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OCTOBER

No. 9980

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 193, 1985

- (i) WYSIGING KRAGTENS ARTIKEL 2 (2) (d) VAN DIE WERKLOOSHEIDVERSEKERINGSWET, 1966 (WET 30 VAN 1966), VAN DIE MAKSIMUM VERDIENSTE UIT HOOFDE WAARVAN IEMAND AS 'N BYDRAER KWALIFISEER
- (ii) WYSIGING KRAGTENS ARTIKEL 45 (2) VAN DIE WERKLOOSHEIDVERSEKERINGSWET, 1966 (WET 30 VAN 1966), VAN DIE KOERSE WAARTEEN WERKGEWERS EN BYDRAERS TOT DIE WERKLOOSHEIDVERSEKERINGSFONDS MOET BYDRA

Kragtens die bevoegdheid my verleen by onderskeidelik artikels 2 (2) (d) en 45 (2) van die Werkloosheidversekeringswet, 1966 (Wet 30 van 1966), wysig ek hierby met ingang van 1 Desember 1985—

- (i) die verdienste vermeld in artikel 2 (2) (d) van gemelde Wet deur dit van een-en-twintigduisend seshonderd rand tot ses-en-twintigduisend rand te verhoog;
- (ii) die koerse van 0,3 persent en 0,5 persent van die verdienste van die bydraer, waarteen onderskeidelik werkgewers en bydraers ingevolge artikel 29 (1) van gemelde Wet tot die Werkloosheidversekeringsfonds moet bydra, deur dit in die geval van sowel sodanige werkgewers as sodanige bydraers tot 0,7 persent van die verdienste van die bydraer te verhoog.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Veertiende dag van Oktober Eenduisend Negehonderd Vyf-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

P. T. C. DU PLESSIS,
Minister van die Kabinet.

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 193, 1985

- (i) AMENDMENT UNDER SECTION 2 (2) (d) OF THE UNEMPLOYMENT INSURANCE ACT, 1966 (ACT 30 OF 1966), OF THE MAXIMUM RATE OF EARNINGS BY VIRTUE OF WHICH A PERSON QUALIFIES AS A CONTRIBUTOR
- (ii) AMENDMENT UNDER SECTION 45 (2) OF THE UNEMPLOYMENT INSURANCE ACT, 1966 (ACT 30 OF 1966), OF THE RATES AT WHICH EMPLOYERS AND CONTRIBUTORS ARE REQUIRED TO CONTRIBUTE TO THE UNEMPLOYMENT INSURANCE FUND

By virtue of the powers vested in me by sections 2 (2) (d) and 45 (2), respectively, of the Unemployment Insurance Act, 1966 (Act 30 of 1966), I hereby amend with effect from 1 December 1985—

- (i) the rate of earnings referred to in section 2 (2) (d) of the said Act by increasing it from twenty-one thousand six hundred rand to twenty-six thousand rand;
- (ii) the rates of 0,3 per cent and 0,5 per cent of the earnings of the contributor, at which employers and contributors, respectively, are in terms of section 29 (1) of the said Act required to contribute to the Unemployment Insurance Fund, by increasing it in the case of both such employers and such contributors to 0,7 per cent of the earnings of the contributor.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fourteenth day of October, One thousand Nine hundred and Eighty-five.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

P. T. C. DU PLESSIS,
Minister of the Cabinet.

GOEWERMENSKENNISGEWINGS**ADMINISTRASIE:
VOLKSRAAD****DEPARTEMENT VAN ONDERWYS EN KULTUUR****No. R. 2415****25 Oktober 1985****WET OP OPLEIDING VAN GEESTELIK
VERTRAAGDE KINDERS, 1974****VERKLARING VAN INRIGTING TOT 'N STAATS-
ONDERSTEUNDE OPLEIDINGSENTRUM**

Kragtens die bevoegdheid my verleen by artikel 13 (1) van die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974 (Wet 63 van 1974), verklaar ek, Petrus Johannes Clase, Minister van Onderwys en Kultuur, Administrasie: Volksraad, hierby met ingang van 1 Januarie 1986 die Bel Porto-opleidingsentrum tot 'n staatsondersteunde opleidingsentrum.

P. J. CLASE,

Minister van Onderwys en Kultuur.

DEPARTEMENT VAN ONDERWYS EN KULTUUR**No. R. 2416****25 Oktober 1985****WET OP TEGNIESE KOLLEGES, 1981****INTREKKING VAN VERKLARING VAN INRIGTING
TOT TEGNIESE KOLLEGE**

Kragtens die bevoegdheid my verleen by artikel 35 (1) van die Wet op Tegniese Kolleges, 1981 (Wet 104 van 1981), trek ek, Petrus Johannes Clase, Minister van Onderwys en Kultuur, Administrasie: Volksraad, hierby met ingang van 3 Desember 1985 die verklaring van die Witwatersrandse Onderwyskollege tot 'n tegniese kollege in.

P. J. CLASE,

Minister van Onderwys en Kultuur.

DEPARTEMENT VAN ONDERWYS EN KULTUUR**No. R. 2417****25 Oktober 1985****WET OP OPLEIDING VAN GEESTELIK VER-
TRAAGDE KINDERS, 1974****INTREKKING VAN VERKLARING VAN INRIGTINGS
TOT STAATSONDERSTEUNDE OPLEIDINGSSEN-
TRUMS**

Kragtens die bevoegdheid my verleen by artikel 13 (2) van die Wet op Opleiding van Geestelik Vertraagde Kinders, 1974 (Wet 63 van 1974), trek ek, Petrus Johannes Clase, Minister van Onderwys en Kultuur, Administrasie: Volksraad, hierby met ingang van 1 Januarie 1986 die verklaring van die Marah-opleidingsentrum en die Sunnyday-sentrum tot staatsondersteunde opleidingsentrums in.

P. J. CLASE,

Minister van Onderwys en Kultuur.

GOVERNMENT NOTICES**ADMINISTRATION: HOUSE OF
ASSEMBLY****DEPARTMENT OF EDUCATION AND CULTURE****No. R. 2415****25 October 1985****MENTALLY RETARDED CHILDREN'S TRAINING
ACT, 1974****DECLARATION OF INSTITUTION TO BE A STATE-
AIDED TRAINING CENTRE**

Under and by virtue of the powers vested in me by section 13 (1) of the Mentally Retarded Children's Training Act, 1974 (Act 63 of 1974), I, Petrus Johannes Clase, Minister of Education and Culture, Administration: House of Assembly, hereby, with effect from 1 January 1986, declare the Bel Porto Training Centre to be a state-aided training centre.

P. J. CLASE,

Minister of Education and Culture.

DEPARTMENT OF EDUCATION AND CULTURE**No. R. 2416****25 October 1985****TECHNICAL COLLEGES ACT, 1981****WITHDRAWAL OF DECLARATION OF INSTITUTION
TO BE A TECHNICAL COLLEGE**

Under and by virtue of the powers vested in me by section 35 (1) of the Technical Colleges Act, 1981 (Act 104 of 1981), I, Petrus Johannes Clase, Minister of Education and Culture, Administration: House of Assembly, hereby, with effect from 3 December 1985, withdraw the declaration of the Witwatersrand Teachers' College to be a technical college.

P. J. CLASE,

Minister of Education and Culture.

DEPARTMENT OF EDUCATION AND CULTURE**No. R. 2417****25 October 1985****MENTALLY RETARDED CHILDREN'S TRAINING
ACT, 1974****WITHDRAWAL OF DECLARATION OF INSTITU-
TIONS TO BE STATE-AIDED TRAINING CENTRES**

Under and by virtue of the powers vested in me by section 13 (2) of the Mentally Retarded Children's Training Act, 1974 (Act 63 of 1974), I, Petrus Johannes Clase, Minister of Education and Culture, Administration: House of Assembly, hereby, with effect from 1 January 1986, withdraw the declaration of the Marah Training Centre and the Sunnyday Centre to be state-aided training centres.

P. J. CLASE,

Minister of Education and Culture.

DEPARTEMENT VAN FINANSIES

No. R. 2391

25 Oktober 1985

DOEANE- EN AKSYNSWET, 1964

BEPALINGS VAN TARIEFINDELING EN VERSTREK-
KING DAARVAN OP KLARINGSBRIEWE (LYS
TAR/141)

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

D. J. COLESKY,

Kommissaris van Doeane en Aksyns.

Opmerking.—Lys TAR/140 is in Goewermentskennisgewing R. 2319 van 11 Oktober 1985 gepubliseer.

DEPARTMENT OF FINANCE

No. R. 2391

25 October 1985

CUSTOMS AND EXCISE ACT, 1964

DETERMINATIONS OF TARIFF CLASSIFICATION
AND FURNISHING THEREOF ON BILLS OF ENTRY
(LIST TAR/141)

The following amendments to determinations are published in terms of section 47 (9) of the Customs and Excise Act, 1964 (Act 91 of 1964).

D. J. COLESKY,

Commissioner for Customs and Excise.

Note.—List TAR/140 was published in Government Notice R. 2319 of 11 October 1985.

WYSIGINGS VAN GEPUBLISEERDE BEPALINGS

Beskrywing van goedere

Tariefpos/-subpos Bepaling
no.

1. Wysigings van bepalings as gevolg van wysigings van Deel 1 van Bylae No. 1 by die Doeane- en Aksynswet (Wet 91 van 1964):

(i) Die volgende bepalings word ingetrek met ingang van 18 Oktober 1985:

85.15 70
85.15 94

(ii) Die volgende vervang die bestaande bepalings met ingang van 18 Oktober 1985:

Advent Videobeam 1000A PAL-monitor—televisie-ontvangstoestel (monitor).....	85.15.65.05/90	14
Videoboard-beheereenheid wat 'n 5" kykreflektor inkorporeer—televisie-ontvangstoestel (monitor).....	85.15.65.05/90	19
Kleurbeeldmonitor EV6000—televisie-ontvangstoestel (monitor)	85.15.65.05/90	45
National-toekringtelevisie moniters—televisie-ontvangstoestelle (monitors).....	85.15.65.05/90	61
Kathrein-videofon-interkommunikasietelsel—televisie-ontvangstoestel (monitor).....	85.15.65.05/90	80
Barcovision-videoprojeksiestelsel met groot skerm—televisie-ontvangstoestel (monitor).....	85.15.65.05/90	95
Electrohome ECP-1000-projeksiemonitor met dekodeerder vir video-invoer en EDP-57-projeksiemonitor—televisie-ontvangstoestelle (monitors)	85.15.65.05/90	107
JVC VF-2500 Viewfinder vir videokameras—televisie-ontvangstoestel (monitor)	85.15.65.05/90	111
Videospeelkas, 'n muntbediende videovermaaklikheidseenheid—televisie-ontvangstoestel (monitor).....	85.15.65.05/90	112
Eidophor-grootstermteleviesieprojeksiestelsel—televisie-ontvangstoestel (monitor)	85.15.65.05/90	114

2. Wysigings nodig om beskrywings aan te vul of duideliker te stel of om foute reg te stel:

(i) Die volgende bepaling word ingetrek

49.11 6

(ii) Die volgende vervang die bestaande bepalings:

CFB 50 (pienk en geel papier)—selfkopieerpapier.....	48.07.09	30
CF 54 (geel papier)—selfkopieerpapier.....	48.07.09	31
Lincoln Ideal Arc R3R-400 D.C.-sweisgelykrichter, ingevoer sonder sweiskoppe—'n gelykrichter	85.01.75.10/90	24

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

(i) Bepaling No. 50 onder tariefpos 84.54 word ingetrek en vervang deur die volgende bepaling met ingang van 7 Oktober 1985:

Philips-kliëntetransaksieterminale modelle PTS 6601, 6602, 6603, 6605 en 6606—verbindbare eenhede van outomatiese syferdataverwerkmasjiene.	84.53.10	154
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(ii) Bepaling No. 51 onder tariefpos 84.54 word ingetrek en vervang deur die volgende bepaling met ingang van 7 Oktober 1985:

AFI/Datatrol finansiële transaksieterminale FT-3202/3/5—verbindbare eenhede van outomatiese syferdataverwerkmasjiene	84.53.10	155
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AMENDMENTS TO PUBLISHED DETERMINATIONS

Description of goods

Tariff heading/
subheading Determination no.

1. Amendments to determinations resulting from amendments to Part 1 of Schedule No. 1 to the Customs and Excise Act (Act 91 of 1964):

(i) The following determinations are withdrawn with effect from 18 October 1985:

85.15 70
85.15 94

(ii) The following are substituted for the existing determinations with effect from 18 October 1985:

Advent Videobeam 1000A PAL monitor—television receiving set (monitor)	85.15.65.05/90	14
Videoboard control unit incorporating 5" viewing mirror—television receiving set (monitor).....	85.15.65.05/90	19
Colour picture monitor EV6000—television receiving set (monitor).....	85.15.65.05/90	45
National closed circuit television moniters—television receiving sets (monitors).....	85.15.65.05/90	61
Kathrein videofon intercom system—television receiving set (monitor).....	85.15.65.05/90	80
Barcovision large screen video projection system—television receiving set (monitor)	85.15.65.05/90	95
Electrohome ECP-1000 projection monitor with decoder for video input and EDP-57 projection monitor—television receiving sets (monitors)	85.15.65.05/90	107
JVC VF-2500 Viewfinder for video cameras—television receiving set (monitor).....	85.15.65.05/90	111
Video juke box, a coin-operated video entertainment unit—television receiving set (monitor).....	85.15.65.05/90	112
Eidophor large screen television projection system—television receiving set (monitor).....	85.15.65.05/90	114

<i>Description of goods</i>	<i>Tariff heading/ subheading</i>	<i>Determi- nation no.</i>
2. Amendments necessary to amplify or clarify descriptions or to correct errors:		
(i) The following determination is withdrawn	49.11	6
(ii) The following are substituted for the existing determinations:		
CFB 50 (pink and yellow paper)—self-copy paper	48.07.09	30
CF 54 (yellow paper)—self-copy paper	48.07.09	31
Lincoln Ideal Arc R3R-400 D.C. welding rectifier imported without welding heads—a rectifier	85.01.75.10/90	24
3. Amendments to determinations in terms of section 47 (9) (d) of the Customs and Excise Act (Act 91 to 1964):		
(i) Determination No. 50 under tariff heading 84.54 is withdrawn and replaced by the following determination with effect from 7 October 1985:		
Philips customer transaction terminals models PTS 6601, 6602, 6603, 6605 and 6606—connectable units of automatic digital data processing machines	84.53.10	154
(ii) Determination No. 51 under tariff heading 84.54 is withdrawn and replaced by the following determination with effect from 7 October 1985:		
AFI/Datatrol financial transaction terminals FT-3202/3/5—connectable units of automatic digital data processing machines	84.53.10	155

DEPARTEMENT VAN LANDBOU-EKONOMIE EN -BEMARKING

No. R. 2385

25 Oktober 1985

WET OP BEHEER OOR WYN EN SPIRITUS, 1970
(WET 47 VAN 1970)

MINIMUM PRYS VIR WYN, BEDRAG, TOESLAG EN OPBERGINGSKOSTE WAT BY SO 'N PRYS GEVOEG MOET WORD, TYDPERK WAARIN BETALING MOET GESKIED EN RENTE BETAALBAAR OP AGTERSTALLIGE BETALINGS.—VERBETERINGSKENNISGEWING

Goewermentskennisgewing R. 1301 van 14 Junie 1985 gepubliseer in *Staatskoerant* 9782 van genoemde datum, word hiermee verbeter deur in die Engelse teks van paragraaf (e) (ii) die woorde "in respect of wine sold on or before the 1st day of August 1985" deur die woorde "in respect of wine sold on or after the 1st day of August 1985" te vervang.

