, any identification mark which he may consider necessary;

(f) to take samples of oilseeds including any quantity thereof which has been seized under paragraph (e), and to examine, analyse or grade such samples or cause them to be examined, analysed or graded.

Dealings with oilseeds and plant material

31. The Board may—

(a) buy oilseeds at such a price or on such a basis as the Minister may approve;

(b) treat in such manner as it may deem fit, classify, grade, pack, store, process, adapt for sale, insure, transport and, subject to the provisions of section 18 of this Scheme, advertise any oilseeds which it has bought;

(c) sell, whether in its original form or processed wholly or in part, oilseeds which it has bought, at such a price or on such a basis as the Minister may approve, or to withhold any part of it from the market;

(d) act as agent for the receipt and sale of oilseeds;

(e) on such conditions as the Minister may approve—

(i) acquire or develop any plant material which producers use for the production of oilseeds;

(ii) multiply or improve such plant material, or to sell such plant material to producers of oilseeds or to persons who in the course of their business sell such plant material to such producers;

(iii) die ontwikkeling, verbetering of vermeerdering van sodanige plantmateriaal uit sy fondse finansier.

Registrasie van oliepersers

32. (1) Geen olieperser mag in die Republiek met oliesade as 'n besigheid handel nie tensy hy by die Raad geregistreer is.

(2) Die Raad kan—

(a) met die Minister se goedkeuring die prosedure in verband met die oorweging van aansoeke om registrasie ingevolge subartikel (1), voorskryf;

(b) so 'n aansoek weier of so 'n aansoek toestaan op die voorwaardes wat die Raad bepaal;

(c) met jaarlikse tussenpose die voortdurende geldigheid van so 'n registrasie onderworpe stel aan die voorwaardes wat die Raad dan bepaal hetsy deur die oplegging van verdere of nuwe voorwaardes of deur die wysiging of intrekking van voorwaardes wat dan bestaan;

(d) so 'n registrasie intrek indien die geregistreeerde persoon 'n voorwaarde deur die Raad kragtens paragraaf (b) of (c) opgelê, oortree het, of versuim het om daaraan te voldoen.

(3) Benewens ander voorwaardes wat hy wettiglik mag opelê, kan die Raad so 'n aansoek toestaan onderworpe aan voorwaardes wat die aard van die toerusting en die maksimum kapasiteit van die installasie of masjinerie wat geïnstalleer kan word of die klas, graad of maksimum hoeveelheid oliesade wat as 'n besigheid mee gehandel kan word deur sodanige olieperser en die wyse waarop en die plek waar of die gebied waarbinne en die doel waarvoor en die persoon of klasse persone aan wie oliesade of oliesade-produkte van die hand gesit mag word, voorskryf.

(4) Iemand wat ontevrede is met 'n besluit van die Raad in verband met 'n aangeleentheid betreffende sy registrasie deur die Raad, kan ingevolge artikel 59 (6) van die Wet, op die wyse by regulasie kragtens artikel 89 van die Wet voorgeskryf, teen sodanige besluit by die Minister appèl aanteken.

(5) By die toepassing van hierdie artikel beteken "as 'n besigheid handel", met betrekking tot oliesade—

(a) elke aankoop van oliesade en elke handeling by die verwerking van oliesade deur 'n olieperser verrig, indien die oliesade-produkte daaruit verkry, of 'n hoeveelheid daarvan, van die hand gesit word of bestem is om van die hand gesit te word deur daardie olieperser vir enige vergoeding hoegenaamd; en

(b) elke sodanige handeling deur so 'n olieperser verrig ten behoeve van die eienaar van sodanige oliesade.

Verbod op die koop, verkoop, verbruik, behandeling of verwerking van oliesade vir 'n bepaalde doel of op 'n bepaalde wyse

33. Die Raad kan, met die Minister se goedkeuring enigiemand, of enigiemand wat tot 'n klas of groep persone behoort, of enigiemand behalwe iemand wat tot 'n klas of groep persone behoort, verbied om oliesade of 'n klas, graad of hoeveelheid daarvan te koop, verkoop, gebruik, behandel of verwerk vir 'n doel of op 'n wyse deur die Raad bepaal of vir 'n ander doel of op 'n ander wyse as 'n aldus bepaalde doel of wyse behalwe kragtens 'n permit wat die Raad uitreik onderworpe aan die voorwaardes deur die Raad bepaal.

Verbod op die verkoop van oliesade behalwe deur bemiddeling van die Raad

34. (1) Die Raad kan—

(a) met die Minister se goedkeuring 'n produsent van oliesade verbied om oliesade of 'n klas, graad, hoeveelheid of persentasie daarvan wat die Raad van tyd tot tyd bepaal, te verkoop behalwe deur bemiddeling van die Raad;

(iii) finance out of its funds the development, improvement or multiplication of such plant material.

Registration of oil expressers

32. (1) No oil expresser shall deal with oilseeds in the course of trade in the Republic, unless he has been registered with the Board.

(2) The Board may—

(a) with the approval of the Minister, prescribe the procedure in connection with the consideration of applications for registration in terms of subsection (1);

(b) refuse any such application or grant any such application on such conditions as the Board may determine;

(c) annually, render the continued validity of any such registration subject to such conditions as the Board may then determine, whether by the imposition of further or new conditions, or by the amendment or cancellation of conditions then existing;

(d) cancel any such registration if the person so registered has contravened or failed to comply with any conditions imposed by the Board under paragraph (b) or (c).

(3) The Board may impose, in addition to any other conditions which it may lawfully impose, conditions prescribing the nature of the equipment and the maximum capacity of the plant or machinery which may be installed, or the class, grade or maximum quantity of oilseeds which may be dealt with in the course of trade by such oil expresser, and the manner in which and the place where, or the area within which, and the purpose for which and the person or classes of persons to whom oilseeds or oilseeds products may be disposed of.

(4) Any person who is dissatisfied with a decision of the Board in connection with any matter relating to his registration by the Board, may in terms of section 59 (6) of the Act, appeal to the Minister against such decision in the manner prescribed by regulation in terms of section 89 of the Act.

(5) For the purposes of this section "dealing in the course of trade", in relation to oilseeds, means—

(a) every purchase of oilseeds and every act performed in the processing of oilseeds by an oil expresser, if the oilseeds products derived therefrom, or any quantity thereof is or is intended to be disposed of by that oil expresser for any consideration whatsoever; and

(b) every such act performed by such an expresser on behalf of the owner of such oilseeds.

Prohibition of the purchase, sale, use, treatment, manufacture or processing of oilseeds for a specified purpose or in a specified manner

33. The Board may, with the approval of the Minister, prohibit any person, or any person belonging to any class or group of persons, or any person other than a person belonging to any class or group of persons from purchasing, selling, using, treating or processing oilseeds or any class, grade or quantity thereof for any purpose or in any manner determined by the Board or for any purpose or in any manner other than a purpose or manner so determined except under authority of a permit issued by the Board subject to the conditions determined by the Board.

Prohibition of the sale of oilseeds except through the Board

34. (1) The Board may—

(a) with the approval of the Minister, prohibit any producer of oilseeds from selling oilseeds or any class, grade, quantity or percentage thereof which the Board may from time to time determine, except through the Board;

(b) met die Minister se goedkeuring vrystelling verleen, op die voorwaardes deur die Raad bepaal, van die werking van 'n verbod deur die Raad opgelê kragtens paragraaf (a) en, indien 'n in artikel 20 vermelde heffing of 'n in artikel 21 vermelde spesiale heffing nie betaalbaar is nie ten opsigte van die klas oliesade ten opsigte waarvan so 'n vrystelling verleen is, ook op voorwaarde, behoudens die bepalings van artikel 64 (3) van die Wet, dat 'n bedrag geld wat deur die Raad met die Minister se goedkeuring bepaal word, ten opsigte van 'n eenheid of hoeveelheid daarvan aan die Raad betaal word deur die persone, op die wyse deur die Raad bepaal, maar wat hoogstens soveel as die bedrag van die hoogste sodanige heffing en die hoogste sodanige spesiale heffing wat betaalbaar is ten opsigte van 'n gelyke eenheid of hoeveelheid van 'n klas oliesade wat deur bemiddeling van die Raad verkoop word.

(2) Wanneer die Raad ingevolge subartikel (1) 'n verbod opgelê het, moet hy poel bestuur ooreenkomstig die bepalings van artikel 35 vir die verkoop van sodanige oliesade.

Verpoeling van opbrengs van oliesade

35. (1) Die Raad moet 'n afsonderlike poel bestuur ten opsigte van elke klas oliesade aan die Raad gelewer gedurende sodanige tydperk as wat die Raad, met die goedkeuring van die Minister, bepaal, en elke hoeveelheid oliesade aan die Raad of sy agente vir verkoop gelewer moet ooreenkomstig die grondslag wat die Raad met die goedkeuring van die Minister bepaal, toegewys word aan die graad van elke klas waartoe sodanige hoeveelheid oliesade na bevinding van die Raad behoort ten tye van lewering vir verkoop: Met dien verstande dat die Raad 'n poel kan bestuur ten opsigte van 'n groep klasse oliesade met die goedkeuring van die Minister.

(2) Die Raad kan enige hoeveelheid oliesade ten opsigte waarvan hy 'n poel bestuur—

(a) behandel soos hy goedvind, hergradeer, verpak, opberg, vir verkoop geskik maak, verseker, vervoer en behoudens die bepalings van artikel 18, adverteer;

(b) verkoop op die voorwaardes wat hy goedvind;

(c) vir sy eie rekening verkry teen 'n prys wat die Raad bepaal op 'n grondslag deur die Minister goedgekeur:

Met dien verstande dat in die geval van paragraaf (b) die prys waarteen of grondslag waarop sodanige oliesade verkoop word vooraf deur die Minister goedgekeur moet word.

(3) So gou doenlik nadat al die oliesade wat die Raad vir die rekening van 'n poel aangeneem het, verkoop is, moet die Raad die netto opbrengs van daardie poel bepaal deur van die bruto opbrengs daarvan af te trek die koste verbonde aan die verkoop van sodanige oliesade met inbegrip van alle uitgawes en koste regstreeks in verband met die ontvangs, hantering, finansiering, opberging, advertering en verkoop van sodanige oliesade aangegaan.

(4) Die netto opbrengs van elke poel, soos bepaal ooreenkomstig subartikel (3), moet tussen die verskillende grade waartoe die oliesade ten tye van die aflewering van verkoop deur die Raad toegewys is, verdeel word ooreenkomstig 'n skaal van pryse wat die Raad met die goedkeuring van die Minister ten opsigte van sodanige grade moet bepaal en in verhouding tot die onderskeie hoeveelhede oliesade wat aan sodanige grade toegewys is.

(5) Behoudens die bepalings van subartikel (6) moet die Raad die netto opbrengs van elke graad oliesade in elke poel, soos bepaal ingevolge subartikel (4), verdeel onder produsente wat tot daardie graad in daardie poel bygedra het in verhouding tot die onderskeie hoeveelhede oliesade wat elke produsent gelewer het en wat die Raad vir rekening van daardie graad in daardie poel aangeneem het.

(b) with the approval of the Minister, grant exemption on the conditions determined by the Board, from the operation of any prohibition imposed by the Board under paragraph (a) and, if a levy referred to in section 20 or a special levy referred to in section 21 is not payable in respect of the class of oilseeds in respect of which any such exemption was granted also on condition, subject to the provisions of section 64 (3) of the Act, that an amount of money, determined by the Board with the approval of the Minister, be paid to the Board in respect of any unit or quantity thereof by such persons, in such manner as the Board may determine, but not exceeding the amount of the highest such levy and the highest such special levy payable in respect of an equal unit or quantity of any class of oilseeds which is sold to or through the Board.

(2) Whenever the Board has imposed a prohibition under subsection (1), it shall conduct pools in terms of the provisions of section 35 for the sale of such oilseeds.

The pooling of proceeds from oilseeds

35. (1) The Board shall conduct a separate pool in respect of each class of oilseeds delivered to the Board during such period as the Board may, with the approval of the Minister, determine, and each quantity of oilseeds delivered to the Board or its agents for sale shall in accordance with such basis as the Board, with the approval of the Minister, may determine, be assigned to the grade of each class to which such quantity of oilseeds is found by the Board to belong at the time of delivery for sale: Provided that the Board may, with the approval of the Minister, conduct a pool in respect of a group of classes of oilseeds.

(2) The Board may—

(a) treat in such manner as it may deem fit, reclassify, pack, store, adapt for sale, insure, transport and subject to the provisions of section 18, advertise;

(b) sell on such conditions as it may deem fit;

(c) acquired for its own account, at a price or on a basis determined by the Board with the approval of the Minister, any quantity of oilseeds in connection with which it conducts pools:

Provided that in the case of paragraph (b) the Minister shall previously have approved of the price at which or the basis on which the Board sells such oilseeds.

(3) As soon as possible after all the oilseeds accepted by the Board for the account of the pool has been sold, the Board shall determine the net proceeds of the pool by deducting from the gross proceeds thereof of the costs incidental to the sale of such oilseeds, including all expenses and costs directly incurred in connection with the receipt, handling, financing, storage, advertising and sale of such oilseeds.

(4) The net proceeds of the pool, as determined in terms of subsection (3), shall be distributed among the various grades to which the oilseeds, at the time of delivery for sale, had been assigned by the Board in accordance with a scale of prices to be determined by the Board with the approval of the Minister in respect of such grades and in proportion to the respective quantities of oilseeds assigned to such grades.

(5) Subject to the provisions of subsection (6), the Board shall distribute the net proceeds of each grade of oilseeds in each pool, as determined in terms of subsection (4), to producers who contributed to that grade in that pool in proportion to the respective quantities of oilseeds delivered by each producer and accepted by the Board for the account of that grade in that pool.

(6) Die bedrag wat aan 'n produsent ingevolge subartikel (5) betaalbaar is—

(a) moet verminder word met die bedrag van enige kragtens artikels 20 en 21 opgelegde heffing en spesiale heffing; en

(b) moet verminder word met die bedrag van enige voorskotte kragtens subartikel (7) aan daardie produsent betaal.

(7) Die Raad kan, met die goedkeuring van die Minister, van tyd tot tyd, te eniger tyd voordat die netto-opbrengs uit die verkoop van oliesade aan die Raad gelewer gedurende die tydperk genoem in subartikel (1) en deur die Raad vir die rekening van 'n poel aangeneem, verdeel is soos in hierdie artikel bepaal, aan produsente wat sodanige oliesade aldus gelewer het, voorskotte betaal in verhouding tot die onderskeie hoeveelhede van sodanige oliesade van elke graad aldus deur hulle gelewer.

(8) Ondanks andersluidende bepalinge in hierdie artikel, kan die Raad, wanneer hy oliesade verkoop het vir die rekening van 'n poel in subartikel (1) genoem—

(a) die bedrag wat uit sodanige poel verdeel moet word met goedkeuring van die Minister, verminder of vermeerder; en

(b) met enige bedrag wat enige van genoemde poele toeval, nadat sodanige poele reeds afgesluit is, handel op 'n wyse deur die Minister bepaal.

(9) Die Raad kan, ten einde die rekening van 'n poel af te sluit, 'n hoeveelheid oliesade aan daardie poel toegewys oordra na 'n daaropvolgende poel teen 'n prys of op die grondslag wat hy met die goedkeuring van die Minister bepaal.

(10) Waar 'n saldo in 'n poel, wanneer sy rekening afgesluit word, na die oordeel van die Raad en die Minister so klein is dat 'n verdeling daarvan onder die deelnemers in die poel nie geregverdig is nie, kan die Raad met sodanige saldo handel op 'n wyse wat die Minister goedkeur.

DEEL V

DIVERSE BEPALINGS

Misdrywe en strawwe

36. Iemand wat—

(a) versuim om 'n kragtens artikel 20 opgelegde heffing of 'n kragtens artikel 21 opgelegde spesiale heffing te betaal;

(b) versuim om aan 'n voorskrif uitgereik kragtens artikel 28 te voldoen;

(c) die bepalinge van artikel 32 oortree;

(d) die bepalinge van 'n kragtens artikels 33 en 34 opgelegde verbod oortree;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel sodanige boete as sodanige gevangenisstraf.

Voorbehoude met betrekking tot die herroeping van vorige skema

37. (1) Enige aanstelling, besluit, magtiging, registrasie, heffing, spesiale heffing, verbod, voorskrif, lasgewing, bepaling, reëling of kennisgewing gemaak, geneem, verleen, opgelê, toegestaan, uitgevaardig of gepubliseer of enige ander stappe of enige iets gedoen kragtens 'n bepaling van die Oliesadebeheerskema, afgekondig by Proklamasie R. 55 van 1968, soos gewysig, word geag gemaak, geneem, verleen, toegestaan, opgelê, uitgevaardig of gepubliseer of gedoen te gewees het kragtens die ooreenstemmende bepalinge van hierdie Skema.

(6) The amount payable to a producer in terms of subsection (5)—

(a) shall be reduced by the amount of any levy and special levy payable in terms of sections 20 and 21;

(b) shall be reduced by the amount of any advances paid to that producer in terms of subsection (7).

(7) The Board may, with the approval of the Minister, from time to time at any time before the net proceeds from the sale of oilseeds delivered to the Board during the period referred to in subsection (1) and accepted by the Board for the account of a pool have been distributed as provided for in this section, make advance payments to producers who have so delivered such oilseeds in proportion to the respective quantities of such oilseeds of each grade so delivered by them.

(8) Notwithstanding anything to the contrary in this section, the Board may, whenever it has sold the oilseeds for the account of a pool referred to in subsection (1)—

(a) with the approval of the Minister reduce or increase the amount to be distributed from such pool; and

(b) deal with the monies which accrue to any of the said pools, after its accounts have been closed, in a manner determined by the Minister.

(9) In order to close the account of a pool transfer any quantity of oilseeds assigned to that pool to any subsequent pool at a price or on such basis as it may determine with the approval of the Minister.

(10) Where any balance in a pool, when its accounts are closed, is, in the opinion of the Board and the Minister, so small that a division thereof among the participants of the pool is not justified, the Board may deal with such balance in any manner approved by the Minister.

PART V

MISCELLANEOUS PROVISIONS

Offences and penalties

36. Any person who—

(a) fails to pay a levy imposed under section 20 or a special levy imposed under section 21;

(b) fails to comply with a requirement issued under section 28;

(c) contravenes the provisions of section 32;

(d) contravenes the provisions of any prohibition imposed under sections 33 and 34;

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Savings in regard to the repeal of previous scheme

37. (1) Any appointment, decision, authorisation, registration, levy, special levy, prohibition, requirement, direction, determination, regulation or notice made, granted, taken, imposed, promulgated or published or any other steps taken or any other thing done under provision of the Oilseeds Control Scheme, published by Proclamation R. 55 of 1968, as amended, shall be deemed to have been made, taken, granted, imposed, promulgated or published or done under the corresponding provisions of this Scheme.

(2) Die lede van die Oliesadebeheerraad aangestel kragtens die bepalings van die genoemde Oliesadebeheerskema bly in hulle amp aan as lede van die by artikel 6 van hierdie skema ingestelde Oliesaderaad asof hulle aldus aangestel is volgens die ooreenstemmende bepalings van hierdie Skema.

No. R. 75, 1982

INWERKINGTREDING VAN ARTIKEL 3 VAN DIE WYSIGINGSWET OP PROKUREURS, 1982

Kragtens die bevoegdheid my verleen by artikel 6 (2) van die Wysigingswet op Prokureurs, 1982 (Wet 60 van 1982), verklaar ek hierby dat artikel 3 van genoemde Wet op 30 April 1982 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Een-en-twintigste dag van April Eenduisend Negehoenderd Twee-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade;

H. J. COETSEE.

(2) The members of the Oilseeds Control Board appointed under the provisions of the Oilseeds Control Scheme, published by Proclamation R. 55 of 1968, as amended, shall continue to hold office as members of the Oilseeds Board established under section 6 of this Scheme as if they had been so appointed under the corresponding provisions of this Scheme.

No. R. 75, 1982

COMMENCEMENT OF SECTION 3 OF THE ATTORNEYS AMENDMENT ACT, 1982

Under and by virtue of the powers vested in me by section 6 (2) of the Attorneys Amendment Act, 1982 (Act 60 of 1982), I hereby declare that section 3 of the said Act shall come into operation on 30 April 1982.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of April, One thousand Nine hundred and Eighty-two.

M. VILJOEN, State President.

By Order of the State President-in-Council:

H. J. COETSEE.

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN FINANSIES

No. R. 820

30 April 1982

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/825)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

D. W. STEYN, Adjunk-minister van Finansies en van Nywerheidswese, Handel en Toerisme.

GOVERNMENT NOTICES

DEPARTMENT OF FINANCE

No. R. 820

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/825)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

D. W. STEYN, Deputy Minister of Finance and of Industries, Commerce and Tourism.

BYLAE

I Tariefpos	II Statistiese Eenheid	III Skaal van Reg		IV
		Algemeen	M.B.N.	
33.04 Deur na subpos No. 33.04.10 die volgende in te voeg: "33.04.15 Vetiverol	kg	10%"		
59.04 Deur voor subpos No. 59.04.10 die volgende in te voeg: "59.04.05 Omvlegte nagemaakte dermsnaar:				
.10 Van sy	kg	20%		
.20 Van sintetiese veselstowwe	kg	10%		
.30 Van geregenereerde veselstowwe	kg	5%"		
Deur die opskrif van subpos No. 59.04.10 deur die volgende te vervang: "Ander, van natuurlike vesels:"				
Deur die opskrif van subpos No. 59.04.50 deur die volgende te vervang: "Ander, van gefabriseerde vesels of reep:"				

Opmerking.—Hierdie wysigings spruit voort uit die wysigings van die Nomenklatuur en die "Explanatory Notes to the Nomenclature", uitgereik deur die Doeanesamewerkingsraad, Brussel.

SCHEDULE

I Tariff Heading	II Statistical Unit	III Rate of Duty		IV M.F.N.
		General		
33.04 By the insertion after subheading No. 33.04.10 of the following: "33.04.15 Vetiverol	kg	10%"		
59.04 By the insertion before subheading No. 59.04.10 of the following: "59.04.05 Braided imitation catgut: .10 Of silk .20 Of synthetic fibre materials .30 Of regenerated fibre materials	kg kg kg	20% 10% 5%"		
By the substitution for the heading of subheading No. 59.04.10 of the following: "Other, of natural fibres:"				
By the substitution for the heading of subheading No. 59.04.50 of the following: "Other, of man-made fibres or strip:"				

Note.—These amendments are consequential to the amendments of the Nomenclature and the Explanatory Notes to the Nomenclature issued by the Customs Co-operation Council, Brussels.