No. R. 2405

25 Oktober 1985

WET OP WYN, ANDER GEGISTE DRANK EN SPIRITUALIEË, 1957 (WET 25 VAN 1957)

OMSKRYWING VAN DIE LANDGOED LA PROVENCE.—HERROEPING

Ek, Gert Jeremias Kotzé, Adjunk-minister van Landbou-ekonomie, handelende namens die Minister van Landbou-ekonomie kragtens artikel 22 van die Wet op Wyn, Ander Gegiste Drank en Spiritualieë, 1957 (Wet 25 van 1957), herroep hiermee Goewermentskennisgewing R. 590 van 30 Maart 1985, soos gewysig deur Goewermentskennisgewing R. 526 van 15 Maart 1985, met ingang van die datum van publikasie hiervan.

G. J. KOTZÉ,

Adjunk-minister van Landbou-ekonomie.

DEPARTEMENT VAN MANNEKRAG

No. R. 2376

25 Oktober 1985

WET OP ARBEIDSVERHOUDINGE, 1956

VERKLARING INGEVOLGE ARTIKEL 49 (7) (b) (ii)

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hiermee ingevolge artikel 49 (7) (b) (ii) van die Wet op Arbeidsverhoudinge, 1956, dat die toekenning wat op 10 Februarie 1978 deur die Nywerheidshof gemaak is ter beslegting van "n geskil tussen die "Durban Indian Municipal Employees' Society" en die "Durban

DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

No. R. 2385

25 October 1985

WINE AND SPIRIT CONTROL ACT, 1970 (Act 47 OF 1970)

MINIMUM PRICE FOR WINE, AMOUNT, SURCHARGE AND STORAGE CHARGES TO BE ADDED TO SUCH PRICE, PERIOD WITHIN WHICH PAYMENT SHALL BE MADE AND INTEREST PAYABLE ON ARREAR PAYMENTS.—CORRECTION NOTICE

Government Notice R. 1301 of 14 June 1985 published in *Government Gazette* 9782 of the said date, is hereby corrected by the substitution in paragraph (e) (ii) for the expression "in respect of wine sold on or before the 1st day of August 1985" of the expression "in respect of wine sold on or after the 1st day of August 1985".

No. R. 2405

25 October 1985

WINE, OTHER FERMENTED BEVERAGES AND SPIRITS ACT, 1957 (ACT 25 OF 1957)

DEFINING OF THE ESTATE LA PROVENCE.—
REPEAL

I, Gert Jeremias Kotzé, Deputy Minister of Agricultural Economics, acting on behalf of the Minister of Agricultural Economics under section 22 of the Wine, Other Fermented Beverages and Spirits Act, 1957 (Act 25 of 1957), hereby repeal Government Notice R. 590 of 30 March 1984, as amended by Government Notice R. 526 of 15 March 1985, with effect from the date of publication hereof.

G. J. KOTZÉ,

Deputy-minister of Agricultural Economics.

DEPARTMENT OF MANPOWER

No. R. 2376

25 October 1985

LABOUR RELATIONS ACT, 1956

DECLARATION IN TERMS OF SECTION 49 (7) (b) (ii)

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby, in terms of section 49 (7) (b) (ii) of the Labour Relations Act, 1956, declare that the award made on 10 February 1978 by the Industrial Tribunal in settlement of

Transport Management Board" met ingang van die datum van publikasie van hierdie kennisgewing sal ophou om bindend te wees.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

No. R. 2378

25 Oktober 1985

WET OP ARBEIDSVERHOUDINGE, 1956

BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE.—WYSIGING VAN HOOFOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die eerste Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 26 Oktober 1986 eindig, bindend is vir die werkgewers-organisasie en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of verenigings is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 1 (1) (a), 3 (a), 14 (2) (a), 15 (2) (a) en 16 (2) (a), met ingang van die eerste Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 26 Oktober 1986 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE

OOREENKOMS

VIR DIE MIDDELLANDE EN NOORDELIKE GEBIEDE

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Natal Master Builders' and Allied Industries Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

Blanke Bouwerkersvakbond

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Pietermaritzburg en Noordelike Gebiede,

om die Hofooreenkoms, gepubliseer by Goewermmentskennisgewing R. 138 van 11 Februarie 1983, soos gewysig en verleng by Goewermmentskennisgewings R. 2395 van 28 Oktober 1983, R. 989 van 18 Mei 1984, R. 2242 van 19 Oktober 1984, R. 2352 van 26 Oktober 1984 en R. 1040 en R. 1041 van 10 Mei 1985, verder te wysig.

a dispute between the "Durban Indian Municipal Employees' Society" and the "Durban Transport Management Board" shall cease to be binding with effects from the date of publication of this notice.

P. T. C. DU PLESSIS,
Minister of Manpower.

No. R. 2378

25 October 1985

LABOUR RELATIONS ACT, 1956

BUILDING INDUSTRY, PIETERMARITZBURG AND NORTHERN AREAS.—AMENDMENT OF MAIN AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the first Monday after the date of publication of this notice and for the period ending 26 October 1986, upon the employers' organisation and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or unions; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1 (1) (a), 3 (a), 14 (2) (a), 15 (2) (a) and 16 (2) (a), shall be binding, with effect from the first Monday after the date of publication of this notice and for the period ending 26 October 1986, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

P. T. C. DU PLESSIS,
Minister of Manpower.

SCHEDULE

PIETERMARITZBURG AND NORTHERN AREAS INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY

AGREEMENT

FOR THE MIDLANDS AND NORTHERN AREAS

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Natal Master Builders' and Allied Industries Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

White Building Workers' Union

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Pietermaritzburg and Northern Areas Industrial Council for the Building Industry,

to amend the Main Agreement published under Government Notice R. 138 of 11 February 1983, as amended and extended by Government Notices R. 2395 of 28 October 1983, R. 989 of 18 May 1984, R. 2242 of 19 October 1984, R. 2352 of 26 October 1984 and R. 1040 and R. 1041 of 10 May 1985.

1. TOEPASSINGSBESTEK

- (1) Hierdie Ooreenkoms moet in die Bounywerheid nagekom word—
- (a) deur alle werkgewers en werknemers wat lede van onderskeidelik die werkgewersorganisasie of van enige van die vakverenigings is;
- (b) in die landdrosdistrikte Camperdown, Dannhauser, Dundee, Estcourt, Glencoe, Kliprivier, Lionsrivier, New Hanover, Newcastle, Pietermaritzburg, Richmond, Utrecht, Vryheid en in daardie gedeeltes van die landdrosdistrik Mooirivier wat voor 1 September 1964 binne die landdrosdistrikte Estcourt en Lionsrivier geval het.
- (2) Ondanks subklousule (1) (a), is Deel I van hierdie Ooreenkoms—
- (a) op vakleerlinge en kwekelinge van toepassing slegs vir sover dit nie strydig is met die Wet op Mannekragopleiding, 1981, of met voorwaardes wat daarkragtens voorgeskryf of kennisgewings wat daarkragtens bestel is nie;
- (b) nie op klerke of op werknemers wat administratiewe pligte verrig of op 'n lid van die administratiewe personeel van toepassing nie;
- (c) op voormanne en algemene voormanne van toepassing.

2. INDELING VAN OOREENKOMS

In die Indeling van die Ooreenkoms—

- (1) vervang item 54 deur die volgende:
"54. Veiligheidsmaatreëls: 40";
- (2) skrap afdelings K en L.

3. (a) KLOUSULE 3 VAN DEEL I.—WOORDOMSKRYWING

(1) In die omskrywings van "ambagsman se assistent", "vakman", "voorman", "algemene voorman", "meestervakman" en "werkende werkgewer", vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) Skrap die omskrywing "ambagsman se werk" en "gure weer".

(3) Voeg die volgende omskrywing in na die omskrywing van "belaste massa":

"'wet' ook die gemene reg";

(4) Vervang die omskrywing van "toesluitplek" deur die volgende:

"'toesluitplek' 'n struktuur, skuur, kamer of soortgelyke plek waar die gereedskap en of klerke van werknemers te alle tye veilig daarin bewaar kan word en—

- (a) wat groot genoeg is vir dié doeleindes;
- (b) wat uit vier mure, of 'n ringmuur, en 'n dak en 'n vloer bestaan;
- (c) wat van enige materiaal van 'n soliede en duursame aard gemaak is;
- (d) waarvan die deur of deure stewig toegesluit kan word;
- (e) waarvan alle vensters, boligte en ander openinge behoorlik van diefsteling voorsien is; en
- (f) wat stewig aan die grond vasgemaak is;"

(5) Voeg die volgende omskrywing in na die omskrywing van "geskoolde werknemer":

"'geskoolde werk' alle werksaamhede in die omskrywing van 'ambagsman' genoem, asook alle ander werk wat nie elders in die Ooreenkoms uiteengesit word nie;"

3. (b) KLOUSULE 4 VAN DEEL I.—VAKVERENIGINGORGANISERERS EN/OF VERTEENWOORDIGERS IN DIE RAAD

Vervang subklousule (1) deur die volgende:

"(1) Organiseerders van die vakverenigings, wat party is by hierdie Ooreenkoms, het die reg om lede van hul onderskeie verenigings by die werkplekke gedurende gewone werke te spreek, maar slegs nadat hulle vooraf die werkgewer of sy verteenwoordiger se toestemming verkry het. Hierdie toestemming mag nie op 'n onredelike wyse weerhou word nie."

4. KLOUSULE 5 VAN DEEL I.—ADMINISTRASIE VAN OOREENKOMS

Vervang subklousule (3) (c) deur die volgende:

"(c) Tensy die Raad ander daartoe besluit, is die Raad nie verplig om redes vir 'n beslissing te verstrek nie."

5. KLOUSULE 11 VAN DEEL I.—REGISTRASIE VAN WERKNEMERS, UITGESONDERD GESKOOLDE WERKNEMERS

In subklousules (5) (g) en (6) (d), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

6. KLOUSULE 12 VAN DEEL I.—REGISTRASIE VAN AMBAGSMANNE, VAKMANNE, MEESTERVAKMANNE EN WERKENDE WERKGEWERS

(1) In subklousules (2) (a) en (b), (3) (a) en (b), (4) (a) en (b) en (6) (a) en (b), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) In subklousules (2) (a) en (b), (3) (a) en (b), (4) (a) en (b) en (6) (b), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

(3) In subklousule (3) (a), skrap subparagraaf (iv) en hernommer die bestaande subparagraaf (v) tot subparagraaf (iv).

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Building Industry—

(a) by all employers and employees who are members of the employers' organisation or any of the trade unions;

(b) in the Magisterial Districts of Camperdown, Dannhauser, Dundee, Estcourt, Glencoe, Klip River, Lions River, New Hanover, Newcastle, Pietermaritzburg, Richmond, Utrecht, Vryheid and in those portions of the Magisterial District of Mooi River which, prior to 1 September 1964, fell within the Magisterial Districts of Estcourt and Lions River.

(2) Notwithstanding the provisions of subclause (1) (a), the terms of Part I of this Agreement shall—

(a) apply to apprentices and trainees only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any conditions prescribed or any notice served in terms thereof;

(b) not apply to clerical employees or to employees engaged in administrative duties or to any member of an administrative staff;

(c) apply to foremen and general foremen.

2. ARRANGEMENT OF AGREEMENT

In the Arrangement of the Agreement—

(1) substitute the following for item 54:

"54. Safety measures: 40";

(2) delete divisions K and L.

3. (a) CLAUSE 3 OF PART I.—DEFINITIONS

(1) In the definitions of "artisan's assistant", "craftsman", "foreman", "general forman", "master craftsman" and "working employer", substitute the expression "skilled work" for the expression "artisan's work".

(2) Delete the definitions "artisan's work" and "inclement weather".

(3) Insert the following definition after the definition of "laden mass":

"'law' includes the common law";

(4) Substitute the following for the definition of "lock-up":

"'lock-up' means any structure, shed, room or similar place in which employees' tools and/or clothes can be left for safekeeping at all times and—

- (a) which is of an adequate size for such purposes;
- (b) which consists of four walls, or a circular wall, a roof and a floor;
- (c) which is constructed of any material of a substantial and durable nature;
- (d) the door or doors of which can be securely locked;
- (e) all the windows, fanlights and any other openings of which are properly burglar-proofed; and
- (f) which is securely fixed to the ground;"

(5) Insert the following definition after the definition of "skilled employee":

"'skilled work' means any operation mentioned in the definition of 'artisan', and includes any other work not elsewhere specified in the Agreement;"

3. (b) CLAUSE 4 OF PART I.—TRADE UNION ORGANISERS AND/OR REPRESENTATIVE ON THE COUNCIL

Substitute the following for subclause (1):

"(1) Organisers of the trade unions which are a party to this Agreement shall have the right to interview members of their respective unions on the job during normal working hours, but only after having obtained the prior consent of the employer or his representative, which consent shall not be unreasonably withheld."

4. CLAUSE 5 OF PART I.—ADMINISTRATION OF AGREEMENT

Substitute the following for subclause (3) (c):

"(c) Unless otherwise determined by the Council, the Council shall not be obliged to give any reasons for any decision."