No. R. 821

30 April 1982

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/826)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

D. W. STEYN, Adjunk-minister van Finansies en van Nywerheidswese, Handel en Toerisme.

No. R. 821

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/826)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

D. W. STEYN, Deputy Minister of Finance and of Industries, Commerce and Tourism.

BYLAE

I Tariefpos	II Statistiese Eenheid	III Skaal van Reg		IV M.B.N.
		Algemeen		
Hoofstuk 46 Deur Opmerking 1 by Hoofstuk 46 deur die volgende te vervang: "1. In hierdie Hoofstuk sluit die uitdrukking 'vlegwerkstowwe', strooi, bind- of wilgerlatte, bamboese, biesies, riete, houtrepe, repe van plantaardige vesel of bas, ongesponne natuurlike tekstielvesels, monofil en reep van kunsplastiekstowwe of repe van papier in, maar nie repe van leer, van saamgestelde leer of van vilt, menschaar, perdehaar, tekstielvoorgarings of -garings, of monofil of reep in Hoofstuk 51 vermeld nie."				
Hoofstuk 51 Deur Opmerking 1 by Hoofstuk 51 deur die volgende te vervang: "1. In hierdie Bylae beteken die uitdrukking 'gefabriseerde vesels' deurgaans vesels of filamente van organiese polimere deur vervaardigingsprosesse geproduseer, hetsy: (a) Deur sintese, d.w.s. deur polimerisasie of kondensasie van organiese monomere, byvoorbeeld, poliamiede, poliësters, poliuretane en polivinyl-derivate; of (b) Deur regenerasie, d.w.s. deur chemiese transformasie van natuurlike organiese polimere (soos sellulose, kaseïen, proteïene en alge), byvoorbeeld, viskose rayon, kuprammoniumrayon (kupra), sellulose-asetaat en alginat. Die uitdrukking 'sinteties' en 'geregenereerd', gebruik met betrekking tot gefabriseerde vesels, beteken: sinteties: vesels en filamente soos by (a) omskryf; geregenereerd: vesels en filamente soos by (b) omskryf."				
Afdeling XVI Deur Opmerking 1 (k) by Afdeling XVI deur die volgende te vervang: "(k) Voertuie (met inbegrip van hyskrane op 'n motorvoertuigonderstel gemonteer), vliegtuie, vaartuie en verwante vervoertoerusting van Afdeling XVII;"				
84.08 Deur na subpos No. 84.08.20 die volgende in te voeg: "84.08.25 Lugklepaandrywers	getal	vry"		

I Tariefpos	II Statistiese Eenheid	III Skaal van Reg		IV M.B.N.
		Algemeen		
Afdeling XVII				
90.16				
97.04				

Opmerking.—Hierdie wysigings spruit voort uit die wysigings van die Nomenklatuur en die Verduidelikende Notas daartoe uitgereik deur die Doeanesamewerkingsraad, Brussel.

SCHEDULE

I Tariff Heading	II Statistical Unit	III Rate of Duty	
		General	IV M.F.N.
Chapter 46			
By the substitution for Note 1 to Chapter 46 of the following:			
"1. In this Chapter the expression 'plaiting materials' includes straw, osier or willow, bamboos, rushes, reeds, strips of wood, strips of vegetable fibre or bark, unspun natural textile fibres, monofil and strip of artificial plastic materials or strips of paper, but not strips of leather, of composition leather or of felt, human hair, horsehair, textile rovings or yarns, or monofil or strip of Chapter 51."			
Chapter 51			
By the substitution for Note 1 to Chapter 51 of the following:			
"1. Throughout this Schedule, the term 'man-made fibres' means fibres or filaments of organic polymers produced by manufacturing processes, either:			
(a) By synthesis, i.e. by polymerisation or condensation of organic monomers, for example, polyamides, polyesters, polyurethanes and polyvinyl derivatives; or			
(b) By regeneration, i.e. by chemical transformation of natural organic polymers (such as cellulose, casein, proteins and algae), for example, viscose rayon, cuprammonium rayon (cupra) cellulose acetate and alginates.			
The terms 'synthetic' and 'regenerated', used in relation to man-made fibres, mean:			
synthetic: fibres and filaments as defined at (a);			
regenerated: fibres and filaments as defined at (b)."			
Section XVI			
By the substitution for Note 1 (k) to Section XVI of the following:			
"(k) Vehicles (including cranes mounted on a motor vehicle type chassis), aircraft, vessels and associated transport equipment of Section XVII;"			
84.08 By the insertion after subheading No. 84.08.20 of the following:			
"84.08.25 Pneumatic valve actuators	no.	free"	
Section XVII			
By the substitution for the title of Section XVII of the following:			
"VEHICLES, AIRCRAFT, VESSELS AND ASSOCIATED TRANSPORT EQUIPMENT"			
90.16 By the substitution for the heading of tariff heading No. 90.16 of the following:			
"Drawing, marking-out and mathematical calculating instruments, drafting machines, pantographs, drawing sets, slide rules, disc calculators and the like; measuring or checking instruments, appliances and machines, not falling			

I Tariff Heading	II Statistical Unit	III Rate of Duty	
		General	M.F.N.
within any other heading of this chapter (for example, micrometers, callipers, gauges, measuring rods, balancing machines); profile projectors:"			
97.04 By the insertion after subheading No. 97.04.10 of the following: "97.04.15 Skittle requisites, including equipment for automatic bowling alleys	no.	10%"	

Note.—These amendments are consequential to the amendments to the Nomenclature and the Explanatory Notes thereto issued by the Customs Co-operation Council, Brussels.

No. R. 822

30 April 1982

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/2/43)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 2 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

D. W. STEYN, Adjunk-minister van Finansies en van Nywerheidswese, Handel en Toerisme.

No. R. 822

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/2/43)

Under section 48 of the Customs and Excise Act, 1964, Part 2 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

D. W. STEYN, Deputy Minister of Finance and of Industries, Commerce and Tourism.

BYLAE

I Tarief-item	II Tariefpos en Beskrywing	III Skaal van Reg	
		Aksyns	Doeane
126.00	Deur die opskrif van tariefitem 126.00 deur die volgende te vervang: "VOERTUIE, VLIEGTUIE, VAARTUIE EN VERWANTE VERVOERTOERUSTING"		

Opmerking.—Hierdie wysiging spruit voort uit die wysigings van Deel 1 van Bylae No. 1.

SCHEDULE

I Tariff-item	II Tariff Heading and Description	III Rate of Duty	
		Excise	Customs
126.00	By the substitution for the heading of tariff item 126.00 of the following: "VEHICLES, AIRCRAFT, VESSELS AND ASSOCIATED TRANSPORT EQUIPMENT"		

Note.—This amendment is consequential to the amendments of Part 1 of Schedule No. 1.

No. R. 823

30 April 1982

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 3 (No. 3/702)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

D. W. STEYN, Adjunk-minister van Finansies en van Nywerheidswese, Handel en Toerisme.

No. R. 823

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 3 (No. 3/702)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

D. W. STEYN, Deputy Minister of Finance and of Industries, Commerce and Tourism.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Korting
317.00	Deur die opskrif van item 317.00 deur die volgende te vervang: "VOERTUIE, VLIEGTUIE, VAARTUIE EN VERWANTE VERVOERTOERUSTING"	

Opmerking.—Hierdie wysiging spruit voort uit die wysigings van Bylae No. 1.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Rebate
317.00	By the substitution for the heading of item 317.00 of the following: "VEHICLES, AIRCRAFT, VESSELS AND ASSOCIATED TRANSPORT EQUIPMENT"	

Note.—This amendment is consequential to the amendments of Schedule No. 1.

No. R. 824

30 April 1982

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 5 (No. 5/105)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 5 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

D. W. STEYN, Adjunk-minister van Finansies en van Nywerheidswese, Handel en Toerisme.

No. R. 824

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 5 (No. 5/105)

Under section 75 of the Customs and Excise Act, 1964, Schedule 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

D. W. STEYN, Deputy Minister of Finance and of Industries, Commerce and Tourism.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Teruggawe
517.00	Deur die opskrif van item 517.00 deur die volgende te vervang: "VOERTUIG; Vliegtoe, Vaartoe en verwante vervoertoerusting"	

Opmerking.—Hierdie wysiging spruit voort uit die wysigings van Bylae No. 1.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Drawback
517.00	By the substitution for the heading of item 517.00 of the following: "VEHICLES, AIRCRAFT, VESSELS AND ASSOCIATED TRANSPORT EQUIPMENT"	

Note.—This amendment is consequential to the amendments of Schedule No. 1.

No. R. 825

30 April 1982

DOEANE- EN AKSYNSWET, 1964

INWERKINGTREDING VAN WYSIGINGS VAN DIE "EXPLANATORY NOTES TO THE NOMENCLATURE" UITGEREIK DEUR DIE DOEANE-SAMEWERKINGSRAAD (E.N. 35)

Hierby word bekendgemaak dat die wysigings van die "Explanatory Notes to the Nomenclature" ooreenkomstig Aanvullende Wysiging 33 deur die Doeanesamewerkingsraad in Brussel uitgereik, kragtens artikel 47 (8) van die Doeane- en Aksynswet, 1964, op 30 April 1982 in die Republiek van krag word.

D. ODENDAL, Kommissaris van Doeane en Aksyns.

No. R. 826

30 April 1982

DOEANE- EN AKSYNSWET, 1964

INWERKINGTREDING VAN WYSIGINGS VAN DIE "EXPLANATORY NOTES TO THE NOMENCLATURE" UITGEREIK DEUR DIE DOEANE-SAMEWERKINGSRAAD (E.N. 36)

Hierby word bekendgemaak dat die wysigings van die "Explanatory Notes to the Nomenclature" ooreenkomstig Aanvullende Wysiging 34 deur die Doeanesamewerkingsraad in Brussel uitgereik, kragtens artikel 47 (8) van die Doeane- en Aksynswet, 1964, op 30 April 1982 in die Republiek van krag word.

D. ODENDAL, Kommissaris van Doeane en Aksyns.

No. R. 825

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

COMMENCEMENT OF AMENDMENTS TO THE "EXPLANATORY NOTES TO THE NOMENCLATURE" ISSUED BY THE CUSTOMS CO-OPERATION COUNCIL (E.N. 35)

It is hereby notified that the amendments to the "Explanatory Notes to the Nomenclature" in accordance with Amending Supplement 33 issued by the Customs Co-operation Council in Brussels shall, in terms of section 47 (8) of the Customs and Excise Act, 1964, become effective in the Republic on 30 April 1982.

D. ODENDAL, Commissioner for Customs and Excise.

No. R. 826

30 April 1982

CUSTOMS AND EXCISE ACT, 1964

COMMENCEMENT OF AMENDMENTS TO THE "EXPLANATORY NOTES TO THE NOMENCLATURE" ISSUED BY THE CUSTOMS CO-OPERATION COUNCIL (E.N. 36)

It is hereby notified that the amendments to the "Explanatory Notes to the Nomenclature" in accordance with Amending Supplement 34 issued by the Customs Co-operation Council in Brussels shall, in terms of section 47 (8) of the Customs and Excise Act, 1964, become effective in the Republic on 30 April 1982.

D. ODENDAL, Commissioner for Customs and Excise.

No. R. 871 30 April 1982

DOEANE- EN AKSYNSWET, 1964

BEPALINGS VAN TARIEFINDELING EN VERSTREK-
KING DAARVAN OP KLARINGSBRIEWE (LYS
TAR/48)

Die volgende wysigings van bepalings word kragtens artikel 47 (9) van die Doeane- en Aksynswet, 1964 (Wet 91 van 1964), gepubliseer.

D. ODENDAL, Kommissaris van Doeane en Aksyns.

* *Opmerking.*—Lys TAR/47 is in Goewermentskennisgewing R. 780 van 23 April 1982 gepubliseer.

WYSIGINGS VAN GEPUBLISEERDE BEPALINGS

Beskrywing van goedere

1. 'n Wysiging van 'n bepaling as gevolg van 'n wysiging van Deel I van Bylae No. 1 by die Doeane- en Aksynswet (Wet 91 van 1964):

Die volgende vervang die bestaande bepaling met ingang van 30 April 1982:

AMF Outomatiese tienpen-rolbaltoerusting—kegelspelbenodigdhede, met inbegrip van toerusting vir outomatiese kegelbane

97.04.15

8

2. Wysigings van bepalings kragtens artikel 47 (9) (d) van die Doeane- en Aksynswet (Wet 91 van 1964):

- (i) Die volgende bepaling word ingetrek met ingang van 30 April 1982:

97.04

18

- (ii) Bepaling No. 30 onder tariefpos 49.11 word ingetrek en vervang deur die volgende bepaling met ingang van 30 April 1982:

Ruscard elektroniese sleutels vir veiligheidsbeheerstelsels—artikels van 'n soort gewoonlik vir opname gebruik, ander

92.12.90

25

- (iii) Bepaling Nos. 101 en 309 onder tariefpos 84.59 word ingetrek en vervang deur die volgende bepalings met ingang van 30 April 1982:

Elektro-hidrouliese servoplasingskleppe tipe ESS—hidrouliese enjins en motore, ander

84.07.90

9

EMG Eldro-stoters vir die aandryf van industriële remme—hidrouliese enjins en motore, ander

84.07.90

10

- (iv) Bepaling Nos. 14 en 24 onder tariefpos 85.21 word ingetrek en vervang deur die volgende bepalings met ingang van 30 April 1982:

Lucas-sonbatterylaaiers model LSP6—generators met 'n berekende vermoë van hoogstens 5 000 kVA, gelykstroom

85.01.01.10

74

Solarcharger-batterylaaiers—generators met 'n berekende vermoë van hoogstens 5 000 kVA, gelykstroom

85.01.01.10

75

AMENDMENTS TO PUBLISHED DETERMINATIONS

Description of goods

1. An amendment to a determination resulting from an amendment to Part I of Schedule No. 1 to the Customs and Excise Act (Act 91 of 1964):

The following is substituted for the existing determination with effect from 30 April 1982:

AMF Automatic tenpin bowling equipment—skittle requisites, including equipment for automatic bowling alleys

97.04.15

8

2. Amendments to determinations in terms of section 47 (9) (d) of the Customs and Excise Act (Act 91 of 1964):

- (i) The following determination is withdrawn with effect from 30 April 1982:

97.04

18

- (ii) Determination No. 30 under tariff heading 49.11 is withdrawn and replaced by the following determination with effect from 30 April 1982:

Ruscard electronic keys to security control systems—articles of a kind commonly used for recording, other

92.12.90

25

- (iii) Determination Nos. 101 and 309 under tariff heading 84.59 are withdrawn and replaced by the following determinations with effect from 30 April 1982:

Electro-hydraulic servo positioning valves type ESS—hydraulic engines and motors, other

84.07.90

9

EMG Eldro thrusters for actuating industrial brakes—hydraulic engines and motors, other

84.07.90

10

- (iv) Determination Nos. 14 and 24 under tariff heading 85.21 are withdrawn and replaced by the following determinations with effect from 30 April 1982:

Lucas solar battery chargers model LSP6—generators rated at 5 000 kVA or less, direct current

85.01.01.10

74

Solarcharger battery chargers—generators rated at 5 000 kVA or less, direct current

85.01.01.10

75

DEPARTEMENT VAN GESONDHEID
EN WELSYN

No. R. 814 30 April 1982

DIE SUID-AFRIKAANSE RAAD OP VERPLEGING
REGULASIES BETREFFENDE REGISTERS.—
WYSIGING

Die Minister van Gesondheid en Welsyn het, op die aanbeveling van die Suid-Afrikaanse Raad op Verpleging, kragtens artikel 45 (1) en (4) van die Wet op Verpleging, 1978 (Wet 50 van 1978), die regulasies in die Bylae hiervan, uitgevaardig.

DEPARTMENT OF HEALTH AND
WELFARE

No. R. 814 30 April 1982

THE SOUTH AFRICAN NURSING COUNCIL
REGULATIONS REGARDING REGISTERS.—
AMENDMENT

The Minister of Health and Welfare has, on the recommendation of the South African Nursing Council, in terms of section 45 (1) and (4) of the Nursing Act, 1978 (Act 50 of 1978), made the regulations as set out in the Schedule hereto.

BYLAE

1. In hierdie Bylae beteken "regulasies" die regulasies afgekondig by Goewermentskennisgewing R. 3589 van 24 Oktober 1969, soos gewysig deur Goewermentskennisgewings R. 1201 van 7 Julie 1972, R. 772 van 11 Mei 1973, R. 1854 van 8 Oktober 1976 en R. 2206 van 31 Oktober 1980.

2. Regulasie 4 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

No. R. 815

30 April 1982

**DIE SUID-AFRIKAANSE RAAD OP VERPLEGING
REGULASIES VIR DIE BETALING VAN TOELAES
AAN LEDE VAN DIE RAAD.—WYSIGING**

Die Minister van Gesondheid en Welsyn het, op die aanbeveling van die Suid-Afrikaanse Raad op Verpleging, kragtens artikel 45 (1) en (4) van die Wet op Verpleging, 1978 (Wet 50 van 1978), die regulasies in die Bylae hiervan, uitgevaardig.

BYLAE

1. In hierdie Bylae beteken "regulasies" die regulasies afgekondig by Goewermentskennisgewing R. 277 van 15 Februarie 1980, soos gewysig deur Goewermentskennisgewing R. 2189 van 31 Oktober 1980.

2. Regulasie 1 van die regulasies word hierby gewysig—

(a) deur die vervanging in subregulasie (2) (a) van die woorde "tien rand (R10)" deur die woorde "twaalf rand en vyftig sent (R12,50)";

(b) deur die vervanging in subregulasie (2) (b) van die woorde "tien rand (R10)" deur die woorde "twaalf rand en vyftig sent (R12,50)";

(c) deur die vervanging in subregulasie (2) (c) van die woorde "veertig rand (R40)" deur die woorde "vyftig rand (R50)";

(d) deur die vervanging in subregulasie (2) (d) van die woorde "veertig rand (R40)" deur die woorde "vyftig rand (R50)" en van die woorde "twintig rand (R20)" deur die woorde "vyf-en-twintig rand (R25)".

No. R. 816

30 April 1982

**DIE SUID-AFRIKAANSE RAAD OP VERPLEGING
REGULASIES BETREFFENDE ROLLE VIR INGE-
SKREWE VERPLEEGKUNDIGES EN VROED-
VROUE.—WYSIGING**

Die Minister van Gesondheid en Welsyn het, op die aanbeveling van die Suid-Afrikaanse Raad op Verpleging, kragtens artikel 45 (1) en (4) van die Wet op Verpleging, 1978 (Wet 50 van 1978), die regulasies in die Bylae hiervan, uitgevaardig.

BYLAE

1. In hierdie Bylae beteken "regulasies" die regulasies afgekondig by Goewermentskennisgewing R. 3588 van 24 Oktober 1969, soos gewysig deur Goewermentskennisgewings R. 1205 van 7 Julie 1972, R. 773 van 11 Mei 1973, R. 1855 van 8 Oktober 1976, R. 189 van 2 Februarie 1979 en R. 2208 van 31 Oktober 1980.

2. Regulasie 2 (2) (b) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

SCHEDULE

1. In this Schedule "regulations" means the regulations published by Government Notice R. 3589 of 24 October 1969 as amended by Government Notices R. 1201 of 7 July 1972, R. 772 of 11 May 1973, R. 1854 of 8 October 1976 and R. 2206 of 31 October 1980.

2. Regulation 4 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

No. R. 815

30 April 1982

THE SOUTH AFRICAN NURSING COUNCIL

**REGULATIONS FOR THE PAYMENT OF ALLOW-
ANCES TO MEMBERS OF THE COUNCIL.—AMEND-
MENT**

The Minister of Health and Welfare has, on the recommendation of the South African Nursing Council, in terms of section 45 (1) and (4) of the Nursing Act, 1978 (Act 50 of 1978), made the regulations as set out in the Schedule hereto.

SCHEDULE

1. In this Schedule "regulations" means the regulations published by Government Notice R. 277 of 15 February 1980, as amended by Government Notice R. 2189 of 31 October 1980.

2. Regulation 1 of the regulations is hereby amended—

(a) by the substitution in subregulation (2) (a) for the words "ten rand (R10)" of the words "twelve rand and fifty cents (R12,50)";

(b) by the substitution in subregulation (2) (b) for the words "ten rand (R10)" of the words "twelve rand and fifty cents (R12,50)";

(c) by the substitution in subregulation (2) (c) for the words "forty rand (R40)" of the words "fifty rand (R50)";

(d) by the substitution in subregulation (2) (d) for the words "forty rand (R40)" of the words "fifty rand (R50)" and for the words "twenty rand (R20)" of the words "twenty five rand (R25)".

No. R. 816

30 April 1982

THE SOUTH AFRICAN NURSING COUNCIL

**REGULATIONS REGARDING ROLLS FOR EN-
ROLLED NURSES AND MIDWIVES.—AMENDMENT**

The Minister of Health and Welfare has, on the recommendation of the South African Nursing Council, in terms of section 45 (1) and (4) of the Nursing Act, 1978 (Act 50 of 1978), made the regulations as set out in the Schedule hereto.

SCHEDULE

1. In this Schedule "regulations" means the regulations published by Government Notice R. 3588 of 24 October 1969, as amended by Government Notices R. 1205 of 7 July 1972, R. 773 of 11 May 1973, R. 1855 of 8 October 1976, R. 189 of 2 February 1979 and R. 2208 of 31 October 1980.

2. Regulation 2 (2) (b) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

3. Regulasie 3 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

4. Regulasie 5 (1) (b) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

5. Bylae A tot die regulasies word hierby gewysig deur die vervanging in voetnota (4) van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

No. R. 817

30 April 1982

DIE SUID-AFRIKAANSE RAAD OP VERPLEGING

REGULASIES BETREFFENDE ROLLE VIR VERPLEEGASSISTENTE.—WYSIGING

Die Minister van Gesondheid en Welsyn het, op die aanbeveling van die Suid-Afrikaanse Raad op Verpleging, kragtens artikel 45 (1) en (4) van die Wet op Verpleging, 1978 (Wet 50 van 1978), die regulasies in die Bylae hiervan, uitgevaardig.

BYLAE

1. In hierdie Bylae beteken "regulasies" die regulasies afgekondig by Goewermentskennisgewing R. 1206 van 7 Julie 1972, soos gewysig deur Goewermentskennisgewings R. 1267 van 27 Julie 1973, R. 1856 van 8 Oktober 1976, R. 190 van 2 Februarie 1979 en R. 2209 van 31 Oktober 1980.

2. Regulasie 2 (2) (b) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

3. Regulasie 3 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

4. Regulasie 5 (1) (b) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

5. Bylae A tot die regulasies word hierby gewysig deur die vervanging in voetnota (4) van die woorde "vyf rand (R5)" deur die woorde "vyftien rand (R15)".

No. R. 818

30 April 1982

DIE SUID-AFRIKAANSE RAAD OP VERPLEGING

REGULASIES BETREFFENDE ROLLE VIR LEERLINGE.—WYSIGING

Die Minister van Gesondheid en Welsyn het, op die aanbeveling van die Suid-Afrikaanse Raad op Verpleging, kragtens artikel 45 (1) en (4) van die Wet op Verpleging, 1978 (Wet 50 van 1978), die regulasies in die Bylae hiervan, uitgevaardig.

BYLAE

1. In hierdie Bylae beteken "regulasies" die regulasies afgekondig by Goewermentskennisgewing R. 3736 van 14 November 1969, soos gewysig deur Goewermentskennisgewings R. 170 van 12 Februarie 1971, R. 1207 van 7 Julie 1972, R. 1648 van 20 September 1974 en R. 2210 van 31 Oktober 1980.

2. Regulasie 2 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "tien rand (R10)".

3. Regulasie 4 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "tien rand (R10)".

3. Regulation 3 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

4. Regulation 5 (1) (b) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

5. Annexure A to the regulations is hereby amended by the substitution in footnote (4) for the words "five rand (R5)" of the words "fifteen rand (R15)".

No. R. 817

30 April 1982

THE SOUTH AFRICAN NURSING COUNCIL

REGULATIONS REGARDING ROLLS FOR NURSING ASSISTANTS.—AMENDMENT

The Minister of Health and Welfare has, on the recommendation of the South African Nursing Council, in terms of section 45 (1) and (4) of the Nursing Act, 1978 (Act 50 of 1978), made the regulations as set out in the Schedule hereto.