5. CLAUSE 11 OF PART I.—REGISTRATION OF EMPLOYEES, OTHER THAN SKILLED EMPLOYEES

In subclauses (5) (g) and (6) (d), substitute the expression "skilled work" for the expression "artisan's work".

6. CLAUSE 12 OF PART I.—REGISTRATION OF ARTISANS, CRAFTSMEN, MASTER CRAFTSMEN AND WORKING EMPLOYERS

(1) In subclauses (2) (a) and (b), (3) (a) and (b), (4) (a) and (b) and (6) (a) and (b), substitute the expression "skilled work" for the expression "artisan's work", wherever it occurs.

(2) In subclauses (2) (a) and (b), (3) (a) and (b), (4) (a) and (b) and (6) (b), substitute the expression "24 hours" for the expression "16 hours".

(3) In subclause (3) (a), delete subparagraph (iv) and renumber the existing subparagraph (v) as subparagraph (iv).

7. KLOUSULE 13 VAN DEEL I.—VERBODE WERK

(1) In subklousules (1) (a), (2) (a), (3) en (5) (c); vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) Vervang subklousule (4) deur die volgende:

"(4) Vir die toepassing van subklousule (6) en ondanks andersluidende bepalings in hierdie Ooreenkoms, moet iemand wat geskoolde werk in die Nywerheid verrig, ongeag of sodanige geskoolde werk onder toesig of strenge toesig verrig word of nie, en wat nie 'n geregistreerde leerling of ambagsman se assistent, 'n geregistreerde ambagsman, vakman of mees-tervakman, 'n voorman, algemene voorman, vakleerling, kwekeling of werknemer vir wie lone in klousule 30 (1) (i) voorgeskryf word, 'n persoon in die voorbehoudsbepaling van subklousule (2) (a) bedoel of 'n geregistreerde werkende werkgever is nie, geag word 'n persoon te wees vir wie lone in klousule 30 (1) (h) (i) voorgeskryf word."

(3) In subklousule (5) (c), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

8. KLOUSULE 14 VAN DEEL I.—DIENSBEËINDIGING

(1) Hernommer die bestaande subklousules (6) en (7) tot subklousules (7) en (8) en voeg die volgende subklousule (6) in:

"(6) (a) 'n Werknemer wat sy diens beëindig het of wie se diens ooreenkomstig hierdie klousule beëindig is, moet, behoudens subklousule (7), gedurende die hele tydperk van die kennisgewingstermyn soos in subklousule (2) bedoel, voortgaan met die werk waarvoor hy in diens geneem is.

(b) Indien 'n werknemer versuim om paragraaf (a) na te kom, moet die werkgever aan sodanige werknemer die besoldiging betaal wat aan hom verskuldig is vir die getal ure wat hy gedurende sodanige kennisgewingstermyn gewerk het, maar hy kan een dag se besoldiging aftrek vir tyd wat die werknemer gedurende sodanige kennisgewingstermyn nie gewerk het nie."

(2) Vervang subklousule (8) deur die volgende:

"(8) (a) Die besoldiging verskuldig aan 'n werknemer wie se diens ooreenkomstig hierdie klousule beëindig is, moet deur die werkgever voor of met uitskeiptyd op die dag van sodanige diensbeëindig aan die werknemer betaal word.

(b) Die besoldiging verskuldig aan 'n werknemer wie se diens ooreenkomstig hierdie klousule beëindig is, moet deur die werkgever voor of met uitskeiptyd op die betaaldag vir die betaalweek waarin sodanige kennisgewing van diensbeëindiging deur die werkgever gegee was, aan die werknemer betaal word. Met dien verstande dat die werkgever sodanige besoldiging, by onderlinge ooreenkoms tussen die werkgever en die werknemer, aan die werknemer kan betaal op die plek waar die werknemer op die dag van diensbeëindiging gewerk het of by die werkgever se kantoor of per tjek wat gepos moet word na die adres wat deur die werknemer verskaf word.

(c) Indien 'n werkgever versuim om paragraaf (a) of (b) na te kom, na gelang van die geval, het die werknemer tot twee agtereenvolgende werkdag daarna aanspraak op een dag se besoldiging ten opsigte waarvan die werkgever versuim om hom te betaal. Met dien verstande dat sodanige werknemer hom by sodanige werkgever aanmeld om betaling op die betrokke twee dae te ontvang."

9. KLOUSULE 15 VAN DEEL I.—REGISTRASIE VAN WERKGEWERS

In subklousule (1), vervang al die woorde voor paragraaf (a) deur die volgende:

"Elke werkgever wat in die Bounywerheid is op die datum waarop hierdie Ooreenkoms in werking tree en wat hom nie reeds ingevolge 'n vorige ooreenkoms by die Raad laat registreer het nie, en elke werkgever wat na daardie datum tot die Nywerheid toetree, moet hom binne drie dae vanaf sodanige datum, of voor die datum waarop sodanige werkgever met sy werksaamhede in die Nywerheid begin, na gelang van die geval, by die Raad laat registreer en moet die volgende besonderhede aan die Raad verstrek:"

10. KLOUSULE 16 VAN DEEL I.—LOONWAARBORG

(1) In subklousule (1), vervang al die woorde voor paragraaf (a) deur die volgende:

"Elke werkgever wat in die Bounywerheid is op die datum waarop hierdie ooreenkoms in werking tree en wat nie reeds ingevolge 'n vorige ooreenkoms 'n waarborg by die Raad ingedien het nie, en elke werkgever wat na daardie datum tot die Nywerheid toetree, moet binne drie dae vanaf sodanige datum, of voor die datum waarop sodanige werkgever sodanige werkgever met sy werksaamhede begin deur werknemers in diens te neem, na gelang van die geval, of binne sodanige verdere tydperk as wat die Raad toelaat, 'n waarborg wat vir die Raad aanvaarbaar is by die Raad indien: Met dien verstande dat—"

(2) In subklousule (2) (b) en in subklousule (3) (b) (ii), vervang die syfer "R750" deur die syfer "R1000".

7. CLAUSE 13 OF PART I.—PROHIBITED WORK

(1) In subclauses (1) (a), (2) (a), (3) and (5) (c), substitute the expression "skilled work" for the expression "artisan's work".

(2) Substitute the following for subclause (4):

"(4) For the purposes of the application of subclause (6) and notwithstanding anything to the contrary in this Agreement, any person who performs skilled work in the Industry, irrespective of whether or not he is performing such skilled work under supervision or close supervision and who is not a registered learner or artisan's assistant, a registered artisan, craftsman or master craftsman, a foreman, general foreman, apprentice, trainee or employee for whom wages are prescribed in clause 30 (1) (i), a person referred to in the proviso to subclause (2) (a) or a registered working employer, shall be deemed to be a person whom wages are prescribed in clause 30 (1) (h) (i)."

(3) In subclause (5) (c), substitute the expression "24 hours" for the expression "16 hours".

8. CLAUSE 14 OF PART I.—TERMINATION OF EMPLOYMENT

(1) Renumber the existing subclauses (6) and (7) as subclauses (7) and (8), and insert the following subclause (6):

"(6) (a) Subject to the provisions of subclause (7), an employee who has terminated his employment or whose employment has been terminated in accordance with the provisions of this clause, shall continue working at the work for which he was engaged during the whole of the notice period referred to in subclause (2).

(b) In the event of an employee not complying with the provisions of paragraph (a), the employer shall pay such employee the remuneration due to him for the number of hours worked by him during such notice period but shall be entitled to deduct one day's remuneration from such employee in lieu of any time not worked by him during such notice period."

(2) Substitute the following for subclause 8:

"(8) (a) The remuneration due to an employee whose employment has been terminated in accordance with the provisions of this clause, shall be paid by the employer to the employee not later than finishing time on the day of such termination.

(b) The remuneration due to an employee who has terminated his employment in accordance with the provisions of this clause, shall be paid by the employer to the employee not later than finishing time on the pay-day relating to the pay-week in which such notice of termination was given by the employee. Provided that, by agreement between the employer and the employee, such remuneration may be paid by the employer to the employee on the site where the employee was working on the day of termination or at the employer's office or by cheque to be posted to an address furnished by the employee.

(c) In the event of an employer not complying with the provisions of paragraph (a) or (b), whichever is applicable, the employee shall be entitled to be paid one day's remuneration for up to two succeeding working days in respect of which the employer defaults in payment, provided such employee presents himself to such employer to obtain payment on the two days concerned."

9. CLAUSE 15 OF PART I.—REGISTRATION OF EMPLOYERS

In subclause (1), substitute the following for all the words preceding paragraph (a):

"Every employer in the Building Industry at the date on which this Agreement comes into operation, who has not already registered with the Council in pursuance of a previous agreement, and every employer who enters the Industry after that date shall, within three days of such date, or before the date on which such employer commences operations in the Industry, as the case may be, register with the Council, furnishing the Council with the following particulars:"

10. CLAUSE 16 OF PART I.—WAGE GUARANTEE

(1) In subclause (1), substitute the following for all the words preceding paragraph (a):

"Every employer in the Building Industry at the date on which this Agreement comes into operation, who has not already lodged a guarantee with the Council in pursuance of a previous agreement, and every employer who enters the Industry after that date shall, within three days of such date, or before the date on which such employer commences operations by employing employees, as the case may be, or within such further period as may be allowed by the Council, lodge with the Council a guarantee acceptable to the Council: Provided that—"

(2) In subclause (2) (b) and in subclause (3) (b) (ii), substitute the figure "R1000" for the figure "R750".

11. KLOUSULE 19 VAN DEEL I.—KENNISGEWINGBORD

Vervang klausule 19 deur die volgende:

"19. KENNISGEWINGBORD

(1) Wanneer hy bouwerk verrig, moet elke werkgewer behoudens subklausule (3) 'n kennisgewingbord van minstens 600 mm by 450 mm of 'n kennisgewingbord wat deur die Raad goedgekeur is, vertoon in 'n opvallende plek wat vir die publiek toeganklik is, en ondergenoemde inligting in letters wat minstens 50 mm hoog is en gemaak is van materiaal van duurzame aard, moet op sodanige bord voorkom:

- (a) Die naam van sodanige werkgewer;
- (b) die besigheidsadres van sodanige werkgewer;
- (c) in die geval van 'n werkgewer wat lid is van die werkgewersorganisasie, die feit dat hy lid daarvan is.

(2) 'n Kennisgewingbord wat ooreenkomstig hierdie klausule vertoon moet word, moet op elke werkplek vertoon word vir die volle tydperk vanaf die datum waarop die werkgewer met die bouwerk op sodanige werkplek begin tot die datum waarop daardie werkgewer sodanige bouwerk voltooi het.

(3) Die insluiting van 'n werkgewer se naam op 'n argitek se bord wat vertoon moet word op 'n opvallende plek wat vir die publiek toeganklik is op 'n werkplek waar sodanige werkgewer bouwerk verrig, moet beskou word as nakoming van subklausule (1): Met dien verstande dat hierdie subklausule slegs van toepassing is indien sodanige werkgewer ooreenkomstig klausule 15 by die Raad geregistreer is.

(4) Hierdie klausule is ook van toepassing met betrekking tot stukwerk, ongeag die duur van elke werk."

12. KLOUSULE 29 VAN DEEL I.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE

In subklausule (2) (a), vervang die uitdrukking "16 uur" oral waar dit voorkom deur die uitdrukking "24 uur".

13. KLOUSULE 35 VAN DEEL I.—BETALING VIR DIENSOPSKORTING, GURE WEER EN HOOFKRAGONDERBREKING

(1) Vervang die voorbehoudsbepaling van subklausule (1) deur die volgende:

"Met dien verstande dat hierdie paragraaf nie van toepassing is nie op 'n werknemer wie se diens opgeskort word om 'n regsgeldige rede of weens 'n werktekort gedurende 'n resessie tydperk of, in die geval 'n werknemer uitgesonderd 'n werknemer in diens in 'n werkwinkel buite die terrein wat nie op die wyse in klausule 73 van Deel II van die Ooreenkoms voorgeskryf by die Raad geregistreer is nie, weens 'n hoofkragonderbreking of omdat die vordering van die werk onderbreek is deur 'n natuurkrag of *vis major*, brand, onluste, burgerlike oproer, staking, werkstopsetting en/of arbeidsonrus en/of ander omstandighede wat daartoe kan lei of wat daartoe aanleiding kan gee dat die veiligheid van die werkgewer of sy werknemers in gevaar gestel kan word, ontploffing en/of soortgelyke noodtoestand buite die beheer van die werkgewer."

(2) Vervang subklausule (2) (a) deur die volgende:

"(a) Waar 'n werknemer weens gure weer of, in die geval van 'n werknemer in diens in 'n werkwinkel buite die terrein wat nie op die wyse in klausule 73 van Deel II van die Ooreenkoms voorgeskryf by die Raad geregistreer is nie, weens 'n hoofkragonderbreking nie kan werk nie, moet 'n werkgewer aan sodanige werknemer die bystand betaal wat voorgeskryf word in die reëls van die Bystandsfonds in klausule 58 (6) bedoel."

(3) Vervang subklausule (3) deur die volgende:

"(3) Vir die toepassing van hierdie klausule omvat die uitdrukking—

- (a) 'n regsgeldige rede', sonder om die gewone betekenis van die uitdrukking enigens te beperk, een of meer van die redes in klausule 14 (3) (a) tot en met (f) bedoel;
- (b) 'gure weer' reën, sterk winde of ander ongunstige weersomstandighede as gevolg waarvan daar nie gewerk kan word nie of waaronder dit gevaarlik sou wees om te werk terwyl sodanige omstandighede duur, maar omvat dit nie enige nagevolge veroorsaak deur sodanige omstandighede indien daar nie gewerk kan word nie weens sodanige nagevolge;
- (c) 'hoofkragonderbreking' versuim deur die Elektrisiteitsvoorsieningskommissie of deur 'n ander verskaffer van krag om krag by of vanaf 'n kragstasie of -substasie te verskaf."

14. KLOUSULE 39 VAN DEEL I.—BYVOORDELE EN SEËLS—AMBAGSMAN SE ASSISTENTE, AMBAGSMANNE, VAKMANNE EN MEESTER VAKMANNE

(1) In subklausules (1), (4) (a) en (6) (b), (c) en (d), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

(2) In subklausule (1)—

- (a) in paragraaf (i), vervang die syfer "0,20" oral waar dit voorkom deur die syfer "0,50";
- (b) in paragraaf (j), vervang die syfers "52,35", "73,85", "83,25" en "91,85" deur onderskeidelik die syfers "52,65", "74,15", "83,55" en "92,15".