SCHEDULE

1. In this Schedule "regulations" means the regulations published by Government Notice R. 1206 of 7 July 1972, as amended by Government Notices R. 1267 of 27 July 1973, R. 1856 of 8 October 1976, R. 190 of 2 February 1979 and R. 2209 of 31 October 1980.

2. Regulation 2 (2) (b) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

3. Regulation 3 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

4. Regulation 5 (1) (b) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "fifteen rand (R15)".

5. Annexure A to the regulations is hereby amended by the substitution in footnote (4) for the words "five rand (R5)" of the words "fifteen rand (R15)".

No. R. 818

30 April 1982

THE SOUTH AFRICAN NURSING COUNCIL

REGULATIONS REGARDING ROLLS FOR PUPILS.—AMENDMENT

The Minister of Health and Welfare has, on the recommendation of the South African Nursing Council, in terms of section 45 (1) and (4) of the Nursing Act, 1978 (Act 50 of 1978), made the regulations as set out in the Schedule hereto.

SCHEDULE

1. In this Schedule "regulations" means the regulations published by Government Notice R. 3736 of 14 November 1969, as amended by Government Notices R. 170 of 12 February 1971, R. 1207 of 7 July 1972, R. 1648 of 20 September 1974 and R. 2210 of 31 October 1980.

2. Regulation 2 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "ten rand (R10)".

3. Regulation 4 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "ten rand (R10)".

No. R. 819

30 April 1982

DIE SUID-AFRIKAANSE RAAD OP VERPLEGING REGULASIES BETREFFENDE ROLLE VIR LEER- LINGVERPLEEGASSISTENTE.—WYSIGING

Die Minister van Gesondheid en Welsyn het, op die aanbeveling van die Suid-Afrikaanse Raad op Verpleging, kragtens artikel 45 (1) en (4) van die Wet op Verpleging, 1978 (Wet 50 van 1978), die regulasies in die Bylae hiervan, uitgevaardig.

BYLAE

1. In hierdie Bylae beteken "regulasies" die regulasies afgekondig by Goewermentskenningsgewing R. 1833 van 20 Oktober 1972, soos gewysig deur Goewermentskenningsgewings R. 1649 van 20 September 1974 en R. 2211 van 31 Oktober 1980.

2. Regulasie 2 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "tien rand (R10)".

3. Regulasie 4 (1) van die regulasies word hierby gewysig deur die vervanging van die woorde "vyf rand (R5)" deur die woorde "tien rand (R10)".

DEPARTEMENT VAN MANNEKRAG

No. R. 848

30 April 1982

WET OP ARBEIDSVERHOUDINGE, 1956

SIVIELE INGENIEURSNYWERHEID.—ORDER

Ek, Stephanus Petrus Botha, Minister van Mannekrag, bepaal hierby, kragtens artikel 51A (3) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van die Order wat ek kragtens artikel 51A (2) van daardie Wet ten opsigte van die Siviele Ingenieursnywerheid gemaak het, en wat in die Bylae hiervan verskyn met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing bindend is vir alle werkgewers en werknemers in genoemde Nywerheid wat daardeur geraak word.

S. P. BOTHA, Minister van Mannekrag.

BYLAE

1. GEBIED EN OMVANG VAN DIE ORDER

(1) Hierdie Order is van toepassing op alle werkgewers en al hul werknemers, uitgesonderd bestuurders, in die Siviele Ingenieursnywerheid soos in subklousule (2) omskryf, in die volgende gebiede:

Kaaprovinsie.—Die landdrostrikte Bellville, Die Kaap, Goodwood, Kimberley, Kuilsrivier, Oos-Londen, Paarl, Port Elizabeth, Simonstad, Somerset-Wes, Stellenbosch, Strand, Uitenhage, Vredenburg, Wellington, Worcester, George, Hopefield, Malmesbury, Oudtshoorn en Wynberg en die gedeelte van die munisipale gebied van Oos-Londen wat in die landdrostrik King William's Town val.

Natal.—Die landdrostrikte Durban, Inanda, Lower Umfolozi, Newcastle, Pietermaritzburg, Pinetown, Camperdown, Dundee, Kliprivier, Lower Tugela, Mtunzini, Port Shepstone en Umzinto.

Oranje-Vrystaat.—Die landdrostrikte Bloemfontein, Kroonstad, Odendaalsrus, Sasolburg, Virginia, Welkom, Bethlehem en Harrismith.

Transvaal.—Die landdrostrikte Alberton, Benoni, Boksburg, Brakpan, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom, Balfour, Bethal, Delmas, Heidelberg, Hoëveldrif, Middelburg, Standerton en Witbank.

(2) "Siviele Ingenieursnywerheid" beteken (behoudens die bepalinge van die Afbakeningsvasstelling gepubliseer by Goewermentskenningsgewing R. 1831 van 11 Oktober 1968) die nywerheid waarin werkgewers (uitgesonderd plaaslike owerhede) en werknemers met mekaar geassosieer is vir die verrigting van werk van siviele ingenieursaard en omvat sodanige werk wat verband hou met een of meer van die volgende werksaamhede:

(a) Die konstruksie van vliegvelदानloopbane of vaste blaaië; waterkanale; opgaarkuile of brandstofruime, brúe; kabelgange; caissons, vlotte of ander skeepsstrukture; kanale; koelwater- of ander torings; damme; dokke, hawens of kaaie; grondwerke; bedekkings, omhulsels of stutte vir

No. R. 819

30 April 1982

THE SOUTH AFRICAN NURSING COUNCIL

REGULATIONS REGARDING ROLLS FOR PUPIL NURSING ASSISTANTS.—AMENDMENT

The Minister of Health and Welfare has, on the recommendation of the South African Nursing Council, in terms of section 45 (1) and (4) of the Nursing Act, 1978 (Act 50 of 1978), made the regulations as set out in the Schedule hereto.

SCHEDULE

1. In this Schedule "regulations" means the regulations published by Government Notice R. 1833 of 20 October 1972, as amended by Government Notices R. 1649 of 20 September 1974 and R. 2211 of 31 October 1980.

2. Regulation 2 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "ten rand (R10)".

3. Regulation 4 (1) of the regulations is hereby amended by the substitution for the words "five rand (R5)" of the words "ten rand (R10)".

DEPARTMENT OF MANPOWER

No. R. 848

30 April 1982

LABOUR RELATIONS ACT, 1956

CIVIL ENGINEERING INDUSTRY.—ORDER

I, Stephanus Petrus Botha, Minister of Manpower, hereby, in terms of section 51A (3) of the Labour Relations Act, 1956, determine that the provisions of the Order made by me in terms of section 51A (2) of that Act in respect of the Civil Engineering Industry and which appears in the Schedule hereto, shall be binding with effect from the second Monday after the date of publication of this notice, upon all employers and employees in the said Industry who are effected thereby.

S. P. BOTHA, Minister of Manpower.

SCHEDULE

1. AREA AND SCOPE OF THE ORDER

(1) This order shall apply to all the employers and all their employees, other than managers, in the Civil Engineering Industry as defined in sub-clause (2), in the following areas:

Cape Province.—The Magisterial Districts of Bellville, The Cape, East London, Goodwood, Kimberley, Kuils River, Paarl, Port Elizabeth, Simonstown, Somerset West, Stellenbosch, Strand, Uitenhage, Vredenburg, Wellington, Worcester, George, Hopefield, Malmesbury, Oudtshoorn and Wynberg, and that portion of the municipal area of East London which falls within the Magisterial District of King Williams's Town.

Natal.—The Magisterial Districts of Durban, Inanda, Lower Umfolozi, Newcastle, Pietermaritzburg, Pinetown, Camperdown, Dundee, Klip River, Lower Tugela, Mtunzini, Port Shepstone and Umzinto.

Orange Free State.—The Magisterial Districts of Bloemfontein, Kroonstad, Odendaalsrus, Sasolburg, Virginia, Welkom, Bethlehem and Harrismith.

Transvaal.—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom, Balfour, Bethal, Delmas, Heidelberg, Highveld Ridge, Middelburg, Standerton and Witbank.

(2) "Civil Engineering Industry" means (subject to the provisions of the Demarcation Determination published under Government Notice R. 1831 of 11 October 1968) the Industry in which employers (other than local authorities) and employees are associated for the purpose of carrying out work of a civil engineering character and includes such work in connection with any one or more of the following activities:

(a) The construction of aerodrome runways or aprons; aqueducts; bins or bunkers; bridges, cable ducts; caissons, rafts or other marine structures; canals; cooling, water or other towers; dams; docks, harbours, quays or wharves; earthworks; encasements, housings or supports for plant,

installasies, masjinerie of uitrusting, fabriek- of werkeskootstene; filtreerbeddings; land- of seeverdedigingswerke; mynskagtorings; pyplyne; piere; treinspore; reservoirs; rivierwerke; paaie of strate; rioolwerke; riole; skagte of tonnels; silo's; sportvelde of -terreine; swembaddens; viadukte of waterbehandelingsinstallasies;

(b) uitgrawingswerk of die konstruksie van fondamente, hyserskagte, stapeling, keermure, trapkuile, ondergrondse parkeergarages of ander ondergrondse strukture;

(c) die asfaltering, betonnering, begruising, gelykmaking of bestrating van parkeergebiede, sydaadjies, paaie, strate, vliegveldaanloopbane of vaste blaaië, persele of terreine;

en omvat dit verder—

(i) enige werk van 'n soortgelyke aard of werk wat gepaard gaan met of voortspruit uit enige van voormelde werksaamhede; en

(ii) die maak, herstel, nagaan of opknapping van gereedskap, voertuie, installasies, masjinerie of uitrusting in werksinkels wat gedoen word deur werkgewers wat betrokke is by enige van die werksaamhede wat in paragraaf (a) tot en met (c) bedoel word;

maar uitgesonderd—

(aa) werk wat verband hou met een of meer van die werksaamhede wat in (b) hierbo uiteengesit word, waar sodanige werk, wanneer dit onderneem word in verband met die oprigting van strukture wat die algemene kenmerke van geboue het, en ongeag of sodanige werk probleme van siviele ingenieursaard behels al dan nie, deur die werkgewers wat sodanige strukture oprig, gedoen word;

(bb) werk wat verband hou met een of meer van die werksaamhede wat in (c) hierbo uiteengesit word, wanneer dit onderneem word as 'n bykomstige werksaamheid in verband met die oprigting van strukture wat die algemene kenmerk van geboue het of wanneer dit deur die werkgewers wat sodanige strukture oprig, onderneem word; en

(cc) enige werk wat binne die bestek van die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid val, soos omskryf in die ooreenkoms wat by Goewermentskennisgewing R. 479 van 29 Maart 1974 gepubliseer is.

2. WOORDOMSKRYWING

Tensy die sinsverband anders aandui, het elke uitdrukking wat in hierdie Order gebesig word en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet, en by die toepassing van hierdie Order word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is; voorts, tensy dit strydig met die sinsverband is, beteken—

(1) "ambagsman" 'n werknemer wat werk doen wat in die Reël deur 'n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordoms krywing beteken die uitdrukking "geskoolde ambagsman" iemand wat sy leertyd uitgedien het in 'n bedryf wat kragtens die Wet op Mannekragopleiding, 1981 aangewys is of geag word aangewys te wees, of wat in besit is van 'n vaardigheidsertifikaat aan hom uitgereik ingevolge die genoemde Wet; (1)

(2) "arbeider" 'n werknemer wat een of meer van die volgende werksaamhede verrig:

(a) Persele, masjinerie, masjiene, voertuie, gereedskap, onderdele, gerei of ander goedere skoonmaak, vee of was;

(b) pype of ander goedere aan mekaar verbind of van mekaar losmaak, aanmeekaarskroef of losskroef;

(c) etes gaarmaak of andersins voorberei, of bedien;

(d) boodskappe, briewe, pakkette of goedere te voet of deur middel van 'n fiets, driewiel of handgedrewe voertuig aflewer of afhaal;

(e) vure maak, stook of uitkrap of as, vullis of afval verwyder;

(f) tee of soortgelyke drankte maak of bedien aan werknemers of sy werkgewer of sy werkgewer se besoekers;

(g) goedere of materiaal met die hand dra, ophang, laai, aflaai, verskuif, plaas of opstapel;

(h) bome of plante met die hand afsny, ontwortel, verwyder of vernietig;

(i) geboue, mure of ander strukture met die hand sloop of afbreek;

(j) slote, gate, fondamente of ander uitgrawings met die hand grawe;

(k) met die hand in masjinerie, masjiene, silo's, tenks of bakke invoer, of daarvan verwyder of daaruit uitlaai;

(l) sakke, dromme of ander houers met die hand vul;

(m) kruiswaaers, trollies of ander voertuie met die hand sleep, trek of stoot;

(n) klip, sand, grond, klei of soortgelyke materiaal met die hand losmaak, uithaal, opbreek, gelykmaak, sif, stamp, skep, of was;

(o) padmaak- of ander konstruksiemateriaal met die hand meng of vooraf spreid;

(p) 'n hyskraan, kaapstander, hystoestel, domkrag, pomp, wind-as of ander nie-kraggedrewe toestel of stuk gereedskap met hand bedien;

(q) kleppe of krane, insluitende beheerklappe of -krane vir pompe, oop- of toemaak;

(r) sanitêre emmers, verwyder, leegmaak, skoonmaak of vervang of rioolpype of -punte skoonmaak;

machinery or equipment; factory or works chimneys; filter beds; land or sea defence works; mine headgears; pipeliner's; piers; railways; reservoirs; river works; roads or streets; sewerage works; sewers; shafts or tunnels; silos; sportsfields or grounds; swimming baths; viaducts or water treatment plants;

(b) excavation work or the construction of foundations, lift shafts, piling, retaining walls, stairwells, underground parking garages or other underground structures;

(c) the asphaltting, concreting, gravelling, levelling or paving of parking areas, pavements, roads, streets, aerodrome runways or aprons, premises or sites;

and further includes—

(i) anywork of a similar nature or work incidental to or consequent on any of the aforesaid activities; and

(ii) the making, repairing, checking or overhauling of tools, vehicles, plant, machinery or equipment in workshops which are conducted by employers engaged in any of the activities referred to in paragraphs (a) to (c) inclusive;

but excluding—

(aa) work in connection with any one or more of the activities specified in (b) above where such work, when undertaken in connection with the erection of structures having the general character of buildings and irrespective of whether or not such work involves problems of a civil engineering character, are carried out by the employers erecting such structures;

(bb) work in connection with any one or more of the activities specified in (c) above when undertaken as an incidental operation in connection with the erection of structures having the general character of buildings or when undertaken by the employers erecting such structures; and

(cc) any work falling within the scope of the Iron, Steel, Engineering and Metallurgical Industries as defined in the agreement published under Government Notice R. 479 of 29 March 1974.

2. DEFINITIONS

Unless the context otherwise indicates, any expression which is used in this order and which is defined in the Wage Act, 1957, has the same meaning as in that Act and for the purposes of this order an employee shall be deemed to be in that class in which he is wholly or mainly engaged; further, unless inconsistent with the context—

(1) "artisan" means an employee who is engaged in work normally performed by a skilled artisan and for the purposes of this definition the expression "skilled artisan" means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Manpower Training Act, 1981, or who holds a certificate of proficiency in terms of the said Act;

(2) "blaster" means an employee who carries out blasting operations and who is in possession of a permit to use blasting materials issued in terms of the Explosives Act, 1956, or a blasting certificate for works issued in terms of the Mines and Works Act, 1956; (53)

(3) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (29)

(4) "chainman" means an employee who under direct supervision is engaged in taking linear measurements by means of a measuring tape or tool, holding or setting up survey staffs, placing level or line pegs or carrying survey instruments; (19)

(5) "clerical assistant" means an employee who under supervision is engaged in one or more of the following activities:

(a) Adding or subtracting by machine;

(b) copying particulars from documents, records or letters;

(c) entering particulars on time or wage cards or other records;

(d) filing, sorting or keeping consignment or delivery notes, orders, requisitions, invoices or time, wage or job cards;

(e) interpreting or translating the languages of Black employees;

(f) issuing passes, time cards or certificates of service;

(g) keeping construction, maintenance or time records;

(h) operating a construction site telephone switchboard;

(i) operating a duplicating, addressing, photostat or copying machine other than a typewriter;

(j) recording the engagement, discharge or resignation of employees;

(k) stamping or writing tickets or wage cards;

(l) calculating money values or other amounts in respect of any of the foregoing matters; (21)

(6) "clerk" means an employee who under supervision is engaged in writing, typing or any other form of clerical work and includes a cashier, storeman, telephone switchboard operator (other than a construction site telephone switchboard), punch card machine operator or operator of a

(s) oorpakke, uniforms of ander beskermende klere was of stryk; (25)

(3) "bediener" 'n werknemer wat selfgedrewe of vaste masjinerie bedien, en dit aan- of afskakel deur die meganismes en kontroles van sodanige masjinerie te gebruik sodat dit die funksies verrig waarvoor dit ontwerp of aangepas is, wat die gang van en die werk wat deur so 'n masjien gedoen word, nagaan, noukeurig ondersoek of reguleer en wat ook—

(a) lopende verstellings en kleinere herstelwerk kan doen aan sodanige masjinerie;

(b) die daaglikse onderhoudswerk aan sodanige masjinerie kan verrig; en in die geval van selfgedrewe masjinerie omvat "bedien" die dryf van sodanige masjinerie, en by die toepassing van hierdie woordskrywing omvat "bedien" die tydperk waarin die bediener verplig is om op sy pos te bly, gereed om sodanige masjien te bedien; (35)

(4) "bediener graad I" 'n bediener van—

(a) selfgedrewe masjinerie met 'n vliegwiellrag van 200 kW en meer;

(b) 'n selfgedrewe padskrapeer met 'n vliegwiellrag van minder as 200 kW wat grond of ander lae finaal gelykmaak volgens gespesifiseerde toleransies;

(c) vaste masjinerie met 'n vliegwiellrag van 200 kW en meer, maar nie van 'n kompressor, vervoertoestel, klipbreek- of sifaanleg, opwekker of pomp nie; (36)

(5) "bediener graad II" 'n bediener van—

(a) selfgedrewe masjinerie met 'n vliegwiellrag van 60 kW tot minder as 200 kW, maar nie van 'n padskrapeer wat grond of ander lae finaal gelyk maak volgens gespesifiseerde toleransies nie;

(b) vaste masjinerie met 'n vliegwiellrag van 100 kW tot minder as 200 kW, maar nie van 'n kompressor, vervoertoestel, klipbreek- of sifaanleg, opwekker of pomp nie; (37)

(6) "bediener graad III" 'n bediener van—

(a) selfgedrewe masjinerie met 'n vliegwiellrag van 25 kW tot minder as 60 kW, maar nie van 'n padskrapeer wat grond of ander lae finaal gelyk maak volgens gespesifiseerde toleransies nie;

(b) vaste masjinerie met 'n vliegwiellrag van 25 kW tot minder as 100 kW, maar nie van 'n kompressor, vervoertoestel, klipbreek- of sifaanleg, opwekker of pomp nie;

(c) 'n kompressor, vervoertoestel, klipbreek- of sifaanleg, opwekker of pomp met 'n vliegwiellrag van 100 kW en meer; (38)

(7) "bediener graad IV"—

(a) 'n bediener van—

(i) selfgedrewe masjinerie met 'n vliegwiellrag van minder as 25 kW;

(ii) vaste masjinerie met 'n vliegwiellrag van minder as 25 kW;

(iii) 'n kompressor, vervoertoestel, klipbreek- of sifaanleg, opwekker of pomp met 'n vliegwiellrag van 25 kW tot minder as 100 kW;

(iv) selfgedrewe masjinerie wat deur 'n operateur te voet bedien word;

(b) 'n werknemer wat onder algemene toesig die waterpeil en stoomdruk in 'n stoomketel handhaaf en wat die vuur in sodanige stoomketel kan maak, stook of uitkrap; (39)

(8) "bedienersassistent" 'n werknemer wat onder die regstreekse toesig van 'n bediener hom behulpsaam is deur—

(a) vlakpenne te identifiseer, aan te dui of te verwyder, vlakke aan te dui, verkeer te reguleer of verkeersreëlings aan te dui, in verband met die bedien van selfgedrewe masjinerie deur sodanige bediener;

(b) sodanige werksaamhede te verrig in verband met die bedien van selfgedrewe of vaste masjinerie as wat die bediener van hom vereis om te verrig, en kan die aan- of afsluit van sodanige masjinerie insluit; of

(c) selfgedrewe of vaste masjinerie daagliks na te gaan en die nodige brandstof, olie of water by te vul, sodanige masjinerie skoon te maak of te smeer of die bande of binnebande daarvan na te gaan en, indien nodig, op te pomp; (40)

(9) "bedryfsinrigting" 'n perseel of konstruksieperseel of 'n deel daarvan waarin of in verband waarmee een of meer werknemers in die Siviele Ingenieursnywerheid is diens is; (19)

(10) "bestuurder" 'n werknemer wat deur sy werkgever belas is met die algemene—

(a) toesig oor;

(b) verantwoordelikheid vir; en

(c) leiding van;

die werksaamhede van 'n bedryfsinrigting of 'n afdeling van 'n bedryfsinrigting en die werknemers wat daarin werk; (30)

(11) "bruto voertuigmassa", met betrekking tot 'n motorvoertuig of 'n sleepwa, die maksimum massa van sodanige voertuig of sleepwa en sy vrag soos deur die vervaardiger gespesifiseer of, by afwesigheid van sodanige spesifikasie, soos bepaal deur die registrasiewet; (24)

(12) "duiker" 'n werknemer wat duikwerk doen en wat as duiker geregistreer is ooreenkomstig die Regulasies afgeleë ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941; (11)

machine used for accounting or calculating purposes or for recording electronic data, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work and who may in addition be in charge of one or more clerical assistants; (20)

(7) "construction hand, Grade I," means an employee who under general supervision and in accordance with drawings to scale and dimensions, schedules, specifications or similar documents is engaged in any one or more of the following activities:

(i) Final positioning and stressing of prestressing cables;

(ii) horizontal, vertical or overhead welding of carbon steel products including the welding of attachments to carbon steel pipes;

(iii) laying bricks or building blocks to normal bonds and finishes and to lines and levels;

(iv) laying railway track, including crossings, diamonds, slips and turn-outs, to final alignments;

(v) laying to lines and levels, final positioning, connecting or jointing of sewage drains;

(vi) placing and fixing reinforcement to final positions;

(vii) positioning shuttering to final lines and levels; (22)

(8) "construction hand, Grade II," means an employee—

(a) who under general supervision and in accordance with drawings to scale and dimensions, schedules, specifications or similar documents is engaged in any one or more of the following activities:

(i) Constructing catchpits, headwalls, junction boxes or manholes of brick, concrete or precast concrete units, including benching and plastering, constructing concrete bases or slabs or fixing into position of covers or frames of concrete or metal, all the above to lines and levels;

(ii) cutting or bending reinforcement by means of a manually operated or power-driven machine;

(iii) final positioning of scaffolding, including shoring or support staging;

(iv) floating or finishing concrete to lines and levels by means of a manually operated or power-driven machine, hand tool or device;

(v) laying to lines and levels and final positioning of channels, kerbs, paving blocks, bricks or slabs or other preformed concrete or clay products or erecting balustrades, railings or other similar preformed concrete or clay products to specified tolerances;

(vi) laying to lines and levels, final positioning, connection or jointing of pipes;

(vii) overhead welding of single or multiple run butt or fillet welds of mild steel articles or the horizontal, vertical or overhead welding of flanges to mild steel pipes; or

(b) who under direct supervision and in accordance with verbal instructions, sketches not to scale or marks is engaged in any one or more of the following activities:

(i) Bending rails by means of a power-driven machine;

(ii) cutting or drilling rails, drilling sleepers or tightening rail fastenings by means of a manually operated or power-driven machine, hand tool or device;

(iii) laying bricks or building blocks to normal bonds and finishes and to lines and levels;

(iv) laying to lines and levels, final positioning, connecting or jointing of sewage drains;

(v) placing and fixing reinforcement to final positions;

(vi) positioning shuttering to final lines and levels; (23)

(9) "construction hand, Grade III," means an employee who under direct supervision and in accordance with verbal instructions, sketches not to scale or marks is engaged in any one or more of the following activities:

(i) Constructing catchpits, headwalls, junction boxes or manholes of brick, concrete or precast concrete units, including benching and plastering, constructing concrete bases or slabs or fixing into position of covers or frames of concrete or metal, all the above to lines and levels;

(ii) cutting or bending reinforcement by means of a manually operated or power-driven machine;

(iii) erecting and final positioning of fences or guardrails;

(iv) final positioning of scaffolding, including shoring or support staging;

(v) horizontal welding of multiple run butt or fillet welds of mild steel articles or the vertical welding of single or multiple run butt or fillet welds of mild steel articles;

(vi) laying to lines and levels and final positioning of channels, kerbs, paving blocks, bricks or slabs or other preformed concrete or clay products or erecting balustrades, railings or other similar preformed concrete or clay products to specified tolerances;

(vii) laying to lines and levels, final positioning, connecting or jointing of pipes;

(viii) pitching, laying to lines and levels, final positioning or grouting of stones;

(ix) vibrating, final screeding or trowelling concrete by means of a manually operated or power-driven machine, hand tool or device; (24)

(13) "duikersassistent" 'n werknemer wat 'n toubediener is soos omskryf in die Regulasies wat uitgereik is ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, en wat in daardie hoedanigheid werksaam is; (12)

(14) "drywer" 'n werknemer wat 'n motorvoertuig dryf, en by die toepassing van hierdie woordomskrywing omvat die uitdrukking " 'n motorvoertuig dryf" alle tydperke wat hy dryf, alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag en alle tydperke wat hy verplig is om op sy pos te bly, gereed om te dryf; (13)

(15) "drywer graad I" die drywer van 'n gelede motorvoertuig waarvan die bruto voertuigmassa, insluitende die bruto voertuigmassa van 'n sleepwa wat deur sodanige voertuig getrek word, meer as 16 000 kg is; (14)

(16) "drywer graad II" die drywer van 'n nie-gelede motorvoertuig waarvan die bruto voertuigmassa, insluitende die bruto voertuigmassa van 'n sleepwa wat deur sodanige voertuig getrek word, meer as 16 000 kg is; (15)

(17) "drywer graad III" die drywer van 'n motorvoertuig waarvan die bruto voertuigmassa, insluitende die bruto voertuigmassa van 'n sleepwa wat deur sodanige voertuig getrek word, meer as 4 500 kg is maar hoogstens 16 000 kg is; (16)

(18) "drywer graad IV" die drywer van 'n motorvoertuig waarvan die bruto voertuigmassa, insluitende die bruto voertuigmassa van 'n sleepwa wat deur sodanige voertuig getrek word, hoogstens 4 500 kg is; (17)

(19) "kettingdraer" 'n werknemer wat onder regstreekse toesig lineêre metings met behulp van 'n meetband of meetgereedskap neem, nivelleerstawe hou of opstel, nivelleer- of lynpenne aanbring of opmeet-instrumente dra; (4)

(20) "klerk" 'n werknemer wat onder toesig skryf-, tik- of enige ander soort klerklike werk verrig, en omvat dit ook 'n kassier, magasynman, telefoonskakelbordoperateur (uitgesonderd 'n telefoonskakelbordoperateur by 'n konstruksieperseel), ponskaartmasjienbediener of 'n bediener van 'n masjien wat gebruik word vir tel- en rekendoeleindes of vir die aantekene van elektroniese data, maar omvat dit geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk, en wat daarbenewens beheer kan uitoefen oor een of meer klerklike assistent; (6)

(21) "klerklike assistent" 'n werknemer wat onder toesig een of meer van die volgende werksaamhede verrig:

- (a) Optel of aftrek met 'n masjien;
- (b) besonderhede wat op dokumente, rekords of briewe is, oorskryf;
- (c) besonderhede op tyd- of loonkaarte of ander rekords aanbring;
- (d) vraag- of aflewingsbriewe, bestellings, rekwisities, fakture of tyd-, loon- of werkaarte liasseer, sorteer of hou;
- (e) die tale van Swart werknemers tolk of vertaal;
- (f) passe, tydkaarte of dienssertifikate uitreik;
- (g) konstruksie-, instandhoudings- of tydrekkings hou;
- (h) 'n telefoonskakelbord by 'n konstruksieperseel bedien;
- (i) 'n dupliseer-, adresseer-, fotostaat- of 'n kopiëeringsmasjien, uitgesonderd 'n tikmasjien, bedien;
- (j) die indiënsneming, ontslag of bedanking van werknemers aantekene;
- (k) kaartjies of loonkaarte stempel of uitskryf;
- (l) die geldwaarde of ander bedrae ten opsigte van enige van voorgaande sake bereken; (5)

(22) "konstruksiewerker graad I" 'n werknemer wat, onder algemene toesig en in ooreenstemming met sketse wat volgens skaal is en afmetings, skedules, spesifikasies of soortgelyke dokumente, een of meer van die volgende werksaamhede verrig:

- (i) Voorspanningskabels finaal in posisie plaas en span;
- (ii) horisontale, vertikale of bohandsweis van koolstaalprodukte, insluitende die vassweis van hegstukke aan koolstaalpype;
- (iii) stene of boublokke lê volgens normale verbande en afwerkings en volgens lyne en vlakke;
- (iv) spoorlyne lê, insluitende kruisings, ruite, kruiswissels en uitdraaispoorlyne, volgens finale belyning;
- (v) waterriole volgens lyne en vlakke lê, finaal in posisie plaas, verbind of inmeekaarpar;

- (vi) wapening in finale posisie plaas en vasheg;
- (vii) bekisting in posisie plaas volgens finale lyne en vlakke; (7)

(23) "konstruksiewerker graad II" 'n werknemer—

(a) wat, onder algemene toesig en in ooreenstemming met tekening wat volgens skaal, dimensies, skedules, spesifikasies of soortgelyke dokumente is, een of meer van die volgende werksaamhede verrig:

- (i) Vangputte, kopmure, aansluitkaste of mangate van stene, beton of voorafgegotte betoneenhede bou, insluitende vloeiervulling- en pleisterwerk doen asook betonbasisse of -plaatblokke bou, of dekkings of rame van beton of metaal in posisie plaas en vasheg, al bogenoemde volgens lyne en vlakke;
- (ii) wapening sny of buig met behulp van 'n handbediende of kraggedrewe masjien;
- (iii) steiers, insluitende stutwerk of steunsteierwerk, finaal in posisie plaas;

(10) "construction hand, Grade IV," means an employee who under direct supervision and in accordance with verbal instructions is engaged in any one or more of the following activities:

- (i) Applying bituminous or other materials by brush or spray to specified rates;
- (ii) bending rails by means of a manually operated hand tool or device;
- (iii) breaking, chipping, compacting, loosening or ramming earth, concrete, rock, sand, soil, stone or other materials by means of a power-driven hand-held tool or device, such as an earth rammer, jack-hammer, paving breaker, rock drill or scabbler;
- (iv) checking and tallying loads of earth, sand, stone or other materials by means of a tally board or tally clock;
- (v) compacting, screeding, rough finishing or cutting of concrete by means of a manually operated hand tool, device or vehicle;
- (vi) horizontal welding of single run butt or fillet welds of mild steel articles;
- (vii) levelling or screeding controlled layers of asphalt or other construction materials by means of a manually operated hand tool or device;
- (viii) placing and finishing of mortar used in the jointing of balustrades, channels, kerbs, railings or other preformed concrete or clay products;
- (ix) sandblasting, pickling or otherwise preparing structural surfaces prior to coating or applying protective coatings or finishes to such surfaces by brush or spray to specified rates;
- (x) sorting, selecting, assembling, elementary tying or securing prestressing cables or reinforcement;
- (xi) sorting, selecting, assembling or dismantling scaffolding;
- (xii) sorting, selecting, assembling, striking or stripping shuttering;
- (xiii) sorting, selecting or assembling railway tracklaying materials such as sleepers, rails or fastenings, levelling, lifting or packing ballast or dismantling railway track by means of a manually operated hand tool or device; (25)

(11) "diver" means an employee who is engaged in diving work and who is registered as a diver in accordance with the Regulations published under the Factories, Machinery and Building Work Act, 1941; (12)

(12) "diver's assistant" means an employee who is a line attendant as defined in the Regulations issued under the Factories, Machinery and Building Work Act, 1941 and who is engaged in that capacity; (13)

(13) "driver," means an employee who is engaged in driving a motor vehicle and for the purposes of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (14)

(14) "driver, Grade I," means the driver of an articulated motor vehicle the gross vehicle mass of which, including the gross vehicle mass of any trailer drawn by such vehicle, exceeds 16 000 kg; (15)

(15) "driver, Grade II," means the driver of a non-articulated motor vehicle the gross vehicle mass of which, including the gross vehicle mass of any trailer drawn by such vehicle, exceeds 16 000 kg; (16)

(16) "driver, Grade III," means the driver of a motor vehicle the gross vehicle mass of which, including the gross vehicle mass of any trailer drawn by such vehicle, exceeds 4 500 kg but not 16 000 kg; (17)

(17) "driver, Grade IV," means the driver of a motor vehicle the gross vehicle mass of which, including the gross vehicle mass of any trailer drawn by such vehicle, does not exceed 4 500 kg; (18)

(18) "emergency work" means any work which, owing to unforeseen circumstances such as fire, storm, land subsidence, accident, epidemic, act of violence, theft, a breakdown of plant, motor vehicles or machinery or a breakdown or threatened breakdown of structures, must be done without delay; (37)

(19) "establishment" means any premises or construction site or part thereof in, on or in connection with which one or more employees are employed in the Civil Engineering Industry; (9)

(20) "explosives handler" means an employee who, in addition to carrying explosives, assists a blaster to any extent permitted by law; (52)

(21) "experience" means in relation to—

(a) a clerk, the total period or periods of employment which an employee has had as a clerk in any industry or trade or in the service of the State;

(b) a clerical assistant, the total period or periods of employment which an employee has had as a clerical assistant in any industry or trade;

(c) a stores attendant, the total period or periods of employment which an employee has had as a stores attendant in any industry or trade; (38)

(22) "foreman" means an employee who is in charge of the employees on a construction site or section of a construction site, gives out work to, exercises control and maintains discipline over such employees, supervises the proper and safe utilisation and care of plant, machines, vehicles, tools, materials or goods, supervises the progress of the work and is generally responsible for the efficient performance of the work; (61)

- (iv) beton afstryk of afwerk volgens lyne en vlakke met behulp van 'n handbediende of kraggedrewe masjien, stuk handgereedskap of toestel;
- (v) kanale, randmuurtjies, plaveiblokke, stene of platblokke of ander voorafgevormde beton- of kleiprodukte volgens lyne en vlakke lê en finaal in posisie plaas, of balustrades, traliwerk of ander soortgelyke voorafgevormde beton- of kleiprodukte volgens gespesifiseerde toleransies oprig;
- (vi) pype volgens lyne en vlakke lê, finaal in posisie plaas en verbind of inmeekaarpas;
- (vii) bohandsweis van enkel- of meervoudige loopstui- of hoeksweislasse van sagtestaalartikels of die horisontale, vertikale of bohandsweis van flense aan sagtestaalpype; of
- (b) wat, onder direkte toesig en in ooreenstemming met mondelinge instruksies, sketse wat nie volgens skaal is nie, of merke, een of meer van die volgende werksaamhede verrig:
- (i) Spoorstawe met behulp van 'n kraggedrewe masjien buig;
- (ii) spoorstawe sny of boor, dwarsleërs boor of spoorstaafhegels met behulp van 'n handbediende of kraggedrewe masjien, stuk handgereedskap of toestel vasheg;
- (iii) stene of boublokke lê volgens normale verbande en afwerkings en volgens lyne en vlakke;
- (iv) waterriole volgens lyne en vlakke lê, finaal in posisie plaas, verbind of inmeekaarpas;
- (v) wapening in die finale posisie plaas en bevestig;
- (vi) bekisting volgens finale lyne en vlakke in posisie plaas; (8)
- (24) "konstruksiewerker, graad III", 'n werknemer wat, onder direkte toesig en in ooreenstemming met mondelinge instruksies en sketse wat nie volgens skaal is nie, of merke, een of meer van die volgende werksaamhede verrig:
- (i) Vangputte, kopmure, verbindingskaste of mangate van stene, beton of voorafgegiëte betoneenhede bou, insluitende vloei-vulling- en pleisterwerk doen, betonbasiese of -plaatblokke bou of dekkings of rame van beton of metaal in posisie plaas en bevestig, bogenoemde alles volgens lyne en vlakke;
- (ii) wapening sny of buig met behulp van 'n handbediende of kraggedrewe masjien;
- (iii) heinings of stutrelings oprig en finaal in posisie plaas;
- (iv) steiers, insluitende stutwerk of steunsteierwerk, finaal in posisie plaas;
- (v) horisontale sweis van meervoudige loopstui- of hoeksweislasse van sagtestaalartikels of die vertikale sweis van enkel of meervoudige loopstui- of hoeksweislasse van sagtestaalartikels;
- (vi) kanale, randmuurtjies, plaveiblokke, stene of platblokke of ander voorafgevormde beton-, of kleiprodukte volgens lyne en vlakke lê en finaal in posisie plaas of balustrades, traliwerk of ander soortgelyke voorafgevormde beton- of kleiprodukte volgens gespesifiseerde toleransies oprig;
- (vii) pype volgens lyne en vlakke lê, finaal in posisie plaas en verbind of inmeekaarpas;
- (viii) klippe, beklee, volgens lyne en vlakke lê, finaal in posisie plaas of met bry invul;
- (ix) beton laat vibreer, finaal afvlak of afwerk met behulp van handbediende of kraggedrewe masjiene, handgereedskap of toestelle; (9)
- (25) "konstruksiewerker, graad IV", 'n werknemer wat, onder regstreekse toesig en in ooreenstemming met mondelinge instruksies, een of meer van die volgende werksaamhede verrig:
- (i) Bitumen- of ander materiaal aanwend met 'n borsel of deur dit aan te spuit teen 'n gespesifiseerde hoeveelheid;
- (ii) spoorstawe buig met behulp van 'n handbediende stuk gereedskap of toestel;
- (iii) grond, beton, rotse, sand, klippe of ander materiaal breek, af-splinter, verdig, losmaak of stamp met behulp van kraggedrewe gereedskap of 'n toestel wat met die hand gehou word, soos byvoorbeeld 'n grondstamper, klopboor, korsbreker, rotsboor of bikhamer;
- (iv) vragte grond, sand klip of ander materiaal kontroleer en tel met behulp van 'n kontrolebord of kontroleklok;
- (v) beton verdig, afvlak, ru afwerk of sny met behulp van 'n handbediende stuk gereedskap, toestel of voertuig;
- (vi) horisontale sweis van enkelloopstuike of hoeksweislasse van sagtestaalartikels;
- (vii) gekontroleerde asfaltlae of ander konstruksiemateriaal gelyk maak of afvlak met behulp van 'n handbediende stuk gereedskap of toestel;
- (viii) messelklei wat gebruik word vir die voeg van balustrades, kanale, randmuurtjies, relings of ander voorafgevormde beton- of kleiprodukte, plaas en afwerk;
- (ix) struktuuropervlaktes voor bedekking sandspuit, skoonbyt of andersins voorberei, voor beskermde lae of afwerkings op sulke oppervlaktes aangewend wat met 'n borsel of deur dit aan te spuit teen 'n gespesifiseerde hoeveelheid;

(23) "ganger" means an employee who under direct supervision is in charge of a gang of construction hands Grade IV or labourers or both and who may also engage in one or more activities performed by such construction hands or labourers; (51)

(24) "gross vehicle mass" in relation to a motor vehicle or a trailer means the maximum mass of such vehicle or trailer and its load as specified by the manufacturer or, in the absence of such specification, as determined by the registering authority; (11)

(25) "labourer" means an employee who is engaged in any one or more of the following activities:

(a) Cleaning, sweeping or washing premises, plant, machines, vehicles, tools, parts, utensils or other goods;

(b) connecting or disconnecting, screwing together or unscrewing pipes or other goods;

(c) cooking or otherwise preparing or serving meals;

(d) delivering or collecting messages, letters, parcels or goods on foot or by means of a bicycle, tricycle or handpropelled vehicle;

(e) making, maintaining or drawing fires or removing ashes, refuse or waste;

(f) making or serving tea or similar beverages to employees or his employer or his employer's visitors;

(g) manually carrying, lifting, loading, unloading, moving, placing or stacking goods or materials;

(h) manually cutting down, uprooting, removing or destroying trees or vegetation;

(i) manually demolishing or breaking-up buildings, walls or other structures;

(j) manually digging trenches, holes, foundations or other excavations;

(k) manually feeding into or taking off from plant; machines, silos, tanks or hoppers;

(l) manually filling bags, drums or other containers;

(m) manually hauling, pulling or pushing wheelbarrows, trolleys or other vehicles;

(n) manually loosening, taking out, breaking, levelling, sieving, ramming, shovelling, screening or washing stone, sand, earth, soil, clay or similar materials;

(o) manually mixing or initial spreading of roadmaking or other construction materials;

(p) manually operating a crane, capstan, hoist, jack, pump, winch or other non-power-driven device or tool;

(q) opening or closing valves or cocks, including control valves or cocks for pumps;

(r) removing, emptying, cleaning or replacing sanitary pails or cleaning sewage pipes or points;

(s) washing or ironing overalls, uniforms or other protective clothing; (2)

(26) "launch driver" means an employee who is engaged in operating a power-driven harbour launch and who is in possession of a ferryman's licence issued by the Port Captain of a South African harbour, which entitles him to control a craft within the harbour confines only; (50)

(27) "law" includes the common law; (63)

(28) "learner blaster" means an employee who is being trained as a blaster and registered as such in terms of the Explosives Act, 1956 and who assists a blaster to any extent permitted by law; (27)

(29) "local authority" means any divisional council, city council, municipal council, town council, village council, town board, local board, local area board, village management board or health committee; the Transvaal Board for the Development of Peri-Urban Areas established under the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance 20 of 1943) of Transvaal, the Local Health Commission constituted under the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance 20 of 1941) of Natal, any Administration Board established under section 2 of the Black Affairs Administration Act, 1971, and any other similar institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961; (41)

(30) "manager" means an employee who is charged by his employer with the overall—

(a) supervision over;

(b) responsibility for; and

(c) direction of;

the activities of an establishment or a department of an establishment and the employees engaged therein; (10)

(31) "materials tester" means an employee who under general supervision records and interprets the results of routine tests of the properties, densities or grading of soil, asphalt, concrete or other construction materials and who may also be in charge of one or more materials testing assistants; (34)

(32) "materials testing assistant" means an employee who under direct supervision is engaged in the routine testing of the properties, densities or grading of soil, asphalt, concrete or other construction materials; (35)

(x) voorspanningskabel of wapening sorteer, selekteer, monteer, elementêr bind of vasheg;

(xi) steierwerk sorteer, selekteer, opstel of afbreek;

(xii) bekisting sorteer, selekteer, opstel, verwyder of stroop;

(xiii) spoorbaanleggingsmateriaal soos dwarslêers, spoorstawe of hegstukke sorteer, selekteer of monteer, ballas gelykmaak; oplaag of pak of spoorbane afbreek met behulp van 'n handbediende stuk gereedschap of toestel; (10)

(26) "korttyd" 'n tydelike vermindering van die getal gewone werkers weens weersomstandighede; 'n slappe in die bedryf, 'n tekort aan materiaal, 'n onklaarraking van masjinerie of masjiene, of weens die feit dat strukture onbruikbaar is of dreig om dit te word; (52)

(27) "leerlingspringstofskieter" 'n werknemer wat opgelei word as 'n skieder en as sodanig geregistreer is ingevolge die Wet op Ontploffbare Stowwe, 1956, en wat 'n skieder behulpsaam is in die mate wat by wet toegelaat word; (28)

(28) "loon" die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werke soos by klousule 5 voorgeskryf. Met dien verstande dat—

(i) as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werke gereeld 'n hoër bedrag betaal as dié by klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken;

(ii) die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (62)

(29) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (3)

(30) "magasynbediener" 'n werknemer wat onder die toesig van 'n magasynman in 'n magasyn, die magasyngebied, gereedskapskamer of pakhuis materiaal, voorraad, uitrusting of gereedschap ontvang, massameet, meet, nagaan, aanteken, opberg of uitreik; (56)

(31) "magasynman" 'n werknemer wat beheer uitoefen oor 'n magasyn, die magasyngebied, gereedskapskamer of pakhuis en wat verantwoordelik is vir die ontvangs, massameet, meet, nagaan, aanteken, opberg of uitreik van materiaal, voorraad, uitrusting of gereedschap en wat ook beheer kan uitoefen oor een of meer magasynbedieners; (55)

(32) "masjinerieversier" 'n werknemer, uitgesonder 'n ambagsman, wat onder algemene toesig masjinerie, masjiene, voertuie, gereedschap of ander uitrusting versien, in stand hou, instel of herstel en wat ook beheer kan uitoefen oor een of meer masjinerieversieningsassistentes; (45)

(33) "masjinerieversieningsassistent" 'n werknemer—

(a) wat onder direkte toesig masjinerie, masjiene, voertuie, gereedschap, ander uitrusting of onderdele skoonmaak, smeer of olie; wiele, buitebande of binnebande omruil; afhaal of vervang of bande of binnebande herstel of oppomp; of

(b) wat 'n masjinerieversier of 'n ambagsman behulpsaam is deur sy gereedschap te identifiseer of aan te gee of op 'n ander wyse saam met hom werk; (44)

(34) "materiaaltoets" 'n werknemer wat onder algemene toesig die resultate van roetineoetse van die eienskappe, digtheid of gradering van grond, asfalt, beton of ander konstruksiemateriaal aanteken en interpreteer en wat ook beheer kan uitoefen oor een of meer materiaaltoetsassistentes; (31)

(35) "materiaaltoetsassistent" 'n werknemer wat onder direkte toesig roetineoetse uitvoer in verband met die eienskappe, digtheid of gradering van grond, asfalt, beton of ander konstruksiemateriaal; (32)

(36) "motorvoertuig" 'n kragaangetrewe selfgetrewe voertuig wat hoofsaaklik ontwerp of aangepas is vir die vervoer of sleep van goedere of persone op 'n openbare pad, en sluit dit ook 'n bitumen- of teersproeier, betonmengvragmotor, hyskraandraer, voorhaker en watertenkwa in, maar nie 'n motorfiets en selfgetrewe masjinerie nie; (34)