11. CLAUSE 19 OF PART I.—NOTICE-BOARD

Substitute the following for clause 19:

"19. NOTICE-BOARD

(1) Subject to the provisions of subclause (3), every employer shall, wherever building operations are being carried out by him, display in a conspicuous place, accessible to the public, a notice-board of a size not less than 600 mm and 450 mm or a notice-board approved by the Council showing clearly in letters not less than 50 mm in height and on material of a durable nature—

- (a) the name of such employer;
- (b) the business address of such employer;
- (c) in the case of an employer who is a member of the employers' organisation, the fact that he is a member thereof.

(2) A notice-board which is to be displayed in accordance with the provisions of this clause, shall be displayed on each job site for the full period from the date on which building operations are commenced by an employer on such job site until the date on which such building operations are completed by that employer.

(3) The inclusion of an employer's name on an architect's board which is displayed in a conspicuous place, accessible to the public, on a job site where building operations are being carried out by such employer, shall be deemed to constitute compliance with the provisions of subclause (1): Provided that this subclause shall only apply if such employer is registered with the Council in accordance with the provisions of clause 15.

(4) This clause shall also apply in respect of jobbing work, irrespective of the duration of each job."

12. CLAUSE 29 OF PART I.—ANNUAL LEAVE AND PUBLIC HOLIDAYS

In subclause (2) (a), substitute the expression "24 hours" for the expression "16 hours", wherever it occurs.

13. CLAUSE 35 OF PART I.—PAYMENT FOR SUSPENSION OF EMPLOYMENT, INCLEMENT WEATHER AND MAJOR POWER FAILURE

(1) Substitute the following for the proviso to subclause (1) (a):

"Provided that the provisions of this paragraph shall not apply to an employee who has been suspended from work for any cause recognised by law as sufficient or because of a shortage of work during a recessionary period or, in the case of an employee other than an employee employed in any off-site workshop which is not registered with the Council in the manner prescribed in clause 73 of Part II of the Agreement, because of a major power failure or because the progress of work has been interrupted by an act of God, or *vis major*, fire, riot, civil commotion, strike, work stoppage and/or labour unrest and/or any other circumstances which could result in or give rise to the personal safety of the employer or his employees being at risk, explosion and/or similar emergencies beyond the control of the employer."

(2) Substitute the following for subclause (2) (a):

"(a) Where an employee is unable to work because of inclement weather or, in the case of an employee who is employed in any off-site workshop which is not registered with the Council in the manner prescribed in clause 73 of Part II of the Agreement, because of a major power failure, an employer shall pay such employee the benefits prescribed in the rules of the Benefit Fund as referred to in clause 58 (6)."

(3) Substitute the following for subclause (3):

"(3) For the purpose of this clause, the expression—

- (a) 'any cause recognised by law as sufficient' shall, without in any way limiting the ordinary meaning of the expression, include any one or more of the causes referred to in clause 14 (3) (a) to (f) inclusive;
- (b) 'inclement weather' means rain, strong winds or any other adverse weather conditions under which work cannot be carried out, or under which it would be dangerous for work to be carried out whilst such conditions exist, but shall exclude any after-effects caused by such conditions if work cannot be carried out because of such after-effects;
- (c) 'major power failure' means a failure by the Electricity Supply Commission or by any other supplier of power to supply power at or from a power station or a sub-station."

14. CLAUSE 39 OF PART I.—FRINGE BENEFITS AND STAMPS—ARTISAN'S ASSISTANTS, ARTISANS, CRAFTSMEN AND MASTER CRAFTSMEN

(1) In subclauses (1), (4) (a) and (6) (b), (c) and (d), substitute the expression "24 hours" for the expression "16 hours".

(2) In subclause (1)—

- (a) in paragraph (i), substitute the figure "0,50" for the figure "0,20", wherever it occurs;
- (b) in paragraph (j), substitute the figures "52,65", "74,15", "83,55" and "92,15" for the figures "52,35", "73,85", "83,25" and "91,85" respectively.

15. KLOUSULE 40 VAN DEEL I.—BYVOORDELE EN SEËLS—ALGEMENE WERKERS, ERKENDE LEERLINGE EN ANDER WERKNEMERS

- (1) In subklousules (1) en (4) (a), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".
- (2) In subklousule (1)—
- (a) in paragraaf (i), vervang die syfer "0,20" oral waar dit voorkom deur die syfer "0,50";
- (b) in paragraaf (j), vervang die syfers "21,35", "26,55", "32,95" en "52,35" deur onderskeidelik die syfers "21,65", "26,85", "33,25" en "52,65".

16. KLOUSULE 41 VAN DEEL I.—BYVOORDELE EN SEËLS—LEERLINGE, VAKLEERLINGE EN KWEKELINGE

- (1) In subklousules (1) en (4) (a), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".
- (2) In subklousule (1)—
- (a) in paragraaf (i), vervang die syfer "0,20" oral waar dit voorkom deur die syfer "0,50";
- (b) in paragraaf (j), vervang die syfers "21,35", "26,55", "38,55" en "52,35" deur onderskeidelik die syfers "21,65", "26,85", "38,85" en "52,65".

17. KLOUSULE 42 VAN DEEL I.—BYVOORDELE EN SEËLS—VOORMANNE EN ALGEMENE VOORMANNE

In subklousules (1) en (4), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

18. KLOUSULE 43 VAN DEEL I.—BYVOORDELE EN SEËLS—WERKENDE WERKGEWERS

In die voorbehoudsbepaling van klousule 43, vervang die uitdrukking "ambagsman se werk" en "16 uur" oral waar dit voorkom deur onderskeidelik die uitdrukkings "geskoolde werk" en "24 uur".

19. KLOUSULE 44 VAN DEEL I.—REISTOELAE, VERVOER, REISTYD, SLAAPPLEK EN PLATTELANDSE WERK

Vervang subklousule (1) (a) (i) deur die volgende:

- "(i) Wanneer 'n werkplek geleë is binne 'n gebied waarop hierdie Ooreenkoms betrekking het, moet 'n werkgewer aan 'n werknemer wat met so 'n werk besig is 'n reistoelae betaal en sodanige reistoelae moet deur onderhandelinge tussen die werkgewer en die werknemer vasgestel word."

20. KLOUSULE 45 VAN DEEL I.—BETALING VAN BESOLDIGING

In subklousule (3), voeg die volgende nuwe paragraaf in:

- "(f) Wanneer daar ingevolge enige wetgewing van 'n werkgewer vereis word om beskermende klere en/of uitrusting kosteloos aan 'n werknemer te verskaf en sodanige klere en/of uitrusting die eiendom van die werkgewer bly, 'n bedrag ten opsigte van die waarde van sodanige beskermende klere en/of uitrusting wat of verloor of deur die werknemer kwaadwilliglik beskadig of vernietig word."

21. KLOUSULE 54 VAN DEEL I.—STEIERWERK, INSTALLASIES EN MASJINERIE

Vervang klousule 54 deur die volgende:

"54. VEILIGHEIDSMATREËLS

- (1) Alle regulasies gepubliseer kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983, moet, vir sover hulle van toepassing is op werk wat verrig word op enige werkplek of in enige werkwinkel in die Nywerheid, geag word in hierdie Ooreenkoms ingelyf te wees.
- (2) Elke werkgewer en elke werknemer moet die regulasies in subklousule (1) bedoen, nakom."

22 (a). KLOUSULE 57 VAN DEEL I.—VAKANSIEFONDS VIR DIE BONYWERHEID, PIETERMARITZBURG EN NOORD-NATAL

(1) In subklousule (4) (b), vervang voorbehoudsbepaling (i) deur die volgende:

- "(i) Bedrae, as daar is, wat die Raad ingevolge subklousule (9) betaal het;"

(2) Skrap subklousule (10).

15. CLAUSE 40 OF PART I.—FRINGE BENEFITS AND STAMPS—GENERAL WORKERS, DEEMED LEARNERS AND OTHER EMPLOYEES

(1) In subclause (1) and (4) (a), substitute the expression "24 hours" for the expression "16 hours".

(2) In subclause (1)—

- (a) in paragraph (i), substitute the figure "0,50" for the figure "0,20", wherever it occurs;
- (b) in paragraph (j), substitute the figures "21,65", "26,85", "33,25" and "52,65" for the figures "21,35", "26,55", "32,95" and "52,35" respectively.

16. CLAUSE 41 OF PART I.—FRINGE BENEFITS AND STAMPS—LEARNERS, APPRENTICES AND TRAINEES

(1) In subclauses (1) and (4) (a), substitute the expression "24 hours" for the expression "16 hours".

(2) In subclause (1)—

- (a) in paragraph (i), substitute the figure "0,50" for the figure "0,20", wherever it occurs;
- (b) in paragraph (j), substitute the figures "21,65", "26,85", "38,85" and "52,65" for the figures "21,35", "26,55", "38,55" and "52,35" respectively.

17. CLAUSE 42 OF PART I.—FRINGE BENEFITS AND STAMPS—FOREMAN AND GENERAL FOREMEN

In subclauses (1) and (4), substitute the expression "24 hours" for the expression "16 hours".

18. CLAUSE 43 OF PART I.—FRINGE BENEFITS AND STAMPS—WORKING EMPLOYERS

In the proviso to clause 43, substitute the expressions "skilled work" and "24 hours" for the expressions "artisan's work" and "16 hours" respectively, wherever they occur.

19. CLAUSE 44 OF PART I.—TRAVELLING ALLOWANCE, TRANSPORT, TRAVELLING TIME, SLEEPING ACCOMMODATION AND COUNTRY JOBS

Substitute the following for subclause (1) (a) (i):

"(i) Whenever a job is situated within an area to which this Agreement relates, an employer shall pay a travelling allowance to any employee who is working on such job and such travelling allowance shall be determined by negotiation between the employer and the employee."

20. CLAUSE 45 OF PART I.—PAYMENT OF REMUNERATION

In subclause (3), insert the following new paragraph:

"(f) where, in terms of any legislation, an employer is required to provide any protective clothing and/or equipment free of charge to an employee and such clothing and/or equipment remains the property of the employer, a deduction in respect of the value of any such protective clothing and/or equipment which has either been lost or maliciously damaged or destroyed by such employee."

21. CLAUSE 54 OF PART I.—SCAFFOLDING, PLANT AND MACHINERY

Substitute the following for clause 54:

"54. SAFETY MEASURES

(1) The provisions of any regulations published in terms of section 35 of the Machinery and Occupational Safety Act, 1983, shall, to the extent to which they apply to any operations being carried out on any job or in any workshop in the Industry, be deemed to be incorporated in this Agreement.

(2) Every employer and every employee shall comply with the provisions of the regulations referred to in subclause (1)."

22 (a). CLAUSE 57 OF PART I.—PIETERMARITZBURG AND NORTHERN NATAL BUILDING INDUSTRY HOLIDAY FUND

(1) In subclause (4) (b), substitute the following for proviso (i):

"(i) Payments, if any, made by the Council in terms of subclause (9);"

(2) Delete subclause (10).

22 (b). KLOUSULE 59 VAN DEEL I.—MEDISE HULPFONDS VIR DIE BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE

In subklousule (7)—*Bystand*, vervang die tabel deur die volgende:

"Met ingang van 16 November 1985	Medies, paramedies en oogkundig	Medisyne en inspu- tings- materiaal	Tandheel- kundig
	R	R	R
(a) 'n Ongetroude lid	600	200	200
(b) 'n Lid met een afhanklike ...	900	350	350
(c) 'n Lid met meer as een af- hanklike	1 200	400	400."

23. KLOUSULE 68 VAN DEEL II.—WOORDOMSKRYWING

- (1) Skrap die omskrywing "ambagsman se werk".
- (2) In die omskrywings van "vakman" en "meestervakman", vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".
- (3) Voeg die volgende omskrywing in na die omskrywing van "verplaasbare elektriese gereedskap":
" 'geskoolde werk' alle werksaamhede in die omskrywing van 'ambagsman' genoem, asook alle ander werk wat nie elders in die Ooreenkoms uiteengesit word nie; "

24. KLOUSULE 71 VAN DEEL II.—REGISTRASIE VAN AMBAGSMANNE, VAKMANNE, MEESTERVAKMANNE EN WERKENDE WERKGEWERS

In klousule 71—

- (1) vervang die uitdrukking "ambagsman se werk" oral waar dit voorkom deur die uitdrukking "geskoolde werk";
- (2) vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

25 (a). KLOUSULE 72 VAN DEEL II.—VERBODE WERK

- (1) In subklousule (1) (a), (2) (a), (3) en (5) (c), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

- (2) Vervang subklousule (4) deur die volgende:

"(4) Vir die toepassing van subklousule (6) en ondanks andersluidende bepalings in hierdie Ooreenkoms, moet iemand wat geskoolde werk in die Nywerheid verrig, ongeag of sodanige geskoolde werk onder toesig of strenge toesig verrig word of nie, en wat nie 'n geregistreerde leerling of ambagsman se assistent, 'n geregistreerde ambagsman, vakman of meester-vakman, 'n voorman, vakleerling, kwekeling of werknemer vir wie lone in klousule 80 (1) (i) voorgeskryf word, 'n persoon in die voorbehoudsbepaling van subklousule (2) (a) bedoel of 'n geregistreerde werkende werknemer is nie, geag word 'n persoon te wees vir wie lone in klousule 80 (1) (h) (i) voorgeskryf word."

- (3) In subklousule (5) (c), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

25 (b). KLOUSULE 75 VAN DEEL II.—MAKSIMUM WERKURE

In subklousule (1) (c), vervang subparagrafe (i) en (ii) deur die volgende:

- (i) meer as 40 uur in 'n week of meer as agt uur op 'n dag;
- (ii) voor 07h30 of na 16h30; "

26. KLOUSULE 79 VAN DEEL II.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE

- (1) In subklousule (1) (a), voeg die volgende nuwe subparagraaf in:

"(iii) op Vrydag, 17 Mei 1985, op Vrydag, 11 Oktober 1985, en tussen uitskeityd op Vrydag, 13 Desember 1985, en aanvangstyd op Woensdag, 8 Januarie 1986."

- (2) In subklousule (2) (a), vervang die uitdrukking "17 1/2 uur" oral waar dit voorkom deur die uitdrukking "24 uur".