(37) "noodwerk" enige werk wat weens onvoorsiene omstandighede, soos 'n brand, storm, grondinsakking, ongeluk, epidemie, gewelddaad, diefstal, 'n onklaarraking van masjinerie, motorvoertuie of masjiene of wanneer strukture onbruikbaar is of dreig om dit te word, sonder versuim gedoen moet word; (18)

(38) "ondervinding"—

(a) met betrekking tot 'n klerk, 'n werknemer se totale dienstydsperk of -typerke in enige nywerheid of bedryf of in diens van die Staat as 'n klerk;

(33) "mechanical horse" means a motor vehicle designed or adapted to pull other vehicles and not to carry any load other than in the form of a trailer, semi-trailer or ballast resting on it, and does not include a tractor; (60)

(34) "motor vehicle" means a power-driven self-propelled vehicle which is designed or adapted principally for the conveyance or haulage of goods or persons on a public road and includes a bitumen or tar distributor, concrete mixing truck, crane carrier, mechanical horse and water tanker, but excludes a motor cycle and self-propelled plant; (36)

(35) "operator" means an employee who is engaged in operating, including starting or stopping, self-propelled or stationary plant by employing the mechanisms and controls of such plant to perform the functions for which it was designed or adapted, who checks, scrutinises or regulates the running of and the work done by such plant and who may—

(a) make running adjustments and minor repairs to such plant;

(b) perform the daily maintenance of such plant;

and in the case of self-propelled plant "operating" includes the driving of such plant, and for the purposes of this definition "operating" includes all periods during which the operator is obliged to remain at his post in readiness to operate such plants; (3)

(36) "operator, Grade I," means an operator of—

(a) self-propelled plant of a flywheel power of 200 kW and over;

(b) a self-propelled grader of a flywheel power of less than 200 kW performing final levelling of earth or other layers to specified tolerances;

(c) stationary plant of a flywheel power of 200 kW and over but excluding any compressor, conveyor, crushing or screening plant, generator or pump; (4)

(37) "operator, Grade II," means an operator of—

(a) self-propelled plant of a flywheel power from 60 kW to less than 200 kW but excluding a grader performing final levelling of earth or other layers to specified tolerances;

(b) stationary plant of a flywheel power 100 kW to less than 200 kW but excluding any compressor, conveyor, crushing or screening plant, generator or pump; (5)

(38) "operator, Grade III," means an operator of—

(a) self-propelled plant of a flywheel power from 25 kW to less than 60 kW but excluding a grader performing final levelling of earth or other layers to specified tolerances;

(b) stationary plant of a flywheel power from 25 kW to less than 100 kW but excluding any compressor, conveyor, crushing or screening plant, generator or pump;

(c) a compressor, conveyor, crushing or screening plant, generator or pump of a flywheel power of 100 kW and over; (6)

(39) "operator, Grade IV," means—

(a) an operator of—

(i) self-propelled plant of a flywheel power of less than 25 kW;

(ii) stationary plant of a flywheel power of less than 25 kW;

(iii) a compressor, conveyor, crushing or screening plant, generator or pump of a flywheel power from 25 kW to less than 100 kW;

(iv) pedestrian-operated self-propelled plant;

(b) an employee who under general supervision is responsible for maintaining the water level and steam pressure of a boiler and who may make, maintain and draw the fire in such boiler; (7)

(40) "operator's assistant" means an employee who under the direct supervision of an operator assists him by—

(a) identifying, indicating or removing level pegs, indicating levels, regulating traffic or indicating traffic arrangements in connection with the operation of self-propelled plant by such operator;

(b) performing such activities in connection with the operation of self-propelled or stationary plant as the operator thereof requires him to perform and which may include starting or stopping such plant; or

(c) daily, checking of self-propelled or stationary plant and, if necessary, topping up of fuel, oil or water, cleaning or greasing such plant or checking and, if necessary, inflating the tyres or tubes thereof; (8)

(41) "overtime" means that portion of any period which an employee works for his employer during any week or on any day, as the case may be, and which is in excess of the respective ordinary hours of work prescribed

(b) met betrekking tot 'n klerklike assistent, 'n werknemer se totale dienstydpark of -tydperke in enige nywerheid of bedryf as 'n klerklike assistent;

(c) met betrekking tot 'n magasynbediener, 'n werknemer se totale dienstydpark of -tydperke in enige nywerheid of bedryf as 'n magasynbediener; (21)

(39) "oortyd" die gedeelte van 'n tydperk wat 'n werknemer werk verrig vir sy werkgever gedurende 'n week of op 'n dag, na gelang van die geval, en wat langer is as die onderskeie gewone werkure wat vir sodanige werknemer voorgeskrif is by klousule 5 (1) maar omvat dit geen tydperk wat 'n werknemer wie se werkure by klousule 5 (1) voorgeskrif is, op 'n Sondag vir sy werkgever werk nie; (41)

(40) "opmeetassistent" 'n werknemer wat onder algemene toesig meet en opmeetdata aanteken met behulp van opmeetniveleerinstrumente of vlak- en lynpenne inplant volgens skriftelike instruksies en volgens opmeetpenne wat alreeds ingestek is, en wat ook beheer kan uitoefen oor een of meer kettingdraers; (57)

(41) "plaaslike owerheid" 'n afdelingsraad, stadsraad, munisipale raad, dorpsraad, plaaslike raad, plaaslike gebiedsraad, dorpsbestuurraad of gesondheidskomitee; die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, wat ingestel is kragtens die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie 20 van 1943), van Transvaal, die Kommissie vir Plaaslike Gesondheid, wat ingestel is kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor Openbare Gesondheidsgebiede), 1941 (Ordonnansie 20 van 1941), van Natal, administrasierade ingestel kragtens artikel 2 van die Wet op die Administrasie van Swart Sake, 1971, en enige ander soortgelyke organisasie of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961; (29)

(42) "seksieleier" 'n werknemer—

(a) wat onder direkte toesig beheer uitoefen oor 'n groep konstruksiewerkers, graad I, II, III of IV, arbeiders of bedieners;

(b) wat ook die werk kan doen van die hoogste klas van die groep waaroor hy beheer uitoefen, en by die toepassing van hierdie woord-omskriving beteken die uitdrukking "hoogste klas" die klas waarvoor die hoogste loon voorgeskrif is vir die gebied waarin die groep werk;

(c) wat daarbenewens toesig kan hou oor een of meer spanbase; en

(d) wat daarvoor verantwoordelik is dat die werknemers oor wie hy beheer uitoefen, hulle pligte doeltreffend uitvoer; (46)

(43) "sekeriteitswag" 'n werknemer wat in staat moet wees om een van of albei die amptelike tale van die Republiek te kan lees, skryf en praat en wat by een of meer van die volgende aktiwiteite betrokke is:

(a) Mense deursoek;

(b) toesig hou of beheer uitoefen oor 'n wag of wagt;

(c) die beweging van mense of voertuie deur kontrolepunte of hekke kontroleer of daarvoor verslag doen;

en van wie daar vereis kan word om enige of al die werksaamhede wat vir 'n wag voorgeskrif is, te verrig; (47)

(44) "selfgedrewe masjinerie" 'n kragaangedrewe selfgedrewe voertuig, uitgesonderd 'n motorvoertuig, wat hoofsaaklik ontwerp van aangepas is om, met of sonder 'n sleephegstuk, een of meer funksies te verrig terwyl dit beweeg en ook sodanige funksies kan verrig terwyl dit stilstaan, en omvat dit 'n asfaltplaveier, verdigter, betonplaveier, rusper- of loopkraan, stootskraper, sleepgraaf, stortwa, uitgraafmasjien, vorkhefswa, pad-skraper, laaier, roller, skraper, skopgraaf, trekker, loophyser of loopgraaf-masjien, maar nie selfgedrewe masjinerie wat deur 'n operateur te voet bedien word nie; (48)

(45) "selfgedrewe masjinerie wat deur 'n operateur te voet bedien word" 'n selfgedrewe voertuig of ander selfgedrewe toestel wat deur 'n werknemer bedien word wat langs die voertuig of ander toestel loop, of wat hoofsaaklik ontwerp van aangepas is om een of meer funksies te verrig terwyl dit beweeg, en omvat dit 'n betonsynmasjien, slootgraafmasjien, grassnyer, draaiploeg, loopsteier, trilplaatverdiger of trilroller, maar nie 'n betonafstryk- of vibreermasjien, grondstamper of bikhamer nie; (42)

(46) "senior bestuurs- of administratiewe werknemer" 'n werknemer wat in opdrag van sy werkgever werk verrig wat verantwoordelikheid meebring vir die neem van besluite van 'n administratiewe aard by die uitvoering van die werksaamhede van 'n bedryfsinrigting; (50)

(47) "senior klerk" 'n klerk wat, benewens die uitvoer van enige van die pligte van 'n klerk, toesighoudende beheer uitoefen oor een of meer klerke of klerklike assistente; (49)

(48) "senior seksieleier" 'n werknemer—

(a) wat onder algemene toesig beheer uitoefen oor 'n groep konstruksiewerkers graad I, II, III of IV, arbeiders of bedieners;

for such employee in clause 5 (1), but does not include any period during which an employee whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday; (39)

(42) "pedestrian-operated self-propelled plant" means a self-propelled vehicle or other self-propelled device which is operated by an employee who walks next to it and which is designed or adapted principally to perform one or more functions while moving and includes a concrete cutting machine, ditcher, mower, rotovator, travelling gantry, vibrating plate compactor or vibrating roller, but excludes a concrete floating or vibrating machine, earthhammer or scabbler; (45)

(43) "piece work" means any system under which an employee's remuneration is based on the quantity of work done; (54)

(44) "plant service assistant" means an employee—

(a) who, under direct supervision, cleans, greases or oils plant, machines, vehicles, tools, other equipment or parts; charges, removes or replaces wheels, tyres, or tubes; or repairs or inflates tyres or tubes; or

(b) who assists a plant serviceman or an artisan by identifying or handing him his tools or otherwise working with him; (33)

(45) "plant serviceman" means an employee other than an artisan who under general supervision services, maintains, adjusts or repairs plant, machines, vehicles, tools or other equipment and who may also be in charge of one or more plant service assistants; (32)

(46) "section leader" means an employee—

(a) who under direct supervision is in charge of a group of construction hands Grade I, II, III, IV, labourers or operators;

(b) who may also perform the work of the highest class of the group of which he is in charge and for the purposes of this definition the expression "highest class" means that class for which the highest wage is prescribed for the area in which the group works;

(c) who may in addition supervise one or more gangers; and

(d) who is responsible for the efficient performance of their duties by the employees over whom he exercises control; (42)

(47) "security guard" means an employee who must be able to read, write or speak one or both of the official languages of the Republic and who is engaged in any one or more of the following activities:

(a) Searching persons;

(b) supervising or controlling one or more watchmen;

(c) controlling or reporting on the movement of persons or vehicles through check-points or gates;

and who may be required to perform any one or all of the activities prescribed for a watchman; (43)

(48) "self-propelled plant" means a power-driven self-propelled vehicle other than a motor vehicle which is designed or adapted principally to perform, with or without a towed attachment, one or more functions while moving and may also perform such functions while standing still and includes an asphalt paver, compactor, concrete paver, crawler or travelling crane, dozer, dragline, dumper, excavator, fork lift truck, grader, loader, roller, scraper, shovel, tractor, travelling hoist or trencher, but excludes pedestrian-operated self-propelled plant; (44)

(49) "senior clerk" means a clerk who in addition to performing any of the duties of a clerk is in supervisory control of one or more clerks or clerical assistants; (47)

(50) "senior managerial or administrative employee" means an employee who is charged by his employer with the performance of work entailing responsibility for taking decisions of an administrative character in the conduct of the activities of an establishment; (46)

(51) "senior section leader" means an employee—

(a) who under general supervision is in charge of a group of construction hands Grade I, II, III or IV, labourers or operators;

(b) who may also perform the work of the highest class of the group of which he is in charge and for the purposes of this definition the expression "highest class" means that class for which the highest wage is prescribed for the area in which the group works;

(b) wat ook die werk kan doen van die hoogste klas van die groep waarvoor hy beheer uitoefen, en by die toepassing van hierdie woord-omsyng beteken "hoogste klas" die klas waarvoor die hoogste loon voorgeskryf is vir die gebied waarin die groep werk;

(c) wat daarenbovens toesig kan hou oor een of meer seksieleiers of spanbase of beide, en

(d) wat toesig hou oor die vordering van die werk waarvoor hy beheer uitoefen en wat verantwoordelik is aan 'n voorman vir die doeltreffende uitvoering van hul pligte deur die werknemers oor wie hy beheer uitoefen; (51)

(49) "sleepwa" 'n voertuig wat nie selfgedrewe is nie en wat hoofsaaklik ontwerp van aangepas is om deur 'n motorvoertuig, trekker of selfgedrewe masjinerie getrek te word en wat gebruik word vir die vervoer van goedere of persone; (60)

(50) "sloepdrywer" 'n werknemer wat 'n kraggedrewe hawesloep hanteer en wat in besit is van 'n veermanlisensie wat uitgereik is deur die hawekaptein van Suid-Afrikaanse hawe, wat hom daarop geregtig maak om 'n vaartuig slegs binne die grense van die hawe te beheer; (26)

(51) "spanbaas" 'n werknemer wat onder direkte toesig beheer uitoefen oor 'n span konstruksiewerkers, graad IV, of arbeiders of beide, en wat ook een of meer werksaamhede kan verrig wat deur sodanige konstruksiewerkers of arbeiders verrig word; (23)

(52) "springstofhanteerder" 'n werknemer wat, buite en behalwe ontplofbare stowwe te dra, 'n skietier behulpsaam is in die mate wat hy by wet toegelaat word; (20)

(53) "springstofskietier" 'n werknemer wat skietwerk doen en wat in besit is van 'n permit om springstof te gebruik, uitgereik ingevolge die Wet op Ontplofbare Stowwe, 1956, of 'n skietertifikaat vir bedrywe, uitgereik ingevolge die Wet op Myne en Bedrywe, 1956; (2)

(54) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (43)

(55) "tegniese of professionele werknemer" 'n werknemer wat in opdrag van sy werkgever werk van 'n tegniese of professionele aard verrig; (58)

(56) "trekker" selfgedrewe masjinerie wat hoofsaaklik ontwerp van aangepas is om sleepwaens te trek, uitgesonderd nie-selfgedrewe voertuie of ander nie-selfgedrewe toestelle en nie om 'n vrag te dra nie; (59)

(57) "vaardigheidinstrukteur" 'n werknemer wat in besit is van 'n vaardigheidsertifikaat as 'n vaardigheidinstrukteur wat aan hom uitgereik is deur die opleidingsraad vir die siviele ingenieurs bedryf en wat, ooreenkomstig 'n instruksieplan, ander werknemer oplei; (53)

(58) "vaste masjinerie" 'n kraggedrewe toestel, ongeag daarvan of dit gemonteer is op 'n selfgedrewe of nie-selfgedrewe voertuig of nie, wat hoofsaaklik ontwerp van aangepas is om een of meer funksies uit te voer terwyl dit stilstaan, en omvat dit 'n awenaar, asfalt- of betonmenger, asfalt- of betonlutmeter, kompressor, vervoertoestel, klipbreekmasjien, booruitrusting, opwekker, hystoestel, heil, pomp, sifinstallasies, swaaiskoffelmasjien, swaaiskopgraaf, toringkraan, wastoestel of 'n windas, maar nie 'n spoorstaafbuig-, sny- of boormasjien, wapeningbuig of -snymasjien of sweismasjien nie; (54)

(59) "voertuig" 'n toestel wat hoofsaaklik ontwerp van aangepas is om op wiele of rusperbande te beweeg; (61)

(60) "voorhaker" 'n motorvoertuig wat ontwerp van aangepas is om ander voertuie te trek en nie om 'n vrag, uitgesonderd 'n sleepwa, 'n leunwa of ballas wat daarop rus, te dra nie, en sluit dit nie 'n trekker in nie; (33)

(61) "voorman" 'n werknemer wat aan die hoof staan van die werknemers by 'n konstruksieperseel of deel van 'n konstruksieperseel, wat werk uitdeel aan, beheer uitoefen en dissipline handhaaf oor sodanige werknemers, toesig hou oor die behoorlike en veilige gebruik en versorging van masjinerie, masjiene, voertuie, gereedskap, materiaal of goedere, toesig hou oor die vordering van die werk en oor die algemeen verantwoordelik is vir die doeltreffende verrigting van die werk; (22)

(62) "wag" 'n werknemer, uitgesonderd 'n sekuriteitswag, wat betrokke is by een of meer van die volgende werksaamhede:

(a) Goedere, persele, geboue, strukture of roerende of vaste eiendom bewaak of beskerm;

(b) persele geboue, strukture of eiendom patroleer; of

(c) honde hanteer in die uitvoering van een of meer van die werksaamhede genoem in (a) of (b) hierbo; (63)

(63) "wet" ook die gemene reg. (27)

3. BESOLDIGING

(1) Die minimumloon wat 'n werkgever aan elke lid van ondergenoemde klasse werknemers in sy diens moet betaal, is dié hieronder uiteengesit:

(c) who may in addition supervise one or more section leaders or gangers or both; and

(d) who supervises the progress of the work of which he is in charge and who is responsible to a foreman for the efficient performance of their duties by the employees over whom the exercises control; (48)

(52) "short-time" means a temporary reduction in the number of ordinary hours of work owing to vagaries of the weather, a slackness of trade, a shortage of materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of structures; (26)

(53) "skills instructor" means an employee who holds a certificate of proficiency as a skills instructor issued to him by the Civil Engineering Industry Training Board and who, in accordance with an instruction plan, is engaged in training other employees; (57)

(54) "stationary plant" means a power-driven device, whether or not mounted on a self-propelled or non-self-propelled vehicle, which is designed or adapted principally to perform one or more functions while standing still and includes an auger, asphalt or concrete mixer, asphalt or concrete batching plant, compressor, conveyor, crusher, drilling rig, generator, hoist, pile driver, pump, screening plant, slewing hoe, slewing shovel, tower crane, washing plant or winch but excludes a rail bending, cutting or drilling machine, reinforcement bending or cutting machine or welding machine; (58)

(55) "storeman" means an employee who is in charge of a storeroom, stores area, toolroom or warehouse and who is engaged in an responsible for receiving, mass measuring, measuring, checking, recording, storing or issuing materials, stores, equipment or tools and who may also be in charge of one or more stores attendants; (31)

(56) "stores attendant" means an employee who under supervision of a storeman in a storeroom, stores area, toolroom or warehouse is engaged in receiving, mass measuring, measuring, checking, recording, storing or issuing materials, stores, equipment or tools; (30)

(57) "survey assistant" means an employee who under general supervision is engaged in measuring and recording survey data by means of survey levelling instruments or setting out from written instructions level and lime pegs with reference to survey pegs already placed and who may also be in charge of one or more chainmen; (40)

(58) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (55)

(59) "tractor" means self-propelled plant designed or adapted principally for drawing trailers, other non-self-propelled vehicles or non-self-propelled devices and not to carry any load thereon; (56)

(60) "trailer" means a vehicle which is not self-propelled and which is designed or adapted to be drawn by a motor vehicle, tractor or self-propelled plant and which is used for the conveyance of goods or persons; (49)

(61) "vehicle" means a device designed or adapted principally to travel on wheels or crawler-tracks; (59)

(62) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided that—

(i) if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;

(ii) the first proviso shall not be so construed as to refer to or include any remuneration which an employee who is employed on any basis provided for in clause 9 receives over and above the amount which he would have received if he had not been employed on such a basis; (28)

(63) "watchman" means an employee other than a security guard who is engaged in any one or more of the following activities:

(a) Guarding or protecting goods, premises, buildings, structures or movable or immovable property;

(b) patrolling premises, buildings, structures or property; or

(c) handling dogs in the performance of any one or more of the activities specified in (a) or (b) above. (62)

3. REMUNERATION

(1) The minimum wage which an employer shall pay to each member of the undermentioned classes of his employees shall be as set out hereunder:

(a) *Werknemers uitgesonderd los werknemers:*

	Die landdrosdistrikte Alberton, Bellville, Benoni, Boksburg, Brakpan, Die Kaap, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Kurgersdorp, Kuilsvier, Nigel, Ober- holzer, Paarl, Pinetown, Port Elizabeth, Pretoria, Rand- burg, Randfontein, Roode- poort, Sasolburg, Simonstad, Somerset-Wes, Springs, Stellenbosch, Strand, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom, Wynberg	Die landdrosdistrikte Bloemfontein, Oos-Londen, Kimberley, Klerksdorp, Kroonstad, Newcastle, Odendaalsrus, Pietermaritz- burg, Potchefstroom, Virginia, Vredenburg, Welkom, Wellington, Worcester, Hoëveldrif, Hopefield, Malmesbury, Camperdown	Die landdros- distrikte Balfour, Bethal, Delmas, Heidelberg, Middelburg, Standerton en Witbank en die munisipale gebied van Empangeni en Richardsbaai	Die landdrosdistrikte Bethlehem, Dundee, George, Harrismith, Kliprivier, Lower Tugela, Mtunzini, Oudtshoorn, Port Shepstone en Umzinto, die res van die landdrosdistrik Lower Umfo- lozi en die gedeelte van die munisipale gebied van Oos- Londen wat binne die landdrosdistrik King William's Town val
	Per week R	Per week R	Per week R	Per week R
(i)				
Klerklike assistent— gedurende die eerste jaar ondervinding.....	50,60	43,70	40,94	34,50
daarna.....	54,74	47,38	44,16	37,72
Klerk— gedurende die eerste jaar ondervinding.....	56,12	48,76	45,54	39,10
gedurende die tweede jaar ondervinding.....	70,38	60,72	56,58	49,22
daarna.....	84,18	73,14	67,16	59,34
Voorman	131,10	113,16	105,34	93,84
Senior klerk.....	98,44	85,10	79,12	69,46
Sekuriteitswag.....	54,74	47,38	44,16	37,72
Vaardigheidsinstrukteur.....	Die hoogste loon wat in hierdie paragraaf voorgeskryf is vir die hoogste betaalde klas werknemer vir wie hy in 'n bepaalde gebied onderrig, plus 20 persent.			
Magasynbediener	Soos vir klerklike assistent.			
Wag.....	50,60	43,70	40,94	34,50
	Per uur c	Per uur c	Per uur c	Per uur c
(ii)				
Ambagsman	272	235	218	195
Springstofskieter	153	132	123	107
Kettingdraer	100	87	81	69
Konstruksiewerker, graad I.....	153	132	123	107
Konstruksiewerker, graad II.....	127	110	102	88
Konstruksiewerker, graad III.....	105	91	85	72
Konstruksiewerker, graad IV.....	100	87	81	69
Duiker	153	132	107	123
Duikerassistent	127	110	102	88
Drywer, graad I	205	117	165	146
Drywer, graad II	173	150	139	122
Drywer, graad III	141	122	114	99
Drywer, graad IV	110	95	89	75
Springstofhanteerder	105	91	85	72
Spanbaas	110	95	89	75
Arbeider.....	92	80	75	63
Sloepdrywer	153	132	123	107
Leerlingspringstofskieter	127	110	102	88
Materiaaltoetsers	153	132	123	107
Materiaaltoetsassistent	105	91	85	72
Bediener, graad I.....	230	199	185	164
Bediener, graad II.....	165	143	133	117
Bediener, graad III.....	131	113	105	91
Bediener, graad IV.....	110	95	89	75
Bedienerassistent.....	100	87	81	69
Masjinerieversieningsassistent	100	87	81	69
Masjinerieversieners.....	153	132	123	107
Seksieleier	161	140	130	114
Senior seksieleier	205	177	165	146
Opmeetassistent.....	153	132	123	107
Werknemer nie elders in hierdie paragraaf uitdruklik vermeld nie.....	110	95	89	75

(a) Employees other than casual employees:

	The Magisterial Districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, The Cape, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kuils River, Nigel, Oberholzer, Paarl, Pinetown, Port Eliza- beth, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Simonstown, Somerset West, Springs, Stellenbosch, Strand, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom, Wynberg	The Magisterial Districts of Bloemfontein, East London, Kimberley, Klerksdorp, Kroonstad, Newcastle, Odendaalsrus, Pietermaritz- burg, Potchefstroom, Virginia, Vredenburg, Welkom, Wellington, Worcester, Highveld Ridge, Hopefield, Malmesbury, Camperdown	The Magis- terial Districts of Balfour, Bethal, Delmas, Heidelberg, Middelburg, Standerton, and Witbank and the municipal areas of Empangeni and Richards Bay	The Magisterial Districts of Bethlehem, Dundee, George, Harrismith, Klip River, Lower Tugela, Mtunzini, Oudtshoorn, Port Shepstone and Umzinto, the remainder of the Magisterial District of Lower Umfolozi and that portion of the municipal area of East London which falls within the Magisterial District of King William's Town
	Per week R	Per week R	Per week R	Per week R
(i)				
Clerical assistant— during the first year of experi- ence	50,60	43,70	40,94	34,50
thereafter	54,74	47,38	44,16	37,72
Clerk— during the first year of experi- ence	56,12	48,76	45,54	39,10
during the second year of experience	70,38	60,72	56,58	49,22
thereafter	84,18	73,14	67,16	59,34
Foreman	131,10	113,16	105,34	93,84
Senior clerk	98,44	85,10	79,12	69,46
Security guard	54,74	47,38	44,16	37,72
Skills instructor	The highest wage prescribed in this paragraph for the highest paid class of employee which he is instructing in a particular area, plus 20 per cent.			
Stores attendant	As for a clerical assistant.			
Watchman	50,60	43,70	40,94	34,50
	Per hour c	Per hour c	Per hour c	Per hour c
(ii)				
Artisan	272	235	218	195
Blaster	153	132	123	107
Chainman	100	87	81	69
Construction hand, Grade I	153	132	123	107
Construction hand, Grade II	127	110	102	88
Construction hand, Grade III	105	91	85	72
Construction hand, Grade IV	100	87	81	69
Diver	153	132	107	123
Diver's assistant	127	110	102	88
Driver, Grade I	205	117	165	146
Driver, Grade II	173	150	139	122
Driver, Grade III	141	122	114	99
Driver, Grade IV	110	95	89	75
Explosives handler	105	91	85	72
Ganger	110	95	89	75
Labourer	92	80	75	63
Launch driver	153	132	123	107
Learner blaster	127	110	102	88
Materials tester	153	132	123	107
Materials testing assistant	105	91	85	72
Operator, Grade I	230	199	185	164
Operator, Grade II	165	143	133	117
Operator, Grade III	131	113	105	91
Operator, Grade IV	110	95	89	75
Operator's assistant	100	87	81	69
Plant service assistant	100	87	81	69
Plant serviceman	153	132	123	107
Section leader	161	140	130	114
Senior section leader	205	177	165	146
Survey assistant	153	132	123	107
Employee not elsewhere in this paragraph specifically mentioned	110	95	89	75

(b) *Los werknemers.*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied wat dieselfde klas werk verrig as die wat van die los werknemer vereis word: Met dien verstande dat—

(i) waar 'n werkgewer van 'n los werknemer vereis om die werk van 'n klerk, 'n klerklike assistent of 'n magasynbediener te verrig, die uitdrukking "weekloon" beteken die hoogste weekloon voorgeskryf vir onderskeidelik 'n klerk, 'n klerklike assistent of 'n magasynbediener, in dieselfde gebied;

(ii) waar 'n werkgewer van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon met hoogstens 50 persent verminder kan word ten opsigte van daardie dag.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en, behoudens die bepalings van klousule 4 (6), moet 'n werknemer vir 'n week minstens die volle weekloon betaal word wat by subklousule (1), gelees met subklousule (3), vir 'n werknemer van sy klas in die gebied waarin hy werk, voorgeskryf word, afgesien daarvan of hy in daardie week die maksimum getal gewone werkure wat ingevolge klousule 5 vir hom geld, of minder, gewerk het.

(3) *Differensiële loon.*—'n Werkgewer wat van 'n lid van een klas van sy werknemers vereis om hom toelaat om vir langer as altesaam drie uur op 'n dag of benewens sy eie werk of in die plek daarvan werk van 'n ander klas te verrig waarvoor of—

(a) 'n hoër loon as dié van sy eie klas; of

(b) 'n stygende loonskaal wat uitloop op 'n hoër loon as dié van sy eie klas;

by klousule (1) voorgeskryf word, moet sodanige werknemer ten opsigte van daardie dag betaal—

(i) in die geval in paragraaf (a) bedoel, minstens die dagloon bereken teen die hoër tarief; en

(ii) in die geval in paragraaf (b) bedoel, minstens die dagloon bereken op die kerf in die stygende skaal onmiddellik bokant die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande dat—

(aa) hierdie subklousule nie geld vir 'n werknemer wat opleiding ondergaan nie, vir 'n tydperk van hoogstens drie weke vanaf die aanvang van sodanige opleiding;

(ab) hierdie subklousule nie geld nie wanneer die verskil tussen die klasse ingevolge subklousule (1) op ondervinding berus;

(ac) tensy daar in 'n skriftelike kontrak tussen 'n werkgewer en sy werknemer uitdruklik anders bepaal word, niks in hierdie vasstelling so uitgelê mag word dat dit 'n werkgewer belet om van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskryfde loon dieselfde of laer is as dié wat vir sodanige werknemer voorgeskryf word nie.

(4) *Loonberekening.*—(a) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur die getal gewone werkure wat vir sodanige werknemer in enige week voorgeskryf is.

(b) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—

(i) vyf, in die geval van 'n werknemer wat normaalweg vyf dae per week werk;

(ii) ses, in die geval van enige ander werknemer.

(c) Die weekloon van 'n werknemer is sy uurloon vermenigvuldig met die getal gewone werkure wat vir sodanige werknemer in enige week voorgeskryf is.

(d) Die maandloon van 'n werknemer is vier en 'n derde maal sy weekloon.

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens klousule 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks of tweewekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant of per tjek betaal word gedurende die werkure of binne 15 minute nadat die werk gestaak is, op die gewone betaaldag van die bedryfsinrigting vir sodanige werknemer of sy diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseëelde koefert of houër wees waarop, of wat vergesel gaan van 'n staat waarop, gemeld word—

(a) die werkgewer se naam;

(b) die werknemer se naam of sy nommer op die betaalstaat en sy klas;

(c) die getal gewone werkure wat die werknemer gewerk het;

(d) die getal ure wat die werknemer oortyd gewerk het;

(e) die getal ure wat die werknemer op 'n Sondag of 'n openbare vakansiedag, in klousule 8 bedoel, gewerk het;

(f) die werknemer se loon;

(b) *Casual employees.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for an employee in the same area who performs the same class of work as the casual employee is required to do: Provided that—

(i) where an employer requires a casual employee to perform the work of a clerk, a clerical assistant or a stores attendant, the expression "weekly wage" shall mean the highest weekly wage prescribed for a clerk, a clerical assistant or a stores attendant respectively, in the same area;

(ii) where an employer requires a casual employee to work for a period of not more than four consecutive hours on any day, his wage may be reduced by not more than 50 per cent in respect of that day.

(2) *Basis of contract.*—For the purposes of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in subclause (1), read with subclause (3), for an employee in his class in the area in which he works, whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

(3) *Differential wage.*—An employer who requires or permits a member of one class of his employees to perform for longer than three hours in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which either—

(a) a wage higher than that of his own class; or

(b) a rising scale of wages terminating in a wage higher than that of his own class;

is prescribed in subclause (1), shall pay to such employee in respect of that day—

(i) in the case referred to in paragraph (a), not less than the daily wage calculated at the higher rate; and

(ii) in the case referred to in paragraph (b), not less than the daily wage calculated on the notch in the rising scale immediately above the wage which the employee was receiving for his ordinary work:

Provided that—

(aa) this subclause shall not apply to an employee while undergoing training, for a period of not more than three weeks from the commencement of such training;

(ab) this subclause shall not apply where the difference between classes in terms of subclause (1) is based on experience;

(ac) unless expressly otherwise provided in a written contract between an employer and his employee, nothing in this determination shall be so construed as to preclude an employer from requiring his employee to perform work of another class for which class the same or a lower wage is prescribed than that prescribed for such employee.

(4) *Calculation of wages.*—(a) the hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by the number of ordinary hours of work prescribed for such employee in any week.

(b) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—

(i) five, in the case of an employee who normally works a five-day week;

(ii) six, in the case of any other employee.

(c) The weekly wage of an employee shall be his hourly wage multiplied by the number of ordinary hours of work prescribed for such employee in any week.

(d) The monthly wage of an employee shall be four and a third times his weekly wage.

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or fortnightly or, with the consent of the employee, in cash or by cheque monthly during the hours of work or within 15 minutes of ceasing work, on the usual pay-day of the establishment for such employee or on termination of employment if this takes place before the usual pay-day, and such amount shall be contained in a sealed envelope or container on which shall be recorded, or which shall be accompanied by a statement showing—

(a) the employer's name;

(b) the employee's name or his number on the pay-roll and his class;

(c) the number of ordinary hours of work worked by the employee;

(d) the number of overtime hours worked by the employee;

(e) the number of hours worked by the employee on a Sunday or a public holiday referred to in clause 8;

(f) the employee's wage;

- (g) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- (h) besonderhede van enige bedrag wat afgetrek is;
- (i) hierdie werklike bedrag wat aan die werknemer betaal word; en
- (j) die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarop hierdie inligting aangeteken is of sodanige staat word die eiendom van die werknemer. Met dien verstande dat—

(i) op die skriftelike versoek van 'n werknemer, die bedrag aan hom verskuldig, gestort kan word in sy bouvereniging- of bankrekening deur die werkgever, wat die betrokke kwitansie, tesame met voormelde staat, aan hom moet oorhandig;

(ii) voormelde inligting betreffende tyd gewerk nie verstrek hoef te word aan 'n werknemer wat ingevolge klousule 5 (6) (a) van die werk-urebepalings uitgesluit is nie.

(2) *Los werknemers.*—'n Werkgever moet die besoldiging wat aan 'n los werknemer verskuldig is, by beëindiging van sy diens in kontant aan hom betaal, maar minstens een maal per week.

(3) *Premies.*—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgever betaal of deur hom aangeneem word nie.

(4) *Koop van goedere.*—'n Werkgever mag nie van sy werknemer vereis om goedere van hom of van enige winkel, plek of persoon deur hom aangewys, te koop nie.

(5) *Voedsel en huisvesting.*—Behoudens die Swartes (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie van sy werknemer vereis om voedsel of huisvesting of voedsel en huisvesting van hom of van enigemand anders of op 'n plek deur hom aangewys, aan te neem nie.

(6) *Aftrekkings.*—'n Werkgever mag sy werknemer geen boetes oplê of enige bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:

(a) Met die skriftelike toestemming van sy werknemer 'n bedrag vir 'n vakansie-, siekte-, mediese, versekerings-, spaar-, voorsorg- of pensioenfonds, of vir ledegelde van 'n vakvereniging;

(b) behoudens andersluidende bepalinge in hierdie order, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op die grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;

(c) enige bedrag wat 'n werkgever volgens die wet of ingevolge 'n bevel van 'n bevoegde hof moet of mag aftrek;

(d) wanneer 'n werknemer daartoe instem of daar ingevolge die Swartes (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om voedsel en huisvesting of voedsel of huisvesting van sy werkgever aan te neem, 'n bedrag van hoogstens—

	Per week	Per maand
	R	R
(i) Voedsel.....	3,00	13,00
(ii) Huisvesting.....	1,50	6,50
(iii) Voedsel en huisvesting.....	4,50	19,50

(e) wanneer die gewone werkure by klousule 5 voorgeskryf, weens korttyd verminder word, 'n bedrag van hoogstens die werknemer (uitgesonderd 'n los werknemer) se uurloon vir elke uur van sodanige vermindering: Met dien verstande dat—

(i) sodanige aftrekking hoogstens een derde van die werknemer se werkloon is, ongeag die getal ure waarmee die gewone werkure aldus verminder word;

(ii) geen aftrekking geskied nie ten opsigte van korttyd wat uit 'n slapte in die bedryf of 'n tekort aan grondstowwe ontstaan, tensy die werkgever sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

(iii) geen aftrekking ten opsigte van korttyd geskied nie vir die eerste uur waarin daar nie gewerk word nie weens 'n onklaarraking van installasie of masjinerie of weens die feit dat die geboue of strukture onbruikbaar is of dreig om dit te word, tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, 'n bedrag wat 'n werkgever betaal het of onderneem het om te betaal aan—

(i) enige bankinstelling, bougenootskap, versekeringsbesigheid, plaaslike owerheid of geregistreerde finansiële instelling ten opsigte van 'n paaiement op 'n lening wat aan sodanige werknemer toegestaan is om 'n woning te bekom;

(ii) enige ander organisasie of liggaam ten opsigte van 'n woning of huisvesting in 'n hostel wat sodanige werknemer bewoon indien die woning of hostel voorsien is deur bemiddeling van sodanige organisasie of liggaam uitsluitlik of gedeeltelik uit fondse wat vir daardie doel deur die Staat, 'n bougenootskap of 'n plaaslike owerheid voorgeskiet is.

(g) the details of any other remuneration arising out of the employee's employment;

(h) the details of any deductions made;

(i) the actual amount paid to the employee; and

(j) the period in respect of which payment is made;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that—

(i) at the written request of an employee, the amount due to him may be paid into his building society or bank account by his employer who shall hand to him the relevant receipt together with the aforementioned statement;

(ii) the aforementioned information relating to time worked need not be furnished in respect of an employee who is excluded from the hours of work provisions by virtue of clause 5 (6) (a).

(2) *Casual employees.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment, but at least once a week.

(3) *Premiums.*—No payment shall be made to or accepted by an employer, either directly or indirectly, in respect of the employment or training of an employee.

(4) *Purchase of goods.*—An employer shall not require his employee to purchase any goods from him or from any shop, place or person nominated by him.

(5) *Food and accommodation.*—Save as proved in the Blacks (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to accept food or accommodation or food and accommodation from him or from any other person or at any place nominated by him.

(6) *Deductions.*—An employer shall not levy any fines against his employee nor shall he make any deductions from his employee's remuneration: Provided that he may make the following:

(a) With the written consent of his employee, a deduction for any holiday, sick, medical, insurance, savings, provident or pension fund, or subscriptions to a trade union;

(b) except where otherwise provided in this order, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;

(c) a deduction of any amount which an employer is by law or order of any competent court required or permitted to make;

(d) whenever an employee is required in terms of the Blacks (Urban Areas) Consolidation Act, 1945, or agrees to accept food or accommodation or food and accommodation from his employer, a deduction not exceeding the amounts specified hereunder—

	Per week	Per month
	R	R
(i) Food.....	3,00	13,00
(ii) Accommodation.....	1,50	6,50
(iii) Food and accommodation.....	4,50	19,50

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction not exceeding the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided that—

(i) such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;

(ii) no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials, unless the employer has given his employee notice on the previous work-day of his intention to reduce the ordinary hours of work;

(iii) no deduction shall be made in the case of short-time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings or structures, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;

(f) with the written consent of an employee, a deduction of any amount which the employer has paid or has undertaken to pay to—

(i) any banking institution, building society, insurance business, local authority or registered financial institution in respect of a payment on a loan granted to such employee to acquire a dwelling;

(ii) any other organisation or body in respect of a dwelling or accommodation in a hostel occupied by such employee if such dwelling or hostel is provided through the instrumentality of such organisation or body wholly or partially from funds advanced for that purpose by the State, a building society or a local authority.

5. WERKURE, GEWONE EN OORTYD-, EN BETALING VIR OORTYDWERK

(1) *Gewone werkure.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer gewone werkure te werk nie as—

- (a) in die geval van 'n los werknemer, agt en 'n half op 'n dag;
- (b) in die geval van 'n sekuriteitswag en 'n wag—
- (aa) wat ses dae per week werk—
- (i) 72 in 'n week van Maandag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) hiervan, 12 op 'n dag;
- (ab) wat vyf dae per week werk—
- (i) 72 in 'n week van Maandag tot en met Vrydag; en
- (ii) behoudens subparagraaf (i) hiervan 14½ op vier dae en 14 op een dag;
- (c) in die geval van alle ander werknemers—
- (aa) wat ses dae per week werk—
- (i) 46 in 'n week van Maandag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) hiervan, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op enigen van die ander dae tot agt en 'n half verleng kan word;
- (ab) wat vyf dae per week werk—
- (i) 46 in 'n week van Maandag tot en met Vrydag; en
- (ii) behoudens subparagraaf (i) hiervan, nege en 'n kwart op 'n dag.

(2) *Etenspouse.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as vyf uur aaneen sonder 'n etenspouse van minstens 'n halfuur te werk nie, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

- (i) werktidperke wat deur pouse van minder as 'n halfuur onderbreek word, uitgesonderd waar voorbehoudsbepaling (v) van toepassing is, geag word aaneenlopend te wees;
- (ii) as sodanige pouse langer as 'n halfuur is, enige tyd wat een uur te bowe gaan, geag word werktid te wees;
- (iii) slegs een sodanige pouse gedurende 'n werknemer se gewone werkure op 'n dag nie deel van die gewone werkure mag uitmaak nie;
- (iv) wanneer daar, vanweë oortyd wat gewerk word, van 'n werknemer vereis word om op enige dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse op versoek van die werknemer tot minstens 15 minute verkort mag word;
- (v) 'n drywer of 'n bediener van selfaangedrewe masjinerie wat gedurende sodanige pouse geen ander werk verrig as om in beheer van 'n voertuig of sodanige masjinerie te wees of te bly nie, by die toepassing van hierdie subklousule geag word nie gedurende sodanige pouse te gewerk het nie.

(3) *Werkure moet agtereenvolgend wees.*—Behoudens subklousule (2), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

(4) *Beperking van oortydwerk.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om langer oortyd te werk nie as—

- (a) in die geval van 'n los werknemer, twee uur op 'n dag;
- (b) in die geval van 'n sekuriteitswag en 'n wag, 12 uur in 'n week;
- (c) in die geval van 'n werknemer (uitgesonderd 'n los werknemer, sekuriteitswag of 'n wag) wat in diens is in of in verband met enige perseel wat 'n fabriek uitmaak binne die betekenis van artikel 3 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, 10 uur in 'n week;
- (d) in die geval van alle ander werknemers, 15 uur in 'n week.

(5) *Betaling vir oortydwerk.*—'n Werkgewer moet 'n werknemer wat oortyd werk, betaal teen minstens—

- (a) in die geval van 'n los werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dag gewerk;
- (b) in die geval van 'n ander werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in enige week gewerk.

(6) *Voorbehoudsbepalings.*—(a) Hierdie klousule is nie van toepassing nie op 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniessie of professionele werknemer as en solank sodanige werknemer gereeld 'n loon ontvang van minstens—

- (i) R850 per maand in die volgende gebiede:

(aa) Die landdrostrikte Alberton, Bellville, Benoni, Boksburg, Brakpan, Die Kaap, Durban, Oos-Londen, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Kuilsrivier, Nigel, Oberholzer, Paarl, Pietermaritzburg, Pinetown, Port Elizabeth, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Simonstad, Springs, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom en Wynberg;

(ab) die munisipale gebiede Bloemfontein, Kimberley, Odendaalsrus, Sasolburg, Virginia en Welkom;

5. HOURS OF WORK, ORDINARY AND OVERTIME, AND PAYMENT FOR OVERTIME

(1) *Ordinary hours of work.*—An employer shall not require or permit an employee to work more ordinary hours of work than—

- (a) in the case of a casual employee, eight and a half on any day;
- (b) in the case of a security guard and a watchman—
- (aa) who works a six-day week—
- (i) 72 in any week from Monday to Saturday inclusive; and
- (ii) subject to subparagraph (i) hereof 12 on any day;
- (ab) if a five-day week is worked—
- (i) 72 in any week from Monday to Friday, inclusive; and
- (ii) subject to subparagraph (i) hereof, 14½ on four days and 14 on one day;
- (c) in the case of any other employee—
- (aa) if a six-day week is worked—
- (i) 46 in any week from Monday to Saturday inclusive; and
- (ii) subject to subparagraph (i) hereof, eight on any day, unless the hours on one day do not exceed five, in which case the hours on any of the other days may be extended to eight and a half;
- (ab) if a five-day week is worked—
- (i) 46 in any week from Monday to Friday, inclusive; and
- (ii) subject to subparagraph (i) hereof, nine and a quarter on any day.

(2) *Meal intervals.*—An employer shall not require or permit an employee to work for more than five hours continuously without a meal interval of not less than half an hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—

- (i) periods of work interrupted by intervals of less than half an hour, except when proviso (v) applies, shall be deemed to be continuous;
- (ii) if such interval be longer than half an hour, any period in excess of one hour shall be deemed to be time worked;
- (iii) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;
- (iv) when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may, at the request of the employee, be reduced to not less than 15 minutes;
- (v) a driver or an operator of self-propelled plant who during such interval does no work other than being or remaining in charge of a vehicle or such plant shall be deemed for the purposes of this subclause not to have worked during such interval.

(3) *Hours of work to be consecutive.*—Save as provided in subclause (2), all hours of work of an employee on any day shall be consecutive.

(4) *Limitation of overtime.*—An employer shall not require or permit an employee to work overtime for more than in the case of—

- (a) a casual employee, two hours on any day;
- (b) a security guard and a watchman, 12 hours in any week;
- (c) an employee (other than a casual employee, security guard or a watchman) who is employed in or in connection with any premises which constitute a factory within the meaning of section 3 of the Factories, Machinery and Building Work Act, 1941, 10 hours in any week;
- (d) any other employee, 15 hours in any week.

(5) *Payment for overtime.*—An employer shall pay an employee who works overtime at a rate of not less than—

- (a) in the case of a casual employee, one and a third times his ordinary wage in respect of the total period so worked by such employee on any day;
- (b) in the case of any other employee, one and a third times his ordinary wage in respect of the total period so worked by such employee in any week.

(6) *Savings.*—(a) This clause shall not apply to a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than—

- (i) R850 per month in the following areas:

(aa) The Magisterial Districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, The Cape, Durban, East London, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Kuils River, Nigel, Oberholzer, Paarl, Pietermaritzburg, Pinetown, Port Elizabeth, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Simonstown, Springs, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom and Wynberg;

(ab) The municipal areas of Bloemfontein, Kimberley, Odendaalsrus, Sasolburg, Virginia and Welkom;

(ii) R775 per maand in die volgende gebiede:

Die landdrosdistrikte Kroonstad, Lower Umfolozi, Newcastle, Somerset-Wes, Stellenbosch, Strand, Vredenburg, Wellington en Worcester, en die gedeelte van die munisipale gebied van Oos-Londen wat in die landdrosdistrik King William's Town val;

(iii) R750 per maand in die oorblywende gebiede wat in klousule 1 (1) genoem word en nie deur (i) of (ii) hierbo omvat word nie.