27. KLOUSULE 85 VAN DEEL II.—BETALING VIR DIENSOPSKORTING EN HOOFKRAGONDERBREKING

- (1) Vervang die voorbehoudsbepaling van subklousule (1) (a) deur die volgende:

"Met dien verstande dat hierdie paragraaf nie van toepassing is nie op 'n werknemer wie se diens opgeskort word om 'n regsgeldige rede of weens 'n werktekort gedurende 'n resessie tydperk of omdat die vordering van die werk onderbreek is deur 'n natuurkrag of *vis major*, brand, onluste, burgerlike oproer,staking, werkstopsetting en/of arbeidsonrus en/of ander omstandighede wat daartoe kan lei of wat daartoe aanleiding kan gee dat die veiligheid van die werknemers of sy werknemers in gevaar gestel kan word, ontploffing en/of ander soortgelyke noodtoestand buite die beheer van die werknemer."

22 (b). CLAUSE 59 OF PART I.—PIETERMARITZBURG AND NORTHERN AREAS BUILDING INDUSTRY MEDICAL AID FUND

In subclause (7)—*Benefits*, substitute the following for the schedule of benefits:

"With effect from 16 November 1985	Medical, para- medical and optical	Medicines and injection material	Dental
	R	R	R
(a) A single member	600	200	200
(b) A member with one depend- ant	900	350	350
(c) A member with more than one dependant	1 200	400	400."

23. CLAUSE 68 OF PART II.—DEFINITIONS

- (1) Delete the definition "artisan's work".
- (2) In the definitions of "craftsman" and "master craftsman", substitute the expression "skilled work" for the expression "artisan's work".
- (3) Insert the following definition after the definition of "portable electric tool":

" 'skilled work' means any operation mentioned in the definition of 'artisan', and includes any other work not elsewhere specified in the Agreement; "

24. CLAUSE 71 OF PART II.—REGISTRATION OF ARTISANS, CRAFTSMEN, MASTER CRAFTSMEN AND WORKING EMPLOYERS

In clause 71—

- substitute the expression "skilled work" for the expression "artisan's work", wherever it occurs;
- substitute the expression "24 hours" for the expression "16 hours".

25 (a). CLAUSE 72 OF PART II.—PROHIBITED WORK

- (1) In subclauses (1) (a), (2) (a), (3) and (5) (c), substitute the expression "skilled work" for the expression "artisan's work".

- (2) Substitute the following for subclause (4):

"(4) For the purposes of the application of subclause (6) and notwithstanding anything to the contrary in this Agreement, any person who performs skilled work in the Industry, irrespective of whether or not he is performing such skilled work under supervision or close supervision, and who is not a registered learner or artisan's assistant, a registered artisan, craftsman or master craftsman, a foreman, apprentice, trainee or employee for whom wages are prescribed in clause 80 (1) (i), a person referred to in the proviso to subclause (2) (a) or a registered working employer, shall be deemed to be a person for whom wages are prescribed in clause 80 (1) (h) (i)."

- (3) In subclause (5) (c), substitute the expression "24 hours" for the expression "16 hours".

25 (b). CLAUSE 75 OF PART II.—MAXIMUM HOURS OF WORK

In subclause (1) (c), substitute the following for subparagraphs (i) and (ii):

- "(i) for more than 40 hours in any one week or for more than eight hours in any one day;
- (ii) before 07h30 or after 16h30; "

26. CLAUSE 79 OF PART II.—ANNUAL LEAVE AND PUBLIC HOLIDAYS

- (1) In subclause (1) (a), insert the following new subparagraph:

"(iii) on Friday, 17 May 1985, on Friday, 11 October 1985, and between finishing time on Friday, 13 December 1985, and starting time on Wednesday, 8 January 1986."

- (2) In subclause (2) (a), substitute the expression "24 hours" for the expression "17 1/2 hours", wherever it occurs.

27. CLAUSE 85 OF PART II.—PAYMENT FOR SUSPENSION OF EMPLOYMENT AND MAJOR POWER FAILURE

- (1) Substitute the following for the proviso to subclause (1) (a):

"Provided that the provisions of this paragraph shall not apply to an employee who has been suspended from work for any cause recognised by law as sufficient or because of a shortage of work during a recessionary period or because the progress of work has been interrupted by an act of God, or *vis major*, fire, riot, civil commotion, strike, work stoppage and/or labour unrest and/or any other circumstances which could result in or give rise to the personal safety of the employer or his employees being at risk, explosion and/or other similar emergencies beyond the control of the employer."

(2) Vervang subklousule (3) deur die volgende:

“(3) Vir die toepassing van hierdie klousule omvat die uitdrukking—

- (a) ‘n regsgeldige rede’, sonder om die gewone betekenis van die uitdrukking enigsins te beperk, een of meer van die redes in klousule 14 (3) (a) tot en met (f) van Deel I van die Ooreenkoms bedoel;
- (b) ‘hoofkragonderbreking’ versuim deur die Elektrisiteitsvoorsieningskommissie of deur ‘n ander verskaffer van krag om krag by of vanaf ‘n kragstasie of -substasie te verskaf.”

28. KLOUSULE 87 VAN DEEL II.—VEILIGHEIDSMATREËLS—MASJINERIE

Vervang klousule 87 deur die volgende:

“87. VEILIGHEIDSMATREËLS—MASJINERIE

(1) Alle regulasies gepubliseer kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983, moet, vir sover hulle van toepassing is op werk wat verrig word in ‘n werkwinkel buite die terrein wat by die Raad geregistreer is op die wyse in klousule 73 voorgeskryf, geag word in hierdie Ooreenkoms ingelyf te wees.

(2) Elke werkgever en elke werknemer moet die regulasies in subklousule (1) bedoel; nakom.”

29. AANHANGSEL I

Skrap Aanhangsel I van die Ooreenkoms.

30. AANHANGSEL II

Skrap Aanhangsel II van die Ooreenkoms.

Namens die partye op hede die 21ste dag van Augustus 1985 te Pietermaritzburg onderteken.

A. S. PIPES,

Voorsitter.

M. L. HOSKINS,

Lid.

R. Q. PAINTER,

Sekretaris.

No. R. 2383

25 Oktober 1985

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYWERHEID.—HOOFDOORFENKOMS— VERBETERINGSKENNISGEWING

Die volgende verbetering aan Goewermentskennisgewings R. 2651 in *Staatskoerant* 9513 van 30 November 1984 en R. 2220 in *Staatskoerant* 9953 van 4 Oktober 1985, word vir algemene inligting gepubliseer.

In die Afrikaanse tekse van beide kennisgewings, vervang die uitdrukking “R. 2316” deur die uitdrukking “R. 2317”.

No. R. 2401

25 Oktober 1985

WET OP ARBEIDSVERHOUDINGE, 1956

BROUNYWERHEID, KAAPSTAD.—HERNUWING VAN OOREENKOMS

Ek, Mattheus Willem Johannes le Roux, Direkteur: Mannekrag, behoorlik daartoe gemagtig deur die Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (4) (a) (ii) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van Goewermentskennisgewing R. 1884 van 31 Augustus 1984, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Augustus 1986 eindig.

M. W. J. LE ROUX,
Direkteur: Mannekrag.

(2) Substitute the following for subclause (3):

“(3) For the purposes of this clause, the expression—

- (a) ‘any cause recognised by law as sufficient’ shall, without in any way limiting the ordinary meaning of the expression, include any one or more of the causes referred to in clause 14 (3) (a) to (f) inclusive of Part I of the Agreement;
- (b) ‘major power failure’ means a failure by the Electricity Supply Commission or by any other supplier of power to supply power at or from a power station or a sub-station.”

28. CLAUSE 87 OF PART II.—SAFETY MEASURES— MACHINERY

Substitute the following for clause 87:

“87. SAFETY MEASURES—MACHINERY

(1) The provisions of any regulations published in terms of section 35 of the Machinery and Occupational Safety Act, 1983, shall, to the extent to which they apply to any operations being carried out in an off-site workshop which is registered with the Council in the manner prescribed in clause 73, be deemed to be incorporated in this Agreement.

(2) Every employer and every employee shall comply with the provisions of the regulations referred to in subclause (1).”

29. APPENDIX I

Delete Appendix I to the Agreement.

30. APPENDIX II

Delete Appendix II to the Agreement.

Signed at Pietermaritzburg, on behalf of the parties, this 21st day of August 1985.

A. S. PIPES,

Chairman.

M. L. HOSKINS,

Member.

R. Q. PAINTER,

Secretary.

No. R. 2383

25 October 1985

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY.—MAIN AGREEMENT— CORRECTION NOTICE

The following correction to Government Notices R. 2651 in *Government Gazette* 9513 of 30 November 1984 and R. 2220 in *Government Gazette* 9953 of 4 October 1985, is hereby published for general information.

In the English text of both notices, substitute the expressions “R. 2317” for the expressions “R. 2316”.

No. R. 2401

25 October 1985

LABOUR RELATIONS ACT, 1956

BREWING INDUSTRY, CAPE TOWN.—RENEWAL OF AGREEMENT

I, Mattheus Willem Johannes le Roux, Director: Manpower, duly authorised thereto by the Minister of Manpower, hereby, in terms of section 48 (4) (a) (ii) of the Labour Relations Act, 1956, declare the provisions of Government Notice R. 1884 of 31 August 1984, to be effective from the date of publication of this notice and for the period ending 31 August 1986.

M. W. J. LE ROUX,
Director: Manpower.

No. R. 2402

25 Oktober 1985

WET OP ARBEIDSVERHOUDINGE, 1956

BOUNYWERHEID, NATAL.—WYSIGING VAN
HOOFOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van 28 Oktober 1985 en vir die tydperk wat op 26 Oktober 1986 eindig, bindend is vir die werkgewers-organisasie en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of verenigings is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 1 (1) (a), 14 (2) (b), 15 (2) (b) en 16 (2) (b), met ingang van 28 Oktober 1985 en vir die tydperk wat op 26 Oktober 1986 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE BOUNYWERHEID, NATAL

OOREENKOMS VIR DIE DURBANSE GEBIED

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Natal Master Builders' and Allied Industries Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

Blanke Bouwerkersvakbond

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Natal,

om die Ooreenkoms, gepubliseer by Goewermmentskennisgewing R. 119 van 21 Januarie 1983, soos gewysig en verleng by Goewermmentskennisgewings R. 2394 van 28 Oktober 1983, R. 813 van 27 April 1984, R. 2353 en R. 2354 van 26 Oktober 1984 en R. 1038 en R. 1039 van 10 Mei 1985, verder te wysig.

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Bounywerheid nagekom word—

- (a) deur alle werkgewers en werknemers wat lede van onderskeidelik die werkgewersorganisasie of van enige van die vakverenigings is;
- (b) in die landdrosdistrikte Durban (uitgesonderd daardie gedeelte wat voor die publikasie van Goewermmentskennisgewing 1401 van 16 Augustus 1968 binne die landdrosdistrik Umlazi geval het), Chatsworth, Pinetown en Inanda.

(2) Ondanks subklousule (1) (a), is hierdie Ooreenkoms—

- (a) op vakleerlinge en kwekelinge van toepassing slegs vir sover dit nie strydig is met die Wet op Mannekragopleiding, 1981, of met voorwaardes wat daarkragtens voorgeskryf of kennisgewings wat daarkragtens bestel is nie;
- (b) nie op klerke of op werknemers wat administratiewe pligte verrig of op 'n lid van die administratiewe personeel van toepassing nie;
- (c) op voormanne en algemene voormanne van toepassing.

No. R. 2402

25 October 1985

LABOUR RELATIONS ACT, 1956

BUILDING INDUSTRY, NATAL.—AMENDMENT OF
MAIN AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from 28 October 1985 and for the period ending 26 October 1986, upon the employers' organisation and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or unions; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1 (1) (a), 14 (2) (b), 15 (2) (b) and 16 (2) (b), shall be binding, with effect from 28 October 1985 and for the period ending 26 October 1986, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

P. T. C. DUPLESSIS,
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY,
NATAL

AGREEMENT FOR THE DURBAN AREA

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Natal Master Builders' and Allied Industries Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part and the

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

White Building Workers' Union

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Industrial Council for the Building Industry, Natal, to amend the Agreement, published under Government Notice R. 119 of 21 January 1983, as amended and extended by Government Notices R. 2394 of 28 October 1983, R. 813 of 27 April 1984, R. 2353 and R. 2354 of 26 October 1984 and R. 1038 and R. 1039 of 10 May 1985.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Building Industry—

- (a) by all employers and employees who are members of the employers' organisation or any of the trade unions respectively;
- (b) in the Magisterial Districts of Durban (excluding that portion which, prior to the publication of Government Notice 1401 of 16 August 1968, fell within the Magisterial District of Umlazi), Chatsworth, Pinetown and Inanda.

(2) Notwithstanding the provisions of subclause (1) (a), the terms of this Agreement shall—

- (a) apply to apprentices and trainees only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any conditions prescribed or any notice served in terms thereof;
- (b) not apply to clerical employees or to employees engaged in administrative duties or to any member of an administrative staff;
- (c) apply to foremen and general foremen.

2. INDELING VAN OOREENKOMS

In die Indeling van die Ooreenkoms—

- (1) vervang item 54 deur die volgende:
"54. Veiligheidsmaatreëls: 40";
- (2) skrap afdelings K en L.

3. KLOUSULE 3 VAN DEEL I.—WOORDOMSKRYWING

(1) In die omskrywings van "ambagsman se assistent", "vakman", "voorman", "algemene voorman", "meestervakman" en "werkende werkgewer", vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) Skrap die omskrywings "ambagsman se werk" en "gure weer".

(3) Voeg die volgende omskrywing in na die omskrywing van "belaste massa":

"'wet' ook die gemene reg;"

(4) Vervang die omskrywing van "toesluitplek" deur die volgende:

"'toesluitplek' 'n struktuur, skuur, kamer of soortgelyke plek waar die gereedskap en of klere van werknemers te alle tye veilig daarin bewaar kan word en—

- (a) wat groot genoeg is vir dié doeleindes;
- (b) wat uit vier mure, of 'n ringmuur, 'n dak en 'n vloer bestaan;
- (c) wat van enige materiaal van 'n soliede en duursame aard gemaak is;
- (d) waarvan die deur of deure stewig toegesluit kan word;
- (e) waarvan alle vensters, boligte en ander openinge behoorlik van diefstaling voorsien is; en
- (f) wat stewig aan die grond vasgemaak is;"

(5) Voeg die volgende omskrywing in na die omskrywing van "geskoolde werknemer":

"'geskoolde werk' alle werksaamhede in die omskrywing van 'n 'ambagsman' genoem, asook alle ander werk wat nie elders in die Ooreenkoms uiteengesit word nie;"

4. KLOUSULE 5 VAN DEEL I.—ADMINISTRASIE VAN OOREENKOMS

Vervang subklousule (3) (c) deur die volgende:

"(c) Tensy die Raad anders daartoe besluit, is die Raad nie verplig om redes vir 'n beslissing te verstrek nie."