(b) Subklousules (2), (3) en (4) is nie op 'n werknemer van toepassing terwyl hy noodwerk verrig nie.

(c) Subklousule (2) is nie op 'n sekuriteitswag of 'n wag van toepassing nie.

6. JAARLIKSE VERLOF

(1) Behoudens subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke voltooië tydperk van 12 maande diens by hom, verlof soos volg verleen en moet die werknemer sodanige verlof neem:

(a) In die geval van 'n sekuriteitswag of 'n wag wat gewoonlik—

(i) hoogstens vyf dae per week werk, 18 agtereenvolgende werkdade verlof;

(ii) ses dae per week werk, 21 agtereenvolgende werkdade verlof; en moet hy sodanige werknemer ten opsigte van sodanige verlof die volgende betaal:

(aa) In die geval van 'n werknemer in subparagraaf (i) bedoel, 'n bedrag van minstens 3,6 maal; en

(ab) in die geval van 'n werknemer in subparagraaf (ii) bedoel, 'n bedrag van minstens 3,5 maal;

die weekloon wat die werknemer onmiddellik voor die aanvangsdatum van die verlof ontvang het;

(b) in die geval van alle ander werknemers wat gewoonlik—

(i) hoogstens vyf dae per week werk, 13 agtereenvolgende werkdade verlof;

(ii) ses dae per week werk, 15 agtereenvolgende werkdade verlof; en moet hy sodanige werknemer ten opsigte van sodanige verlof die volgende betaal:

(aa) In die geval van 'n werknemer bedoel in subparagraaf (i), 'n bedrag van minstens 2,6 maal; en

(ab) in die geval van 'n werknemer bedoel in subparagraaf (ii), 'n bedrag van minstens 2,5 maal;

die weekloon wat die werknemer onmiddellik voor die aanvangsdatum van die verlof ontvang het.

Met dien verstande dat, by die toepassing van hierdie klousule, die weekloon van 'n werknemer wat stukwerk verrig, beteken word op die grondslag uiteengesit in artikel 20 (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(2) Die verlof by subklousule (1) voorgeskryf, moet verleen of geneem word, na gelang van die geval, op 'n tyd wat die werkgever bepaal: Met dien verstande dat—

(a) as sodanige verlof nie eerder verleen of geneem is nie, dit, behoudens subklousule (3), so verleen en geneem moet word dat dit binne vier maande begin na voltooiing van die 12 maande diens waarop dit betrekking het of, as die werkgever en sy werknemer voor die verstrekking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet verleen en die werknemer dit moet neem met ingang van 'n datum uiterlik twee maande na die verstrekking van genoemde tydperk van vier maande;

(b) die tydperk van verlof nie mag saamval nie met—

(i) siekteverlof wat ingevolge klousule 7 toegestaan is of met afwesigheid van werk weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (4) (a) of (b) en wel tot 'n totaal in enige tydperk van 12 maande van hoogstens 10 weke;

(ii) enige tydperk waarin die werknemer kennisgewing van diensbeëindiging ingevolge klousule 12 uitdien; of

(iii) enige tydperk waarin die werknemer militêre opleiding of diens kragtens die Verdedigingswet, 1957, ondergaan;

(c) 'n werkgever al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van 12 maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgever toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens oploop: Met dien verstande dat—

(i) sodanige werknemer so 'n versoek rig uiterlik vier maande na verstrekking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het; en

(ii) die werkgever die datum van ontvangs van die versoek daarop aanbring oor sy handtekening, en hy moet dit tot minstens na verstrekking van die verloftydperk bewaar.

(ii) R775 per month in the following areas:

The Magisterial District of Kroonstad, Lower Umfolozi, Newcastle, Somerset West, Stellenbosch, Strand, Vredenburg, Wellington and Worcester, and that portion of the municipal area of East London which falls within the Magisterial District of King William's Town;

(iii) R750 per month in the remaining areas mentioned in clause 1 (1) and not included in (i) or (ii) above.

(b) Subclause (2), (3) and (4) shall not apply to an employee while engaged on emergency work.

(c) Subclause (2) shall not apply to a security guard or a watchman.

6. ANNUAL LEAVE

(1) Subject to subclause (2), an employer shall grant to his employee, other than a casual employee, and the employee shall take, in respect of each completed period of 12 months of employment with him—

(a) in the case of a security guard or a watchman who normally works—

(i) on not more than five days in a week, 18 consecutive work-days' leave;

(ii) six days in a week 21 consecutive work-days' leave; and shall pay such employee in respect of such leave in the case of an employee—

(aa) referred to in subparagraph (i) an amount of not less than 3,6 times;

(ab) referred to in subparagraph (ii) an amount of not less than 3,5 times;

the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced;

(b) in the case of any other employee who normally works—

(i) on not more than five days in a week, 13 consecutive work-days' leave;

(ii) six days in a week, 15 consecutive work-days' leave; and shall pay such employee in respect of such leave in the case of an employee—

(aa) referred to in subparagraph (i) an amount of not less than 2,6 times;

(ab) referred to in subparagraph (ii) an amount of not less than 2,5 times;

the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced:

Provided that for the purposes of this clause the weekly wage of any employee who is engaged on piece-work shall be calculated on the basis set out in section 20 (5) (a) of the Factories, Machinery and Building Work Act, 1941.

(2) The leave prescribed in subclause (1) shall be granted and be taken, as the case may be, at a time to be fixed by the employer: Provided that—

(a) if such leave has not been granted and taken earlier, it shall, save as provided in subclause (3), be granted and be taken so as to commence within four months after the completion of the 12 months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee and the employee shall take the leave from a date not later than two months after the expiration of the said period of four months;

(b) the period of leave shall not be concurrent with—

(i) sick leave granted in terms of clause 7 or with absence from work owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b) amounting in the aggregate to not more than 10 weeks in any one period of 12 months;

(ii) any period during which the employee is under notice of termination of employment in terms of clause 12; or

(iii) any period during which the employee is doing military training or service under the Defence Act, 1957;

(c) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of 12 months of employment to which the period of leave relates.

(3) (a) At the written request of his employee, an employer may permit the leave to accumulate over a period of not more than 24 months of employment: Provided that—

(i) the request is made by such employee not later than four months after the expiration of the first period of 12 months of employment to which the leave relates; and

(ii) the date of the receipt of the request is endorsed on the request over his signature by the employer, who shall retain the request at least until after the expiration of the period of leave.

(b) Subklousule (2) is *mutatis mutandis* van toepassing op die verlot in hierdie subklousule bedoel.

(4) Die besoldiging ten opsigte van die verlot voorgeskryf by subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag voor die aanvangsdatum van die verlot betaal word.

(5) Aan 'n werknemer wie se diens gedurende enige diensttermyn van 12 maande eindig voordat die verloftydperk voorgeskryf by subklousule (1) ten opsigte van daardie termyn opgeloopt het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige diensttermyn 'n bedrag betaal word van minstens—

(a) in die geval van 'n werknemer in subklousule (1) (a) bedoel, 29,5 persent; en

(b) in die geval van 'n werknemer in subklousule (1) (b) bedoel, 21,0 persent;

van die weekloon wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkgever ten opsigte van enige tydperk van geleentheidsverlot wat hy op die skriftelike versoek van 'n werknemer aan so 'n werknemer toegestaan het, 'n eweredige bedrag kan aftrek: Voorts met dien verstande dat, behoudens klousule 12 (4), 'n werknemer—

(i) wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgever van sodanige kennisgewing afgesien het of tensy die werknemer die werkgever betaal het in plaas daarvan om aldus kennis te gee; of

(ii) wat sy diens sonder 'n regsgeldige rede verlaat; of

(iii) wat sonder kennisgewing deur sy werkgever ontslaan word om 'n rede wat vir sodanige ontslag sonder kennisgewing regsgeldig is;

op geen betaling uit hoofde van hierdie subklousule geregtig is nie.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlot voorgeskryf by subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlot verleen en geneem is, moet by sodanige diensbeëindiging die bedrag betaal word wat hy ten opsigte van die verlot sou ontvang het as die verlot op die datum van diensbeëindiging aan hom verleen en geneem was.

(7) By die toepassing van hierdie klousule word die uitdrukking "diens" geag te omvat—

(a) enige tydperk ten opsigte waarvan 'n werkgever of 'n werknemer ingevolge klousule 12, 'n werknemer of 'n werkgever, na gelang van die geval betaal in plaas van kennis te gee;

(b) enige tydperk wat 'n werknemer afwesig is—

(i) met verlot ingevolge hierdie klousule;

(ii) met siekteverlot ingevolge klousule 7 of weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (4) (a) of (b);

(iii) op las of versoek van sy werkgever; en wel tot 'n totaal, in enige tydperk van 12 maande, van hoogstens 10 weke;

(c) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding of diens ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidings- of dienstydperk as diens te eis nie; en

(d) enige tydperk wat 'n werkgever van sy werknemer vereis om nie te werk nie weens weersomstandighede, 'n slapte in die bedryf of 'n onklaarraking van masjinerie;

en word diens geag te begin—

(i) in die geval van 'n werknemer wat, voordat hierdie order bindend geword het, kragtens enige wet op 'n tydperk van jaarlikse verlot geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op verlot geregtig geword het;

(ii) in die geval van 'n werknemer wat, voordat hierdie order bindend geword het, in diens was en op wie enige wet wat vir jaarlikse verlot voorsiening maak, van toepassing was maar wat nog nie daarkragtens op 'n tydperk van verlot geregtig geword het nie, op die aanvangsdatum van sodanige diens;

(iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgever in diens getree het of op die datum waarop hierdie order bindend geword het, en wel op die jongste van die twee datums.

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgever vir die doel van jaarlikse verlot, te eniger tyd maar hoogstens een maal in 'n tydperk van 12 maande, sy bedryfsinrigting of 'n gedeelte van sy bedryfsinrigting sluit—

(i) waar gewoonlik vyf dae per week gewerk word, vir 13 agtereenvolgende werkdade;

(ii) waar gewoonlik ses dae per week gewerk word, vir 15 agtereenvolgende werkdade;

plus 'n addisionele dag vir elke dag bedoel in klousule 8 (1) (a) wat binne die tydperk van sluiting val: Met dien verstande dat sodanige dag op 'n dag wat gewoonlik 'n werkdag is, val.

(b) Subclausule (2) shall *mutatis mutandis* apply to the leave referred to in this subclausule.

(4) The remuneration in respect of the leave prescribed in subclausule (1), read with subclausule (3), shall be paid not later than the last work-day before the date of commencement of the leave.

(5) An employee whose employment terminates during any period of 12 months of employment before the period of leave prescribed in subclausule (1) in respect of that period has accrued shall, upon such termination and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—

(a) in the case of an employee referred to in subclausule (1) (a), 29,5 per cent; and

(b) in the case of an employee referred to in subclausule (1) (b), 21,0 per cent;

of the weekly wage he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of occasional leave granted to an employee at his written request: Provided further that, subject to clause 12 (4), an employee—

(i) who leaves his employment without having given and served the period of notice prescribed in clause 12, unless the employer has waived such notice or the employee has paid the employer in lieu of notice; or

(ii) who leaves his employment without cause recognised by law as sufficient; or

(iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice;

shall not be entitled to any payment by virtue of this subclausule.

(6) An employee who has become entitled to a period of leave prescribed in subclausule (1), read with subclausule (3), and whose employment terminates before such leave has been granted and taken shall upon such termination be paid the amount he would have received in respect of the leave, had the leave been granted to him and taken at the date of the termination.

(7) For the purposes of this clause the expression "employment" shall be deemed to include—

(a) any period in respect of which an employer or an employee, in terms of clause 12, pays an employee or an employer, as the case may be, in lieu of notice;

(b) any period during which an employee is absent—

(i) on leave in terms of this clause;

(ii) on sick leave in terms of clause 7 or owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b);

(iii) on the instructions or at the request of his employer;

amounting in the aggregate, in any period of 12 months, to not more than 10 weeks;

(c) any period during which an employee is absent for military training or service in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training or service; and

(d) any time during which an employee is required by his employer not to work because of the vagaries of the weather, slackness of trade or a breakdown of machinery or plant;

and employment shall be deemed to commence—

(i) in the case of an employee who, before this order became binding, had become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;

(ii) in the case of an employee who was in employment before this order became binding and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;

(iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the day on which this order became binding, whichever is the later.

(8) (a) Notwithstanding anything to the contrary contained in this clause, an employer may for the purposes of annual leave at any time, but not more than once in any period of 12 months, close his establishment or a portion of his establishment—

(i) in which five days a week are normally worked, for 13 consecutive work-days;

(ii) in which six days a week are normally worked, for 15 consecutive work-days;

plus an additional day for each day referred to in clause 8 (1) (a) falling within such closed period; provided such day falls on a day which is normally a work-day.

(b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfsinrigting of die gedeelte daarvan waarin hy werksaam is, nie geregtig is op die volle tydperk van jaarlikse verlof by subklousule (1) voorgeskryf nie, moet, ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgever betaal word op die grondslag in subklousule (5) uiteengesit, en vir die doel van jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting of gedeelte van die bedryfsinrigting, na gelang van die geval, aldus sluit.

7. SIEKTEVERLOF

(1) Behoudens subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid van die werk afwesig is, siekteverlof verleen van—

(a) in die geval van 'n werknemer wat normaalweg vyf dae per week werk, altesaam minstens 20 werkdag; en

(b) in die geval van enige ander werknemer, altesaam minstens 24 werkdag;

gedurende elke tydkring van 24 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van enige tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(i) 'n werknemer gedurende die eerste 24 agtereenvolgende maande diens nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooië tydperk van vyf weke diens en, in die geval van enige ander werknemer, een werkdag ten opsigte van elke voltooië maand diens;

(ii) wanneer in die eerste tydkring van 24 maande diens by dieselfde werkgever, 'n werknemer afwesig weens ongeskiktheid is vir 'n langer tydperk as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, die werknemer geregtig is op betaling vir slegs die siekteverlof wat hom dan toekom, maar die werkgever moet, indien hy dit nie reeds gedoen het nie, by verstryking van genoemde dienstydkring of by diens beëindiging voor sodanige verstryking, die werknemer betaal ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid, vir sover die siekteverlof wat hom by sodanige verstryking of diensbeëindiging toekom, nog nie geneem is nie;

(iii) waar 'n werkgever ingevolge 'n wet vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal en sodanige gelde wel betaal die bedrag wat aldus betaal is, afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is.

(2) 'n Werkgever kan, as 'n opskortende voorwaarde vir die betaling deur hom van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk—

(a) vir langer as drie agtereenvolgende werkdag;

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Republiekdag, Geloftedag of Kersdag; of

(c) op die werkdag onmiddellik na die Maandag wat volg op Nuwejaarsdag, telkens wanneer laasgenoemde dag op 'n Sondag val;

van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregi-streerde mediese praktisyn onderteken is en waarin die aard en duur van die werknemer se ongeskiktheid vermeld word: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, die werkgever gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom kan vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) By die toepassing van hierdie klousule—

(a) word die uitdrukking "diens" geag te omvat—

(i) enige tydperk wat 'n werknemer afwesig is—

(aa) met verlof ingevolge klousule 6;

(ab) op las of versoek van sy werkgever;

(ac) met siekteverlof ingevolge subklousule (1);

en wat in enige tydperk van 12 maande altesaam hoogstens 10 weke beloop; en

(ii) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding of diens ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van enige tydperk van sodanige opleidings- of dienstydperk as diens te eis nie;

(iii) enige tydperk wat 'n werkgever van 'n werknemer vereis om nie te werk nie weens weersomstandighede, 'n slapte in die bedryf of 'n onklaarraking van masjinerie; en word enige tydperk van diens by die-selwde werkgever onmiddellik voordat hierdie order bindend geword het, by die toepassing van hierdie klousule geag diens ingevolge hierdie order te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie order verleen te wees;

(b) An employee who at the date of the closing of an establishment or the portion thereof in which he is employed, is not entitled to the full period of annual leave prescribed in subclause (1) shall, in respect of any leave due to him be paid by his employer on the basis set out in subclause (5), and for the purposes of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment or portion of the establishment, as the case may be.

7. SICK LEAVE

(1) Subject to subclause (2), an employee shall grant to his employee, other than a casual employee, who is absent from work through incapacity—

(a) in the case of an employee who normally works a five-day week, not less than 20 work-days; and

(b) in the case of any other employee, not less than 24 work-days;

sick leave in the aggregate during each cycle of 24 consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this subclause not less than the wage which would have been received had the employee worked during such period: Provided that—

(i) in the first 24 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work-day in respect of each completed period of five weeks of employment and, in the case of every other employee, one work-day in respect of each completed month of employment;

(ii) where, in the first cycle of 24 months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, the employee shall be entitled to be paid in respect of only such leave as has so accrued, but the employer shall, if he has not previously done so, at the expiration of the said cycle of employment or on termination of employment before such expiration, pay the employee in respect of such excess period of absence owing to incapacity, to the extent to which sick leave, accrued at such expiration or termination, had not been taken;

(iii) where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause.

(2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work—

(a) for more than three consecutive work-days;

(b) on the work-day immediately preceding or the work-day immediately succeeding a Sunday or New Year's Day, Good Friday, Ascension Day, Republic Day, Day of the Vow or Christmas Day; or

(c) on the work-day immediately succeeding the Monday following New Year's Day, whenever the latter falls on a Sunday;

require employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity: Provided that, when an employee has, during any period of up to eight weeks, received payment in terms of this clause on two or more occasions without producing such a certificate, the employer may, during the period of eight weeks immediately succeeding the last such occasion, require the production of such certificate in respect of any absence.

(3) For the purposes of this clause the expression—

(a) "employment" shall be deemed to include—

(i) any period during which an employee is absent—

(aa) on leave in terms of clause 6;

(ab) on the instructions or at the request of his employer;

(ac) on sick leave in terms of subclause (1);

amounting in the aggregate, in any period of 12 months to not more than 10 weeks; and

(ii) any period during which an employee is absent from work owing to military training or service in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training or service;

(iii) any time during which an employee is required by the employer not to work because of the vagaries of the weather, slackness of trade or a breakdown of machinery or plant; and any one period of employment which an employee has had with the same employer immediately before the date on which this order became binding shall for the purposes of this clause, be deemed to be employment under this order, and any sick leave on full pay granted to such an employee during such period shall be deemed to have been granted under this order;

(b) beteken "ongeskiktheid" onvermoë om te werk weens siekte of besering, behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk of vergoedingspligtige siekte waarvoor vergoeding kragtens die Ongevallewet, 1941, betaalbaar is, as ongeskiktheid beskou word slegs gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(4) *Voorbehoudsbepalings*.—Hierdie klousule is nie van toepassing nie—

(a) op 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes wat minstens gelyk is aan dié wat die werknemer self bydra, aan 'n fonds of organisasie betaal wat die werknemer aanwys en wat die werknemer waarborg dat, in geval van sy ongeskiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir 20 of 24 werkdag, na gelang van die geval, in elke tydkring van 24 maande diens aan hom betaal sal word, behalwe dat die gewaarborgde koers gedurende die eerste 24 maande wat die werknemer bydraes betaal, verlaag kan word, maar tot minstens die aanwaskoers uiteengesit in die eerste voorbehoudsbepaling van subklousule (1);

(b) op enige tydperk van ongeskiktheid van 'n werknemer waarvoor daar by 'n ander werkgever vereis word om die werknemer minstens sy volle loon te betaal.

8. OPENBARE VAKANSIEDAE EN SONDAE

(1) *Vergoeding vir werk op 'n openbare vakansiedag*.—(a) Behoudens klousules 4 (6) en 6 (2), moet 'n werkgever aan sy werknemer, as hy nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Gelofte- of Kersdag werk nie, of wanneer Nuwejaarsdag op 'n Sondag val en 'n werknemer nie op die Maandag onmiddellik na sodanige Sondag werk nie, minstens sy weekloon betaal vir die week waarin daardie dag val.

(b) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Gelofte- of Kersdag werk, of wanneer Nuwejaarsdag op 'n Sondag val en 'n werknemer op die Maandag onmiddellik na sodanige Sondag werk, moet sy werkgever hom, behoudens klousule 4 (6), vir die week waarin daardie dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam op so 'n dag gewerk het. Met dien verstande dat wanneer daar van 'n werknemer vereis of hy toegelaat word om minder as vier uur op sodanige dag te werk, hy geag moet word vier uur te gewerk het.

(2) *Vergoeding vir werk op 'n Sondag*.—Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgever of—

(a) die werknemer—

(i) indien hy aldus vir 'n tydperk van hoogstens vier uur werk, minstens sy dagloon betaal;

(iii) indien hy aldus vir 'n tydperk van meer as vier uur werk, teen minstens dubbel sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon betaal, en wel die bedrag wat die grootste is; of

(b) hom teen minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne sewe dae vanaf sodanige Sondag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat waar daar van sodanige werknemer vereis of hy toegelaat word om minder as vier uur op sodanige Sondag te werk, daar geag moet word dat hy vier uur gewerk het.

(3) *Voorbehoudsbepalings*.—(a) Hierdie klousule is nie op 'n los werknemer van toepassing nie.

(b) Subklousules (1) (b) en (2) is nie van toepassing nie op 'n werknemer wat ingevolge klousule 5 (6) (a) van die werkerebepalings uitgesluit is.

9. STUKWERK

(1) 'n Werkgever kan, nadat hy minstens een week vooraf kennis aan sy werknemer gee, 'n stukwerkstelsel invoer, en sodanige werkgever moet, behoudens klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tariewe wat ooreenkomstig sodanige stelsel van toepassing is: Met dien verstande dat die werkgever ongeag die hoeveelheid werk wat verrig is, sodanige werknemer moet betaal—

(a) in die geval van 'n werknemer, uitgesonderd 'n los werknemer, vir elke week waarin stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie week sou moes betaal het as hy hom 'n tydloon betaal het;

(b) in die geval van 'n los werknemer, vir elke dag waarop stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie dag sou moes betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgever moet 'n lys van die besoldiging in subklousule (1) bedoel, op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemer wat volgens sodanige stelsel werk, minstens een week kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgever nie vir 'n korter termyn as dié waarvoor daar ooreengekom is, kennis gee nie.

(b) "incapacity" means inability to work owing to any sickness or injury other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work, caused by an accident or a scheduled disease for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

(4) *Savings*.—The clause shall not apply—

(a) to an employee at whose written request the employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of incapacity in the circumstances set out in this clause, the payment to him of not less than in the aggregate the equivalent of his wage for 20 or 24 work-days, as the case may be, in each cycle of 24 months of employment, except that during the first 24 months of the payment of contributions by the employee the guaranteed rate may be reduced, but not less than the rate of accrual set out in the first proviso to subclause (1);

(b) in respect of any period of incapacity of an employee for which the employer is required by any other law to pay to the employee not less than his full wages.

8. PUBLIC HOLIDAYS AND SUNDAYS

(1) *Compensation for work on a public holiday*.—(a) Subject to clauses 4 (6) and 6 (2), if an employee does not work on New Year's Day, Good Friday, Ascension Day, Republic Day, Day of the Vow, or Christmas Day, or whenever New Year's Day, falls on a Sunday and an employee does not work on the Monday immediately succeeding such Sunday, his employer shall pay him for the week in which such day falls not less than his weekly wage.