5. KLOUSULE 11 VAN DEEL I.—REGISTRASIE VAN WERKNEMERS, UITGESONDERD GESKOOLED WERKNEMERS

In subklousule (5) (g) en (6) (d), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

6. KLOUSULE 12 VAN DEEL I.—REGISTRASIE VAN AMBAGSMANNE, VAKMANNE, MEESTERVAKMANNE EN WERKENDE WERKGEWERS

(1) In subklousule (2) (a) en (b), (3) (a) en (b), (4) (a) en (b) en (6) (a) en (b), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) In subklousule (2) (a) en (b), (3) (a) en (b), (4) (a) en (b) en (6) (b), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

(3) In subklousule (3) (a), skrap subparagraaf (iv) en hernommer die bestaande subparagraaf (v) tot subparagraaf (iv).

7. KLOUSULE 13 VAN DEEL I.—VERBODE WERK

(1) In subklousule (1) (a), (2) (a), (3) en (5) (c), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) Vervang subklousule (4) deur die volgende:

"(4) Vir die toepassing van subklousule (6) en ondanks andersluidende bepalings in hierdie Ooreenkoms, moet iemand wat geskoolde werk in die Nywerheid verrig, ongeag of sodanige geskoolde werk onder toesig of strenge toesig verrig word of nie, en wat nie 'n geregistreerde leerling of ambagsman se assistent, 'n geregistreerde ambagsman, vakman of meestervakman, 'n voorman, algemene voorman, vakleerling, kwekeling of werknemer vir wie lone in klousule 30 (1) (i) voorgeskryf word, 'n persoon in die voorbehoudsbepaling van subklousule (2) (a) bedoel of 'n geregistreerde werkende werkgewer is nie, geag word 'n persoon te wees vir wie lone in klousule 30 (1) (h) (i) voorgeskryf word."

(3) In subklousule (5) (c), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

8. KLOUSULE 14 VAN DEEL I.—DIENSBEÏNDIGING

(1) Hernommer die bestaande subklousules (6) en (7) tot subklousules (7) en (8), en voeg die volgende subklousule (6) in:

"(6) (a) 'n Werknemer wat sy diens beëindig het of wie se diens ooreenkomstig hierdie klousule beëindig is, moet, behoudens subklousule (7), gedurende die hele tydperk van die kennisgewingstermyn soos in subklousule (2) bedoel, voortgaan met die werk waarvoor hy in diens geneem is.

2. ARRANGEMENT OF AGREEMENT

In the Arrangement of the Agreement—

- (1) substitute the following for item 54:
"54. Safety measures: 40";
- (2) delete divisions K and L.

3. CLAUSE 3 OF PART I.—DEFINITIONS

(1) In the definitions of "artisan's assistant", "craftsman", "foreman", "general foreman", "master craftsman" and "working employer", substitute the expression "skilled work" for the expression "artisan's work".

(2) Delete the definitions: "artisan's work" and "inclement weather".

(3) Insert the following definition after the definition of "laden mass":
"law" includes the common law;"

(4) Substitute the following for the definition of "lock-up";

"'lock-up' means any structure, shed, room or similar place in which employees' tools and/or clothes can be left for safekeeping at all times and—

- (a) which is of an adequate size for such purposes;
- (b) which consists of four walls, or a circular wall, a roof and a floor;
- (c) which is constructed of any material of a substantial and durable nature;
- (d) the door or doors of which can be securely locked;
- (e) all the windows, fanlights and any other openings of which are properly burglarproofed; and
- (f) which is securely fixed to the ground;"

(5) Insert the following definition after the definition of "skilled employee":

"'skilled work' means any operation mentioned in the definition of 'artisan', and includes any other work not elsewhere specified in the Agreement;"

4. CLAUSE 5 OF PART I.—ADMINISTRATION OF AGREEMENT

Substitute the following for subclause (3) (c):

"(c) Unless otherwise determined by the Council, the Council shall not be obliged to give any reasons for any decision."

5. CLAUSE 11 OF PART I.—REGISTRATION OF EMPLOYEES, OTHER THAN SKILLED EMPLOYEES

In subclauses (5) (g) and (6) (d), substitute the expression "skilled work" for the expression "artisan's work".

6. CLAUSE 12 OF PART I.—REGISTRATION OF ARTISANS, CRAFTSMEN, MASTER CRAFTSMEN AND WORKING EMPLOYEES

(1) In subclauses (2) (a) and (b), (3) (a) and (b), 4 (a) and (b) and (6) (a) and (b), substitute the expression "skilled work" for the expression "artisan's work" wherever it occurs.

(2) In subclauses (2) (a) and (b), (3) (a) and (b), (4) (a) and (b) and (6) (b), substitute the expression "24 hours" for the expression "16 hours".

(3) In subclause (3) (a), delete subparagraph (iv) and renumber the existing subparagraph (v) as subparagraph (iv).

7. CLAUSE 13 OF PART I.—PROHIBITED WORK

(1) In subclauses (1) (a), (2) (a), (3) and (5) (c), substitute the expression "skilled work" for the expression "artisan's work".

(2) Substitute the following for subclause (4):

"(4) For the purposes of the application of subclause (6) and notwithstanding anything to the contrary in this Agreement, any person who performs skilled work in the industry irrespective of whether or not he is performing such skilled work under supervision or close supervision and who is not a registered learner or artisan's assistant, a registered artisan, craftsman or master craftsman, a foreman, general foreman, apprentice, trainee or employee for whom wages are prescribed in clause 30 (1) (i), a persons referred to in the proviso to subclause (2) (a) or a registered working employer, shall be deemed to be a person for whom wages are prescribed in clause 30 (1) (h) (i)."

(3) In subclause (5) (c), substitute the expression "24 hours" for the expression "16 hours".

8. CLAUSE 14 OF PART I.—TERMINATION OF EMPLOYMENT

(1) Renumber the existing subclauses (6) and (7) as subclauses (7) and (8), and insert the following subclause (6):

"(6) (a) Subject to the provisions of subclause (7), an employee who has terminated his employment or whose employment has been terminated in accordance with the provisions of this clause, shall continue working at the work for which he was engaged during the whole of the notice period referred to in subclause (2).

(b) Indien 'n werknemer versuim om paragraaf (a) na te kom, moet die werkgever aan sodanige werknemer die besoldiging betaal wat aan hom verskuldig is vir die getal ure wat hy gedurende sodanige kennisgewings-termyn gewerk het, maar hy kan een dag se besoldiging aftrek vir tyd wat die werknemer gedurende sodanige kennisgewingstermyn nie gewerk het nie.

(2) Vervang subklousule (8) deur die volgende:

“(8) (a) Die besoldiging verskuldig aan 'n werknemer wie se diens ooreenkomstig hierdie klousule beëindig is, moet deur die werkgever voor of met uitskeiptyd op die dag van sodanige diensbeëindiging aan die werknemer betaal word.

(b) Die besoldiging verskuldig aan 'n werknemer wat sy diens ooreenkomstig hierdie klousule beëindig het, moet deur die werkgever voor of met uitskeiptyd op die betaaldag vir die betaalweek waarin sodanige kennisgewing van diensbeëindiging deur die werknemer gegee was, aan die werknemer betaal word: Met dien verstande dat die werkgever sodanige besoldiging, by onderlinge ooreenkoms tussen die werkgever en die werknemer, aan die werknemer kan betaal op die plek waar die werknemer op die dag van diensbeëindiging gewerk het of by die werkgever se kantoor of per tjek wat gepos moet word na die adres wat deur die werknemer verskaf word.

(c) Indien 'n werkgever versuim om paragraaf (a) of (b) na te kom, na gelang van die geval, het die werknemer tot twee agteraanvolgende werkdade daarna aanspraak op een dag se besoldiging ten opsigte waarvan die werkgever versuim om hom te betaal: Met dien verstande dat sodanige werknemer hom by sodanige werkgever aanmeld om betaling op die betrokke twee dae te ontvang.”

9. KLOUSULE 15 VAN DEEL I.—REGISTRASIE VAN WERKGEWERS

In subklousule (1), vervang al die woorde voor paragraaf (a) deur die volgende:

“Elke werkgever wat in die Bounywerheid is op die datum waarop hierdie Ooreenkoms in werking tree en wat hom nie reeds ingevolge 'n vorige ooreenkoms by die Raad laat registreer het nie, en elke werkgever wat na daardie datum tot die Nywerheid toetree, moet hom binne drie dae vanaf sodanige datum, of voor die datum waarop sodanige werkgever met sy werksaamhede in die Nywerheid begin, na gelang van die geval, by die Raad laat registreer en moet die volgende besonderhede aan die Raad verstrek:”

10. KLOUSULE 16 VAN DEEL I.—LOONWAARBORG

(1) In subklousule (1), vervang al die woorde voor paragraaf (a) deur die volgende:

“Elke werkgever wat in die Bounywerheid is op die datum waarop hierdie ooreenkoms in werking tree en wat nie reeds ingevolge 'n vorige ooreenkoms 'n waarborg by die Raad ingedien het nie, en elke werkgever wat na daardie datum tot die Nywerheid toetree, moet binne drie dae vanaf sodanige datum, of voor die datum waarop sodanige werkgever met sy werksaamhede begin deur werknemers in diens te neem, na gelang van die geval, of binne sodanige verdere tydperk as wat die Raad toelaat, 'n waarborg wat vir die Raad aanvaarbaar is by die Raad indien: Met dien verstande dat—”

11. KLOUSULE 19 VAN DEEL I.—KENNISGEWINGBORD

Vervang klousule 19 deur die volgende:

“19. KENNISGEWINGBORD

(1) Wanneer hy bouwerk verrig, moet elke werkgever behoudens subklousule (3) 'n kennisgewingbord van minstens 600 mm by 450 mm of 'n kennisgewingbord wat deur die Raad goedgekeur is, vertoon in 'n opvallende plek wat vir die publiek toeganklik is, en ondergenoemde inligting in letters wat minstens 50 mm hoog is en gemaak is van materiaal van duursame aard, moet op sodanige bord voorkom:

- (a) Die naam van sodanige werkgever;
- (b) die besigheidsadres van sodanige werkgever;
- (c) in die geval van 'n werkgever wat lid is van die werkgewersorganisasie, die feit dat hy lid daarvan is.

(2) 'n Kennisgewingbord wat ooreenkomstig hierdie klousule vertoon moet word, moet op elke werkplek vertoon word vir die volle tydperk vanaf die datum waarop die werkgever met die bouwerk op sodanige werkplek begin tot die datum waarop daardie werkgever sodanige bouwerk voltooi het.

(3) Die insluiting van 'n werkgever se naam op 'n argitek se bord wat vertoon word op 'n opvallende plek wat vir die publiek toeganklik is op 'n werkplek waar sodanige werkgever bouwerk verrig, moet beskou word as nakoming van subklousule (1): Met dien verstande dat hierdie subklousule slegs van toepassing is indien sodanige werkgever ooreenkomstig klousule 15 by die Raad geregistreer is.

(4) Hierdie klousule is ook van toepassing met betrekking tot stukwerk, ongeag die uur van elke werk.”

12. KLOUSULE 29 VAN DEEL I.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE

In subklousule (2) (a), vervang die uitdrukking “16 uur” oral waar dit voorkom deur die uitdrukking “24 uur”.

(b) In the event of an employee not complying with the provisions of paragraph (a), the employer shall pay such employee the remuneration due to him for the number of hours worked by him during such notice period but shall be entitled to deduct one day's remuneration from such employee in lieu of any time not worked by him during such notice period.”

(2) Substitute the following for subclause 8:

“(8) (a) The remuneration due to an employee whose employment has been terminated in accordance with the provisions of this clause, shall be paid by the employer to the employee not later than finishing time on the day of such termination.

(b) The remuneration due to an employee who has terminated his employment in accordance with the provisions of this clause, shall be paid by the employer to the employee not later than finishing time on the pay-day relating to the pay-week in which such notice of termination was given by the employee: Provided that, by agreement between the employer and the employee, such remuneration may be paid by the employer to the employee on the site where the employee was working on the day of termination or at the employer's office or by cheque to be posted to an address furnished by the employee.

(c) In the event of an employer not complying with the provisions of paragraph (a) or (b), whichever is applicable, the employee shall be entitled to be paid one day's remuneration for up to two succeeding working days in respect of which the employer defaults in payment, provided such employee presents himself to such employer to obtain payment on the two days concerned.”

9. CLAUSE 15 OF PART I.—REGISTRATION OF EMPLOYERS

In subclause (1), substitute the following for all the words preceding paragraph (a):

“Every employer in the Building Industry at the date on which this Agreement comes into operation, who has not already registered with the Council in pursuance of a previous agreement, and every employer who enters the Industry after that date shall, within three days of such date, or before the date on which such employer commences operations in the Industry, as the case may be, register with the Council, furnishing the Council with the following particulars:”

10. CLAUSE 16 OF PART I.—WAGE GUARANTEE

(1) In subclause (1), substitute the following for all the words preceding paragraph (a):

“Every employer in the Building Industry at the date on which this Agreement comes into operation, who has not already lodged a guarantee with the council in pursuance of a previous agreement, and every employer who enters the Industry after that date shall, within three days of such date, or before the date on which such employer commences operations by employing employees, as the case may be, or within such further period as may be allowed by the Council, lodge with the Council a guarantee acceptable to the Council: Provided that—”

11. CLAUSE 19 OF PART I.—NOTICE BOARD

Substitute the following for clause 19:

“19. NOTICE-BOARD

(1) Subject to the provisions of subclause (3), every employer shall, wherever building operations are being carried out by him, display in a conspicuous place, accessible to the public, a notice-board of a size not less than 600 mm and 450 mm or a notice-board approved by the Council showing clearly in letters not less than 50 mm in height and on material of a durable nature—

- (a) the name of such employer;
- (b) the business address of such employer;
- (c) in the case of an employer who is a member of the employers' organisation, the fact that he is a member thereof.