(b) Whenever an employee works on New Year's Day, Good Friday, Ascension Day, Republic Day, Day of the Vow, or Christmas Day, or whenever New Year's Day, falls on a Sunday and an employee works on the Monday immediately succeeding such Sunday, his employer shall, save as provided in clause 4 (6), pay him for the week in which such day falls not less than his weekly wage plus his hourly wage for each hour or part of an hour worked by the employee in the aggregate on such day: Provided that where such an employee is required or permitted to work for less than four hours on such day he shall be deemed to have worked for four hours.

(2) *Compensation for work on a Sunday*.—Whenever an employee works on a Sunday, his employer shall either—

(a) pay the employee—

(i) if he so works for a period not exceeding four hours, not less than his daily wage;

(ii) if he so works for a period exceeding four hours, at a rate of not less than double his ordinary wage in respect of the total period worked by him on such Sunday, or not less than double his daily wage, whichever is the greater; or

(b) pay the employee at a rate of not less than one and a third times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within seven days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage: Provided that where such an employee is required or permitted to work for less than four hours on such Sunday he shall be deemed to have worked for four hours.

(3) *Savings*.—(a) This clause shall not apply to a casual employee;

(b) Subclauses (1) (b) and (2) shall not apply to an employee who is excluded from the hours of work provisions by virtue of clause 5 (6) (a).

9. PIECE-WORK

(1) An employer may, after at least one week's notice to his employee, introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his employee who is employed on such piece-work system, remuneration at the rate applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay such employee not less than—

(a) in the case of an employee, other than a casual employee, in respect of each week in which piece-work is performed, the amount which he would have been required to pay such employee for that week had the employee been remunerated on the basis of time worked;

(b) in the case of a casual employee, in respect of each day on which piece-work is performed, the amount which he would have been required to pay such employee for that day had the employee been remunerated on the basis of time worked.

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in subclause (1).

(3) An employer who intends to cancel or amend any piece-work system in operation or the rates applicable thereunder, shall give his employee employed on such system not less than one week's notice of such intention: Provided that an employer and his employee may agree on a longer period of notice, in which case the employer shall give notice for a period not shorter than that agreed upon.

(4) Ondanks andersluidende bepalings in hierdie klousule, hoef 'n werkgewer nie 'n los werknemer kennis te gee van sy voorneme om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

10. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet die volgende gratis verskaf en in 'n bruikbare toestand hou:

(1) Alle uniforms, oorpakke, stewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf;

(2) Alle beskermende klere, oorpakke, stofbrille, handskoene, skoeisel en salf soos wat nodig kan wees om sy werknemer voldoende teen blootstelling te beskerm, wanneer die werknemer ook al in die loop van sy diens blootgestel word aan 'n proses, hitte of enige giftige, korroderende of ander skadelike stof wat die werknemer kan beseer of siek maak of sy klere kan beskadig;

en alle sodanige artikels bly die eiendom van die werkgewer.

11. VERBOD OP INDIENSNEMING

'n Werkgewer mag niemand onder die leeftyd van 15 jaar in diens neem nie.

12. BEÏNDIGING VAN DIENSKONTRAK

(1) 'n Werkgewer of sy werknemer, uitgesonderd 'n los werknemer, wat die dienskontrak wil beëindig, moet—

(a) in die geval van 'n werknemer wat maandeliks betaal word—

(i) gedurende die eerste vier weke diens, minstens een werkdag;

(ii) na die eerste vier weke diens, minstens een week; en

(b) in die geval van alle ander werknemers, minstens twee uur;

vooraf kennis van die beëindiging van die kontrak gee, of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgewer, na gelang van die geval, te betaal in die geval van—

(i) een werkdag kennisgewing, minstens die dagloon;

(ii) een week kennisgewing, minstens die weekloon;

(iii) twee uur kennisgewing, minstens dubbel die uurloon;

wat die werknemer ten tyde van sodanige beëindiging ontvang: Met dien verstande dat—

(aa) die reg van 'n werkgewer of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;

(ab) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer as dié wat in hierdie klousule voorgeskryf word;

(ac) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie: Voorts met dien verstande dat indien die loon van 'n werknemer op die datum van die beëindiging verminder is deur aftrekkings ten opsigte van korttyd, die uitdrukking "ten tyde van sodanige diensbeëindiging ontvang", wanneer 'n werkgewer 'n werknemer betaal in plaas van kennis te gee, geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen bedrag weens korttyd afgetrek was nie".

(2) Indien daar 'n ooreenkoms ingevolge die tweede voorbehoudsbepaling van subklousule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waarvoor daar ooreengekom is.

(3) Die kennisgewing by subklousule (1) voorgeskryf, moet op enige werkdag geskied: Met dien verstande dat—

(i) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid—

(aa) met verlof ingevolge klousule 6;

(ab) terwyl militêre opleiding of diens ingevolge die Verdedigingswet, 1957, ondergaan word;

(ii) daar nie kennis gegee mag word nie gedurende 'n werknemer se afwesigheid met siekteverlof ingevolge klousule 7 of weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (4) (a) of (b);

en wel tot 'n totaal, ten opsigte van afwesigheid in paragrawe (i) (aa) en (ii) bedoel, in enige tydperk van 12 maande, van hoogstens 10 weke.

(4) Ondanks andersluidende bepalings in hierdie order, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te gee en sonder om die kennisgewingstermyn uit te dien of sonder om sy werkgewer te betaal in plaas van kennis te gee, mag sy werkgewer uit enige geld wat hy aan sodanige werknemer uit hoofde van enige bepaling van hierdie order skuld, 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal het in plaas van kennis te gee: Met dien verstande dat wanneer 'n werkgewer hom aldus 'n bedrag toeëien het in plaas van kennisgewing, daar by die toepassing van klousule 6 (5) geag word dat die werknemer die werkgewer betaal het in plaas van kennis te gee.

(4) Notwithstanding anything to the contrary in this clause, an employer need not give a casual employee notice of his intention to introduce any piece-work system or to cancel or amend it.

10. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable condition, free of charge—

(1) any uniforms, overalls, boots or protective clothing which he requires his employee to wear or which by any law he is compelled to provide to his employee;

(2) any protective clothing, overalls, goggles, gloves, footwear and ointment as may be necessary adequately to protect his employee against exposure whenever the employee in the course of his employment is exposed to wet processes, heat or to any poisonous, corrosive or other injurious substance liable to cause injury or disease to the employee or damage to his clothing;

and any such article shall remain the property of the employer.

11. PROHIBITION OF EMPLOYMENT

An employer shall not employ any person under the age of 15 years.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

(1) An employer or his employee, other than a casual employee, who desires to terminate the contract of employment, shall give—

(a) in the case of an employee who is paid monthly—

(i) during the first four weeks of employment, not less than one work-day's;

(ii) after the first four weeks of employment not less than one week's; and

(b) in the case of any other employee, not less than two hours';

notice of termination of contract, or an employer or employee may terminate the contract without notice by paying the employee or paying the employer, as the case may be, in lieu of such notice not less than in the case of—

(i) one work-day's notice, the daily wage;

(ii) one week's notice, the weekly wage;

(iii) two hour's notice, double the hourly wage;

the employee is receiving at the time of such termination: Provided that this shall not effect—

(aa) the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;

(ab) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in this clause;

(ac) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts:

Provided further than where the wage of an employee at the date of termination has been reduced by deductions in respect of shorttime, the expression "is receiving at the time of such termination" shall, when an employer pays an employee in lieu of notice, be deemed to mean "would have received at the time of such termination if no deduction had been made in respect of short-time".

(2) Where there is an agreement in terms of the second proviso to subclause (1), the payment in lieu of notice shall be commensurate with the period of notice agreed upon.

(3) The notice prescribed in subclause (1) shall be given on any work-day: Provided that—

(i) the period of notice shall not run concurrently with not shall notice be given during an employee's absence—

(aa) on leave in terms of clause 6;

(ab) on military training or service in pursuance of the Defence Act, 1957;

(ii) notice shall not be given during an employee's absence on sick leave in terms of clause 7 or absence owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b);

amounting in the aggregate, in respect of absences referred to in paragraphs (i) (aa) and (ii), to not more than 10 weeks in any period of 12 months.

(4) Notwithstanding anything to the contrary in this order where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice or without paying his employer in lieu of notice, his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this order, an amount of not more than that which such employee would have had to pay him in lieu of notice: Provided that where an employer has so appropriated an amount in lieu of notice, the employee shall for the purposes of clause 6 (5) be deemed to have paid the employer in lieu of notice.

13. DIENSSERTIFIKAAT

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkgever by beëindiging van enige dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesenlik in die volgende vorm is en waarop die volle name van die werkgever en die werknemer, die werknemer se klas, die aanvangsdatum en die datum van beëindiging van die kontrak en die weekloon van die werknemer op die datum van sodanige beëindiging, vermeld word.

DIENSSERTIFIKAAT

Ek/Ons(a)
 wat die Siviele Ingenieursbedryf beoefen te
 sertifiseer hierby dat
 by my/ons(a) in diens was vanaf die
 dag van 19..... tot die
 dag van 19..... as (b)
 By beëindiging van diens was sy/haar(a) loon R.....
 per week/maand(a).....

(Handtekening van werkgever of
 gemagtigde verteenwoordiger)

Datum 19.....

- (a) Skrap wat nie van toepassing is nie.
 (b) Meld klas waarin werknemer uitsluitlik of hoofsaaklik in diens was, bv. konstruksiewerker, graad I, bediener, arbeider.

14. LOGBOEK

- (1) 'n Werkgever moet die drywer van 'n motorvoertuig voorsien van 'n logboek wat sover doenlik die volgende vorm het:

DAAGLIKSE LOG

Naam van werkgever
 Naam van drywer
 Datum
 Tyd waarop werk begin het
 Tyd waarop werk opgehou het
 Getal ure gewerk
 Etenspouse van tot
 Besonderhede omtrent enige ongeluk of vertraging.....

(Handtekening van drywer)

Datum 19.....

- (2) Elke drywer van 'n motorvoertuig moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne 24 uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgever indien.

- (3) Elke werkgever moet die kopie van die daaglikse log wat ingevolge subklousule (2) by hom ingedien is, vir 'n tydperk van minstens drie jaar ná sodanige indiening bewaar.

DEPARTEMENT VAN MINERAAL- EN ENERGIESAKE

No. R. 854

30 April 1982

WET OP PETROLEUMPRODUKTE, 1977

REGULASIES TER BESPARING VAN PETROLEUMPRODUKTE

Die Minister van Mineraal- en Energiesake het kragtens artikels 2 en 5 van die Wet op Petroleumprodukte, 1977 (Wet 120 van 1977), soos gewysig, die regulasie in die Bylae uitgevaardig.

BYLAE

Regulasie 3 van Goewermentskennisgewing R. 743 van 1 April 1981 word deur die volgende regulasie vervang:

3. Uitgesonderd ooreenkomstig 'n vrystelling verleen en 'n voorwaarde opgelê by kennisgewing, mag niemand Avgas gebruik om met 'n lugvaartuig te vlieg nie—

3.1 ten einde daarmee te adverteer;

3.2 om deel te neem aan 'n lugriesies of enige kompetisie.

13. CERTIFICATE OF SERVICE

Except where a contract of employment of an employee is terminated on the ground of desertion or where the employee is a casual employee, the employer shall, upon termination of any contract of employment, furnish the employee with a certificate of service substantially in the following form, showing the full names of the employer and the employee, the class of the employee, the date of commencement and the date of termination of the contract and the weekly wage of the employee on the date of such termination.

CERTIFICATE OF SERVICE

I/We(a)
 carrying on trade in the Civil Engineering Industry at
 hereby certify that
 was employed by me/us(a) from the day of 19.....
 to the day of 19..... as (b)
 At the termination of employment his/her(a) wage was
 R..... per week/month(a).....

(Signature of employer or authorised
 representative)

Date 19.....

- (a) Delete whichever is inapplicable.
 (b) State class in which employee was wholly or mainly engaged, e.g. construction hand Grade I, operator, labourer.

14. LOG-BOOK

- (1) An employer shall provide the driver of a motor vehicle with a log-book as nearly as practicable in the following form:

DAILY LOG

Name of employer
 Name of driver
 Date
 Time of starting work
 Time of finishing work
 Number of hours worked
 Meal intervals from to
 Particulars of any accident or delay.....

(Signature of driver)

Date 19.....

- (2) Every driver of a motor vehicle shall, in the log-book referred to in subclause (1), keep a daily log in duplicate in respect of each day's work and shall within 24 hours of the completion of the day's work to which it relates deliver a copy thereof to his employer.

- (3) Every employer shall retain the copy of the daily log, which in terms of subclause (2) has been delivered to him, for a period of at least three years subsequent to such delivery.

DEPARTMENT OF MINERAL AND ENERGY AFFAIRS

No. R. 854

30 April 1982

PETROLEUM PRODUCTS ACT, 1977

REGULATIONS IN RESPECT OF THE SAVING OF PETROLEUM PRODUCTS

The Minister of Mineral and Energy Affairs has, in terms of sections 2 and 5 of the Petroleum Products Act, 1977 (Act 120 of 1977), as amended, made the regulation in the Schedule.

SCHEDULE

The following regulation is hereby substituted for regulation 3 of Government Notice R. 743 of 1 April 1981:

3. Except in accordance with any exemption granted and any conditions imposed by notice, no person shall use Avgas to fly an aircraft—

3.1 to advertise therewith;

3.2 to take part in an air race or any competition.

DEPARTEMENT VAN NASIONALE OPVOEDING

No. R. 805

30 April 1982

ARGIEFWET, 1962 (WET 6 VAN 1962)

VERKLARING VAN DIE MEDIESE UNIVERSITEIT VAN SUIDER-AFRIKA KRAGTENS ARTIKEL 2A

Kragtens artikel 2A van die Argiefwet, 1962 (Wet 6 van 1962), verklaar ek, Gerrit van Niekerk Viljoen, Minister van Nasionale Opvoeding, in oorleg met die Minister van Finansies, hierby die Mediese Universiteit van Suider-Afrika, ingestel kragtens die Wet op die Mediese Universiteit van Suider-Afrika, 1976 (Wet 78 van 1976), tot 'n Staatskantoor vir doeleindes van eersgenoemde Wet.

G. VAN N. VILJOEN, Minister van Nasionale Opvoeding.

DEPARTMENT OF NATIONAL EDUCATION

No. R. 805

30 April 1982

ARCHIVES ACT, 1962 (ACT 6 OF 1962)

DECLARATION OF THE MEDICAL UNIVERSITY OF SOUTHERN AFRICAN IN TERMS OF SECTION 2A

In terms of section 2A of the Archives Act, 1962 (Act 6 of 1962), I, Gerrit van Niekerk Viljoen, Minister of National Education, in consultation with the Minister of Finance, hereby declare the Medical University of Southern Africa, instituted under the Medical University of Southern Africa Act, 1976 (Act 78 of 1976), to be a Government Office for the purposes of the first-mentioned Act.

G. VAN N. VILJOEN, Minister of National Education.

DEPARTEMENT VAN POS- EN TELEKOMMUNIKASIEWESE

No. R. 855

30 April 1982

WYSIGING VAN DIE RADIOREGULASIES

Die Minister van Pos- en Telekommunikasiewese het kragtens artikel 18 (1) van die Radiowet, 1952 (Wet 3 van 1952), die Regulasies in die Bylae gemaak.

Bedoelde regulasies is uitgevaardig met die toestemming van die Ministersraad van die gebied Suidwes-Afrika en is ook in daardie gebied van toepassing.

BYLAE

1.0 Tensy die samehang anders aantoon, beteken die uitdrukking "die Regulasies" in hierdie Bylae die Radio-regulasies afgekondig by Goewermenskennisgewing R. 2862 van 28 Desember 1979, soos gewysig deur Goewermenskennisgewing R. 2661 van 4 Desember 1981 en Goewermenskennisgewing R. 366 van 26 Februarie 1982.

2.0 Die Regulasies word hierby soos volg gewysig:

2.1 Subregulasie F8 (1) word deur die volgende vervang:

"(1) Die Posmeester-generaal kan iemand wat na sy oordeel oor die nodige kennis en bekwaamheid beskik, aanstel om apparaat of modelle daarvan te ondersoek en te bepaal of sodanige apparaat of modelle daarvan aan die bepalings van hierdie regulasies voldoen."

2.2 Regulasie F9 word deur die volgende vervang:

"F9 Gelde betaalbaar vir ondersoek van model van apparaat"

(1) Vir die ondersoek van 'n model van apparaat, met die oog op die uitreiking van die sertifikaat soos bedoel in regulasie F2, moet die ondersoekgelde voorgeskryf in subregulasie (2) betaal word aan die ondersoekbeampte wat kragtens regulasie F8 vir daardie doel aangestel is.

(2) Die bedrag van die ondersoekgelde wat ingevolge subregulasie (1) betaalbaar is, is 'n bedrag wat gelykstaan met die bedrag van die werklike uitgawes aan materiaal, arbeid, vervoer en ander kostes wat in verband met die ondersoek aangegaan is tesame met 'n toeslag van 33% persent bereken op die totaal van daardie uitgawes."

2.3 Bylae E by die Regulasies word geskrap.

DEPARTMENT OF POSTS AND TELECOMMUNICATIONS

No. R. 855

30 April 1982

AMENDMENT OF THE RADIO REGULATIONS

The Minister of Posts and Telecommunications has, under section 18 (1) of the Radio Act, 1952 (Act 3 of 1952), made the Regulations in the Schedule.

The said regulations were made with the consent of the Council of Ministers of the territory of South West Africa and apply also in the said territory.

SCHEDULE

1.0 In this schedule, unless the context indicates otherwise, the expression "the Regulations" means the Radio Regulations published under Government Notice R. 2862 of 28 December 1979, as amended by Government Notice R. 2661 of 4 December 1981 and Government Notice R. 366 of 26 February 1982.

2.0 The Regulations are hereby amended as follows:

2.1 Subregulation F8 (1) is replaced by the following:

"(1) The Postmaster General may appoint a person who in his opinion possesses the necessary knowledge and competence to examine apparatus or models thereof and to determine whether such apparatus or models thereof comply with the provisions of these regulations."

2.2 Regulation F9 is replaced by the following:

"F9 Fees payable for examination of model of apparatus"

(1) For the examination of a model of apparatus with a view to issuing the certificate referred to in regulation F2 the examination fees prescribed in subregulation (2) shall be paid to the investigating officer appointed for that purpose in terms of regulation F8.

(2) The sum of the examination fees that are payable in terms of subregulation (1) shall be an amount equal to the amount representing the actual expenditure in respect of material, labour, transport and other costs incurred in connection with the examination plus a surcharge of 33% per cent calculated on the total of that expenditure."

2.3 Annexure E to the Regulations is deleted.

DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING

No. R. 850

30 April 1982

BEPALING EN AFSONDERING VAN 'N DORP BEKEND AS LULEKANI OP DIE PLAAS QUAGGA 21 LU, DISTRIK LETABA, PROVINSIE TRANSVAAL

Ek, Jacob Johannes Greyling Wentzel, Adjunk-minister van Ontwikkeling, handelende namens en in opdrag van die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by regulasie 4 (1) (a) van Hoofstuk 1 van die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, afgekondig by Proklamasie R. 293 van 1962, bepaal en sonder hierby af, onder die naam Lulekani, die grondgebied beskryf in die Bylae hiervan as 'n dorp vir die okkupasie, bewoning en ander redelike behoeftes van Swartes.

J. J. G. WENTZEL, Adjunk-minister van Ontwikkeling.
(Lêer T8/6/12/Q6)

BYLAE

Die volgende stukke grond, geleë op die plaas Quagga 21 LU, distrik Letaba, provinsie Transvaal, soos aangedui op algemene planne wat deur die Direkteur-generaal: Samewerking en Ontwikkeling goedgekeur is en in sy kantoor bewaar word en waarvan afdrucke beskikbaar is in die kantoor van die superintendent van die betrokke dorp:

Eenheid B:

- (a) Algemene Plan PB68/1980, groot 4,5750 hektaar.
- (b) Algemene Plan PB259/1980, groot 72,6746 hektaar.
- (c) Algemene Plan PB229/1980, groot 78,5810 hektaar.

SUID-AFRIKAANSE VERVOERDIENSTE

No. R. 867

30 April 1982

REGULASIES VIR DIE HAWENS VAN DIE REPUBLIEK VAN SUID-AFRIKA EN VAN SUIDWES-AFRIKA

Goewermentskennisgewing R. 562 van 26 Maart 1982 word hierby verbeter deur die twee paragrawe wat die Regulasies voorafgaan, deur die volgende paragraaf te vervang:

"Ingevolge die bevoegdheid wat aan my verleen is by artikel 73 (1) van die Suid-Afrikaanse Vervoerdienswet, 1981 (Wet 65 van 1981), vaardig ek, Hendrik Stephanus Johan Schoeman, Minister van Vervoerwese, die volgende Regulasies vir die Hawens van die Republiek van Suid-Afrika en van Suidwes-Afrika uit, ter vervanging van dié afgekondig by Goewermentskennisgewing R. 290 van 2 Maart 1962, soos van tyd tot tyd gewysig."

H. S. J. SCHOEMAN, Minister van Vervoerwese.

DEPARTMENT OF CO-OPERATION AND DEVELOPMENT

No. R. 850

30 April 1982

DEFINING AND SETTING APART OF A TOWNSHIP KNOWN AS LULEKANI ON THE FARM QUAGGA 21 LU, DISTRICT LETABA, PROVINCE OF THE TRANSVAAL

I, Jacob Johannes Greyling Wentzel, Deputy Minister of Development, do hereby, on behalf and by direction of the Minister of Co-operation and Development under the powers vested in him by regulation 4 (1) (a) of Chapter 1 of the Regulations for the Administration and Control of Townships in Black Areas, published under Proclamation R. 293 of 1962, define and set apart under the name of Lulekani the areas of land described in the Schedule hereto as a township for the occupation, residence and other reasonable requirements of Blacks.

J. J. G. WENTZEL, Deputy Minister of Development.
(File T8/6/12/Q6)

SCHEDULE

The following areas of land, situate on the farm Quagga 21 LU, District of Letaba, Province of the Transvaal, as indicated on general plans approved by the Director-General: Co-operation and Development and filed in his office, copies of which are available in the office of the superintendent of the township concerned:

Unit B:

- (a) General Plan PB68/1980, in extent 4,5750 hectares.
- (b) General Plan PB259/1980, in extent 72,6746 hectares.
- (c) General Plan PB229/1980, in extent 78,5810 hectares.

SOUTH AFRICAN TRANSPORT SERVICES

No. R. 867

30 April 1982

REGULATIONS FOR THE HARBOURS OF THE REPUBLIC OF SOUTH AFRICA AND OF SOUTH WEST AFRICA

Government Notice R. 562 of 26 March 1982 is hereby corrected by the substitution for the two paragraphs which precede the Regulations, of the following paragraph:

"Under the powers vested in me by section 73 (1) of the South African Transport Services Act, 1981 (Act 65 of 1981), I, Hendrik Stephanus Johan Schoeman, Minister of Transport Affairs, do hereby issue the following Regulations for the Harbours of the Republic of South Africa and of South West Africa, in substitution of those published by Government Notice R. 290 of 2 March 1962, as amended from time to time."

H. S. J. SCHOEMAN, Minister of Transport Affairs.

KOOP NASIONALE SPAARSERTIFIKATE
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PHYTOPHYLACTICA

Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958-1968 en bevat artikels oor Entomologie, Dierkundige Plantplae, Nematologie, Plantpatologie, Mikrobiologie, Mikologie, Taksonomiese Studies, Biologie en Beheer. Vier dele van die tydskrif word per jaar gepubliseer.

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