(2) A notice-board which is to be displayed in accordance with the provisions of this clause, shall be displayed on each job site for the full period from the date on which building operations are commenced by an employer on such job site until the date on which such building operations are completed by that employer.

(3) The inclusion of an employer's name on an architect's board which is displayed in a conspicuous place, accessible to the public, on a job site where building operations are being carried out by such employer, shall be deemed to constitute compliance with the provisions of subclause (1): Provided that this subclause shall only apply if such employer is registered with the Council in accordance with the provisions of clause 15.

(4) This clause shall also apply in respect of jobbing work, irrespective of the duration of each job.”

12. CLAUSE 29 OF PART I.—ANNUAL LEAVE AND PUBLIC HOLIDAYS

In subclause (2) (a), substitute the expression “24 hours” for the expression “16 hours” wherever it occurs.

13. KLOUSULE 35 VAN DEEL I.—BETALING VIR DIENSKORTING, GURE WEER EN HOOFKRAGONDERBREKING

(1) Vervang die voorbehoudsbepaling van subklousule (1) deur die volgende:

“Met dien verstande dat hierdie paragraaf nie van toepassing is nie op 'n werknemer wie se diens opgeskort word om 'n regsgeldige rede of weens 'n werktekort gedurende 'n resessie tydperk of, in die geval van 'n werknemer uitgesonder 'n werknemer in diens in 'n werkwinkel buite die terrein wat nie op die wyse in klousule 73 van Deel II van die Ooreenkoms voorgeskryf by die Raad geregistreer is nie, weens 'n hoofkragonderbreking of omdat die vordering van die werk onderbreek is deur 'n natuurkrag of *vis major*, brand, onluste, burgerlike oproer, staking, werkstopsetting en/of arbeidsonrus en/of ander omstandighede wat daartoe kan lei of wat daartoe aanleiding kan gee dat die veiligheid van die werkgewer of sy werknemers in gevaar gestel kan word, ontploffing en/of soortgelyke noodtoestand buite die beheer van die werkgewer.”

(2) Vervang subklousule (2) (a) deur die volgende:

“(a) Waar 'n werknemer weens gure weer of, in die geval van 'n werknemer in diens in 'n werkwinkel buite die terrein wat nie op die wyse in klousule 73 van Deel II van die Ooreenkoms voorgeskryf by die Raad geregistreer is nie, weens 'n hoofkragonderbreking nie kan werk nie, moet 'n werkgewer aan sodanige werknemer die bystand betaal wat voorgeskryf word in die reëls van die Bystandsfonds in klousule 58 (6) bedoel.”

(3) Vervang subklousule (3) deur die volgende:

“(3) Vir die toepassing van hierdie klousule omvat die uitdrukking—

- (a) ‘n regsgeldige rede’, sonder om die gewone betekenis van die uitdrukking enigens te beperk, een of meer van die redes in klousule 14 (3) (a) tot en met (f) bedoel;
- (b) ‘gure weer’, reën, sterk winde of ander ongunstige weersomstandighede as gevolg waarvan daar nie gewerk kan word nie of waaronder dit gevaarlik sou wees om te werk terwyl sodanige omstandighede duur, maar omvat dit nie enige nagevolge veroorsaak deur sodanige omstandighede indien daar nie gewerk kan word nie weens sodanige nagevolge;
- (c) ‘hoofkragonderbreking’ versuim deur die Elektriesiteitsvoorsieningskommissie of deur 'n ander verskaffer van krag om krag by of vanaf 'n kragstasie of -substasie te verskaf.”

14. KLOUSULE 39 VAN DEEL I.—BYVOORDELE EN SEËLS—AMBAGSMAN SE ASSISTENTE, AMBAGSMANNE, VAKMANNE EN MEESTERVAKMANNE

(1) In subklousules (1), (4) (a) en (6) (b), (c) en (d), vervang die uitdrukking “16 uur” deur die uitdrukking “24 uur”.

(2) In subklousule (1)—

- (a) in paragraaf (h), vervang die syfer “1,50” oral waar dit voorkom deur die syfer “2,00”;
- (b) in paragraaf (i), vervang die syfer “0,30” oral waar dit voorkom deur die syfer “0,50”;
- (c) in paragraaf (j), vervang die syfers “58,63”, “79,21”, “88,57” en “97,45” deur onderskeidelik die syfers “59,33”, “79,91”, “89,27” en “98,15”.

15. KLOUSULE 40 VAN DEEL I.—BYVOORDELE EN SEËLS—ALGEMENE WERKERS, ERKENDE LEERLINGE EN ANDER WERKNEMERS

(1) In subklousules (1) en (4) (a), vervang die uitdrukking “16 uur” deur die uitdrukking “24 uur”.

(2) In subklousule (1)—

- (a) in paragraaf (h), vervang die syfer “1,50” oral waar dit voorkom deur die syfer “2,00”;
- (b) in paragraaf (i), vervang die syfer “0,30” oral waar dit voorkom deur die syfer “0,50”;
- (c) in paragraaf (j), vervang die syfers “23,46”, “29,89”, “37,40” en “58,63” deur onderskeidelik die syfers “24,16”, “30,59”, “38,10” en “59,33”.

16. KLOUSULE 41 VAN DEEL I.—BYVOORDELE EN SEËLS—LEERLINGE, VAKLEERLINGE EN KWEKELINGE

(1) In subklousule (1) en (4) (a), vervang die uitdrukking “16 uur” deur die uitdrukking “24 uur”.

(2) In subklousule (1)—

- (a) in paragraaf (h), vervang die syfer “R1,50” oral waar dit voorkom deur die syfer “2,00”;
- (b) in paragraaf (i), vervang die syfer “0,30” oral waar dit voorkom deur die syfer “0,50”;
- (c) in paragraaf (j), vervang die syfers “23,46”, “29,89”, “43,49” en “58,63” deur onderskeidelik die syfers “24,16”, “30,59”, “44,19” en “59,33”.

13. CLAUSE 35 OF PART I.—PAYMENT FOR SUSPENSION OF EMPLOYMENT, INCLEMENT WEATHER AND MAJOR POWER FAILURE

(1) Substitute the following for the proviso to subclause (1) (a):

“Provided that the provisions of this paragraph shall not apply to an employee who has been suspended from work for any cause recognised by law as sufficient or because of a shortage of work during a recessionary period or, in the case of an employee other than an employee employed in any off-site workshop which is not registered with the Council in the manner prescribed in clause 73 of Part II of the Agreement, because of a major power failure or because the progress of work has been interrupted by an act of God, or *vis major*, fire, riot, civil commotion, strike, work stoppage and/or labour unrest and/or any other circumstances which could result in or give rise to the personal safety of the employer or his employees being at risk, explosion and/or similar emergencies beyond the control of the employer.”

(2) Substitute the following for subclause (2) (a):

“(a) Where an employee is unable to work because of inclement weather or, in the case of an employee who is employed in any off-site workshop which is not registered with the Council in the manner prescribed in clause 73 of Part II of the Agreement, because of a major power failure, an employer shall pay such employee the benefits prescribed in the rules of the Benefit Fund as referred to in clause 58 (6).”

(3) Substitute the following for subclause (3):

“(3) For the purpose of this clause, the expression—

- (a) ‘any cause recognised by law as sufficient’ shall, without in any way limiting the ordinary meaning of the expression, include any one or more of the causes referred to in clause 14 (3) (a) to (f) inclusive;
- (b) ‘inclement weather’ means rain, strong winds or any other adverse weather conditions under which work cannot be carried out, or under which it would be dangerous for work to be carried out whilst such conditions exist, but shall exclude any after-effects caused by such conditions if work cannot be carried out because of such after-effects;
- (c) ‘major power failure’ means a failure by the Electricity Supply Commission or by any other supplier of power to supply power at or from a power station or a sub-station.”

14. CLAUSE 39 OF PART I.—FRINGE BENEFITS AND STAMPS—ARTISAN'S ASSISTANTS, ARTISANS, CRAFTSMEN AND MASTER CRAFTSMEN

(1) In subclauses (1), (4) (a) and (6) (b), (c) and (d), substitute the expression “24 hours” for the expression “16 hours”.

(2) In subclause (1)—

- (a) in paragraph (h), substitute the figure “2,00” for the figure “1,50” wherever it occurs;
- (b) in paragraph (i), substitute the figure “0,50” for the figure “0,30” wherever it occurs;
- (c) in paragraph (j), substitute the figures “59,93”, “79,91”, “89,27” and “98,15” for the figures “58,63”, “79,21”, “88,57” and “97,45” respectively.

15. CLAUSE 40 OF PART I.—FRINGE BENEFITS AND STAMPS—GENERAL WORKERS, DEEMED LEARNERS AND OTHER EMPLOYEES

(1) In subclause (1) and (4) (a), substitute the expression “24 hours” for the expression “16 hours”.

(2) In subclause (1)—

- (a) in paragraph (h), substitute the figure “2,00” for the figure “1,50” wherever it occurs;
- (b) in paragraph (i), substitute the figure “0,50” for the figure “0,30” wherever it occurs;
- (c) in paragraph (j), substitute the figures “24,16”, “30,59”, “38,10” and “59,33” for the figures “23,46”, “29,89”, “37,40” and “58,63” respectively.

16. CLAUSE 41 OF PART I.—FRINGE BENEFITS AND STAMPS—LEARNERS, APPRENTICES AND TRAINEES

(1) In subclause (1) and (4) (a), substitute the expression “24 hours” for the expression “16 hours”.

(2) In subclause (1)—

- (a) in paragraph (h), substitute the figure “2,00” for the figure “1,50” wherever it occurs;
- (b) in paragraph (i), substitute the figure “0,50” for the figure “0,30” wherever it occurs;
- (c) in paragraph (j), substitute the figures “24,16”, “30,59”, “44,19” and “59,33” for the figures “23,46”, “29,89”, “43,49” and “58,63” respectively.

17. KLOUSULE 42 VAN DEEL I.—BYVOORDELE EN SEËLS—VOORMANNE EN ALGEMENE VOORMANNE

In subklousules (1) en (4), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

18. KLOUSULE 43 VAN DEEL I.—BYVOORDELE EN SEËLS—WERKENDE WERKGEWERS

In die voorbehoudsbepaling van klousule 43, vervang die uitdrukkings "ambagsman se werk" en "16 uur", oral waar dit voorkom, deur onderskeidelik die uitdrukkings "geskoolde werk" en "24 uur".

19. KLOUSULE 44 VAN DEEL I.—REISTOELAE, VERVOER EN REISTYD

Vervang subklousule (1) (a) (i) deur die volgende:

"(i) Wanneer 'n werkplek geleë is binne 'n gebied waarop hierdie Ooreenkoms betrekking het, moet 'n werkgewer aan 'n werknemer wat met so 'n werk besig is 'n reistoelae betaal en sodanige reistoelae moet deur onderhandelinge tussen die werkgewer en die werknemer vasgestel word."

20. KLOUSULE 45 VAN DEEL I.—BETALING VAN BESOLDIGING

In subklousule (3), voeg die volgende nuwe paragraaf in:

"(f) wanneer daar ingevolge enige wetgewing van 'n werkgewer vereis word om beskermende klere en/of uitrusting kosteloos aan 'n werknemer te verskaf en sodanige klere en/of uitrusting die eiendom van die werkgewer bly, 'n bedrag ten opsigte van die waarde van sodanige beskermende klere en/of uitrusting wat of verloor of deur die werknemer kwaadwilliglik beskadig of vernietig word."

21. KLOUSULE 54 VAN DEEL I.—STEIERWERK, INSTALLASIES EN MASJINERIE

Vervang klousule 54 deur die volgende:

"54. VEILIGHEIDSMATREËLS

(1) Alle regulasies gepubliseer kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983, moet, vir sover hulle van toepassing is op werk wat verrig word op enige werkplek of in enige werkwinkel in die Nywerheid, geag word in hierdie Ooreenkoms ingelyf te wees.

(2) Elke werkgewer en elke werknemer moet die regulasies in subklousule (1) bedoel, nakom."

22. KLOUSULE 57 VAN DEEL I.—VAKANSIEFONDS VAN DIE BOUNYWERHEID, NATAL

(1) In subklousule (4) (b), vervang voorbehoudsbepaling (i) deur die volgende:

"(i) Bedrae, as daar is, wat die Raad ingevolge subklousule (9) betaal het;"

(2) Skrap subklousule (10).

23. KLOUSULE 68 VAN DEEL II.—WOORDOMSKRYWING

(1) Skrap die omskrywing van "ambagsman se werk".

(2) In die omskrywings van "vakman" en "meestervakman", vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(3) Voeg die volgende omskrywing in na die omskrywing van "verplaasbare elektriese gereedskap":

"'geskoolde werk' alle werksaamhede in die omskrywing van 'ambagsman' genoem, asook alle ander werk wat nie elders in die Ooreenkoms uiteengesit word nie;"

(4) Vervang die omskrywing van "werkdag" deur die volgende:

"'werkdag' 'n dag, uitgesonderd Saterdag, Sondag, die openbare vakansiedae wat in klousule 79 (1) (b) voorgeskryf word en dae wat binne die vakansietydperk val wat in klousule 79 (1) (a) voorgeskryf word, ten opsigte waarvan die gewone werkdag soos in klousule 75 (1) van die Ooreenkoms voorgeskryf van toepassing is;"

24. KLOUSULE 71 VAN DEEL II.—REGISTRASIE VAN AMBAGSMANNE, VAKMANNE, MEESTERVAKMANNE EN WERKENDE WERKGEWERS

In klousule 71—

(1) vervang die uitdrukking "ambagsman se werk" oral waar dit voorkom deur die uitdrukking "geskoolde werk";

(2) vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

25. KLOUSULE 72 VAN DEEL II.—VERBODE WERK

(1) In subklousules (1) (a), (2) (a), (3) en (5) (c), vervang die uitdrukking "ambagsman se werk" deur die uitdrukking "geskoolde werk".

(2) Vervang subklousule (4) deur die volgende:

"(4) Vir die toepassing van subklousule (6) en ondanks andersluidende bepalings in hierdie Ooreenkoms, moet iemand wat geskoolde werk in die Nywerheid verrig, ongeag of sodanige geskoolde werk onder toesig of strenge toesig verrig word of nie, en wat nie 'n geregistreerde leerling of

17. CLAUSE 42 OF PART I.—FRINGE BENEFITS AND STAMPS—FOREMEN AND GENERAL FOREMEN

In subclauses (1) and (4), substitute the expression "24 hours" for the expression "16 hours".

18. CLAUSE 43 OF PART I.—FRINGE BENEFITS AND STAMPS—WORKING EMPLOYERS

In the proviso to clause 43, substitute the expressions "skilled work" and "24 hours" for the expressions "artisan's work" and "16 hours" respectively, wherever they occur.

19. CLAUSE 44 OF PART I.—TRAVELLING ALLOWANCE, TRANSPORT AND TRAVELLING TIME

Substitute the following for subclause (1) (a) (i):

"(i) Whenever a job is situated within an area to which this Agreement relates, an employer shall pay a travelling allowance to any employee who is working on such job and such travelling allowance shall be determined by negotiation between the employer and the employee."

20. CLAUSE 45 OF PART I.—PAYMENT OF REMUNERATION

In subclause (3), insert the following new paragraph:

"(f) where, in terms of any legislation, an employer is required to provide any protective clothing and/or equipment free of charge to an employee and such clothing and/or equipment remains the property of the employer, a deduction in respect of the value of any such protective clothing and/or equipment which has either been lost or maliciously damaged or destroyed by such employee."

21. CLAUSE 54 OF PART I.—SCAFFOLDING, PLANT AND MACHINERY

Substitute the following for clause 54:

"54. SAFETY MEASURES

(1) The provisions of any regulations published in terms of section 35 of the Machinery and Occupational Safety Act, 1983, shall, to the extent to which they apply to any operations being carried out on any job or in any workshop in the Industry, be deemed to be incorporated in this Agreement.

(2) Every employer and every employee shall comply with the provisions of the regulations referred to in subclause (1)."

22. CLAUSE 57 OF PART I.—BUILDING INDUSTRY HOLIDAY FUND, NATAL

(1) In subclause (4) (b), substitute the following for proviso (i):

"(i) Payments, if any, made by the Council in terms of subclause (9);"

(2) Delete subclause (10).

23. CLAUSE 68 OF PART II.—DEFINITIONS

(1) Delete the definition of "artisan's work".

(2) In the definitions of "craftsman" and "master craftsman", substitute the expression "skilled work" for the expression "artisan's work".

(3) Insert the following definition after the definition of "portable electric tool":

"'skilled work' means any operation mentioned in the definition of 'artisan', and includes any other work not elsewhere specified in the Agreement;"

(4) Substitute the following for the definition of "working day":

"'working day' means any day other than Saturday, Sunday, the public holidays prescribed in clause 79 (1) (b) and days falling within the holiday period prescribed in clause 79 (1) (a), in respect of which the ordinary hours of work laid down in clause 75 (1) of the Agreement apply;"

24. CLAUSE 71 OF PART II.—REGISTRATION OF ARTISANS, CRAFTSMEN, MASTER CRAFTSMEN AND WORKING EMPLOYERS

In clause 71—

(1) substitute the expression "skilled work" for the expression "artisan's work" wherever it occurs;

(2) substitute the expression "24 hours" for the expression "16 hours".

25. CLAUSE 72 OF PART II.—PROHIBITED WORK

(1) In subclauses (1) (a), (2) (a), (3) and (5) (c), substitute the expression "skilled work" for the expression "artisan's work".

(2) Substitute the following for subclause (4):

"(4) For the purposes of the application of subclause (6) and notwithstanding anything to the contrary in this Agreement, any person who performs skilled work in the Industry, irrespective of whether or not he is performing such skilled work under supervision or close supervision

ambagsman se assistent, 'n geregistreerde ambagsman, vakman of meestervakman, 'n voorman, vakleerling, kwekeling of werknemer vir wie lone in klousule 80 (1) (i) voorgeskryf word, 'n persoon in die voorbehoudsbepaling van subklousule (2) (a) bedoel of 'n geregistreerde werkende werkgewer is nie, geag word 'n persoon te wees vir wie lone in klousule 80 (1) (h) (i) voorgeskryf word."

(3) In subklousule (5) (c), vervang die uitdrukking "16 uur" deur die uitdrukking "24 uur".

26. KLOUSULE 79 VAN DEEL II.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE

In subklousule (2) (a), vervang die uitdrukking "16 uur" oral waar dit voorkom deur die uitdrukking "24 uur".

27. KLOUSULE 85 VAN DEEL II.—BETALING VIR DIENS-OPSKORTING EN HOOFKRAGONDERBREKING

(1) Vervang die voorbehoudsbepaling van subklousule (1) (a) deur die volgende:

"Met dien verstande dat hierdie paragraaf nie van toepassing is nie op 'n werknemer wie se diens opgeskort word om 'n regsgeldige rede of weens 'n werktekort gedurende 'n resessitydperk of omdat die vordering van die werk onderbreek is deur 'n natuurkrag of *vis major*, brand, onluste, burgerlike oproer, staking, werkstopsetting en/of arbeidsonrus en/of ander omstandighede wat daartoe kan lei of wat daartoe aanleiding kan gee dat die veiligheid van die werkgewer of sy werknemers in gevaar gestel kan word, ontploffing en/of ander soortgelyke noodtoestand buite die beheer van die werkgewer."

(2) Vervang subklousule (3) deur die volgende:

"(3) Vir die toepassing van hierdie klousule omvat die uitdrukking—

- (a) 'n regsgeldige rede', sonder om die gewone betekenis van die uitdrukking enigins te beperk, een of meer van die redes in klousule 14 (3) (a) tot en met (f) van Deel I van die Ooreenkoms bedoel;
- (b) 'hoofkragonderbreking' versuim deur die Elektrisiteitsvoorsieningskommissie of deur 'n ander verskaffer van krag om krag by of vanaf 'n kragstasie of -substasie te verskaf."

28. KLOUSULE 87 VAN DEEL II.—VEILIGHEIDSMATREËLS—MASJINERIE

Vervang klousule 87 deur die volgende:

"87. VEILIGHEIDSMATREËLS—MASJINERIE

(1) Alle regulasies gepubliseer kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983, moet, vir sover hulle van toepassing is op werk wat verrig word in 'n werkwinkel buite die terrein wat by die Raad geregistreer is op die wyse in klousule 73 voorgeskryf, geag word in hierdie Ooreenkoms ingelyf te wees.

(2) Elke werkgewer en elke werknemer moet die regulasies in subklousule (1) bedoel, nakom."

29. AANHANGSEL I

Skrap Aanhangsel I van die Ooreenkoms.

30. AANHANGSEL II

Skrap Aanhangsel II van die Ooreenkoms.

Namens die partye op hede die 27ste dag van Junie 1985 te Durban onderteken.

M. LIPSHITZ,

Voorsitter.

T. D. M. ROSSOUW,

Lid.

K. H. DAVEL,

Sekretaris.

No. R. 2419

25 Oktober 1985

WET OP ARBEIDSVERHOUDINGE, 1956

MEUBELVERVAARDIGINGSNYWERHEID, ORANJE-VRYSTAAT.—WYSIGING VAN HOOFOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Maart 1986 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan

and who is not a registered learner or artisan's assistant, a registered artisan, craftsman or master craftsman, a foreman, apprentice, trainee or employee for whom wages are prescribed in clause 80 (1) (i), a person referred to in the proviso to subclause (2) (a) or a registered working employer, shall, be deemed to be a person for whom wages are prescribed in clause 80 (1) (h) (i)."

(3) In subclause (5) (c), substitute the expression "24 hours" for the expression "16 hours".

26. CLAUSE 79 OF PART II.—ANNUAL LEAVE AND PUBLIC HOLIDAYS

In subclause (2) (a), substitute the expression "24 hours" for the expression "16 hours" wherever it occurs.

27. CLAUSE 85 OF PART II.—PAYMENT FOR SUSPENSION OF EMPLOYMENT AND MAJOR POWER FAILURE

(1) Substitute the following for the proviso to subclause (1) (a):

"Provided that the provisions of this paragraph shall not apply to an employee who has been suspended from work for any cause recognised by law as sufficient or because of a shortage of work during a recessionary period or because the progress of work has been interrupted by an act of God, or *vis major*, fire, riot, civil commotion, strike, work stoppage and/or labour unrest and/or any other circumstances which could result in or give rise to the personal safety of the employer or his employees being at risk, explosion and/or other similar emergencies beyond the control of the employer."

(2) Substitute the following for subclause (3):

"(3) For the purposes of this clause, the expression—

- (a) 'any cause recognised by law as sufficient' shall, without in any way limiting the ordinary meaning of the expression, include any one or more of the causes referred to in clause 14 (3) (a) to (f) inclusive of Part I of the Agreement;
- (b) 'major power failure' means a failure by the Electricity Supply Commission or by any other supplier of power to supply power at or from a power station or a sub-station."

28. CLAUSE 87 OF PART II.—SAFETY MEASURES—MACHINERY

Substitute the following for clause 87:

"87. SAFETY MEASURES—MACHINERY

(1) The provisions of any regulations published in terms of section 35 of the Machinery and Occupational Safety Act, 1983, shall, to the extent to which they apply to any operations being carried out in an off-site workshop which is registered with the Council in the manner prescribed in clause 73, be deemed to be incorporated in this Agreement.

(2) Every employer and every employee shall comply with the provisions of the regulations referred to in subclause (1)."

29. APPENDIX I

Delete Appendix I to the Agreement.

30. APPENDIX II

Delete Appendix II to the Agreement.

Signed at Durban, on behalf of the parties, this 27th day of June 1985.

M. LIPSHITZ,

Chairman.

T. D. M. ROSSOUW,

Member.

K. H. DAVEL,

Secretary.

No. R. 2419

25 October 1985

LABOUR RELATIONS ACT, 1956

FURNITURE MANUFACTURING INDUSTRY, ORANGE FREE STATE.—AMENDMENT OF MAIN AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby, in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 March 1986, upon the employers' organisation and the trade union which entered into the Amending Agreement

het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRaad VIR DIE MEUBELNYWERHEID VAN DIE ORANJE-VRYSTAAT

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Vereniging van Meubelfabrikante en Stoffeers, O.V.S.

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

National Union of Furniture and Allied Workers of South Africa

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Meubelnywerheid van die Oranje-Vrystaat,

om die Ooreenkoms, gepubliseer by Goewermenskennisgewing R. 1054 van 4 Junie 1982, soos verleng en gewysig by Goewermenskennisgewings R. 211 en R. 212 van 17 Februarie 1984 (hierna die Hoof-ooreenkoms genoem), te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die provinsie die Oranje-Vrystaat nagekom word deur alle werkgewers wat lede van die werkgewersorganisasie is en by die Meubelnywerheid betrokke is en deur alle werknemers wat lede van die vakvereniging is en in daardie Nywerheid werksaam is.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms—

- (a) slegs van toepassing op werknemers vir wie lone in die Hoof-ooreenkoms voorgeskryf word, en op die werkgewers van sodanige werknemers;
- (b) op vakleerlinge van toepassing vir sover dit nie met die Wet op Mannekragopleiding, 1981, of met 'n kontrak wat daarvolgens aangegaan is of met 'n voorwaarde dat daarkragtens gestel is, onbestaanbaar is nie.

2. KLOUSULE 24.—INDIENSNEMING VAN VAKVERENIGINGARBEID

(1) Vervang subklousule (1) deur die volgende:

"(1) Geen werkgewer wat lid is van die werkgewersorganisasie mag 'n werknemer in diens hou wat, terwyl hy tot lidmaatskap van die vakvereniging toelaatbaar is, nie lid van sodanige vereniging is nie, of wat nie binne 'n tydperk van 90 dae vanaf die datum van indienstreding, lid van sodanige vakvereniging word nie; of wat lid van sodanige vereniging is maar bedank as lid van sodanige vereniging; en geen lid van die vakvereniging mag in diens bly by 'n werkgewer wat nie lid is van die werkgewersorganisasie en wat nie binne 'n tydperk van 90 dae nie die datum van indiensneming van die betrokke werknemer waar sodanige indiensneming na die datum van inwerkingtrede van hierdie Ooreenkoms geskied, lid van die werkgewersorganisasie word nie, of wat lid van sodanige werkgewersorganisasie is maar bedank as lid van sodanige werkgewersorganisasie."

(2) Vervang subklousule (4) deur die volgende:

"(4) Die vakvereniging en die werkgewersorganisasie moet die Raad voorsien van 'n lys van alle lede van hul onderskeie organisasies wat bedank het, uitgesit is of geskors is. By ontvangs van sodanige lys moet die Sekretaris van die Raad die lid of lede van die betrokke organisasie meedeel dat sy/hul lidmaatskapkaart en/of -sertifikaat vir die doel van hierdie klousule nie meer geldig is nie, en moet hy die werknemers, of die werkgewers, na gelang van die geval, van sodanige lid of lede van sodanige feit in kennis stel asook van die feit dat subklousule (1) binne 30 dae vanaf die datum van sodanige kennisgewing nagekom moet word."

Hierdie Ooreenkoms namens die partye op hede die 20ste dag van Augustus 1985 te Bloemfontein onderteken.

P. I. LABUSCHAGNE,
Voorsitter van die Raad.

T. C. SOLOMON,
Lid van die Raad.

H. L. SANDER,
Sekretaris van die Raad.

and upon the employers and employees who are members of the said organisation or union.

P. T. C. DU PLESSIS,
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY OF THE ORANGE FREE STATE

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Vereniging van Meubelfabrikante en Stoffeers, O.V.S.

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

National Union of Furniture and Allied Workers of South Africa

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Furniture Manufacturing Industry of the Orange Free State,

to amend the Agreement published under Government Notice R. 1054 of 4 June 1982 as extended and amended by Government Notices R. 211 and R. 212 of 17 February 1984 (hereinafter referred to as the Main Agreement).

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Province of the Orange Free State by all employers who are members of the employers' organisation and who are engaged in the Furniture Manufacturing Industry, and by all employees who are members of the trade union and who are employed in that Industry.

(2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement—

- (a) shall only apply to employees for whom wages are prescribed in the Main Agreement and to the employers of such employees;
- (b) shall, unless inconsistent with the terms of the Manpower Training Act, 1981, or any contract entered into thereunder or any condition imposed in terms of the said Act, apply to apprentices.

2. CLAUSE 24.—EMPLOYMENT OF TRADE UNION LABOUR

(1) Substitute the following for subclause (1):

"(1) No employer who is a member of the employers' organisation shall continue to employ an employee who, while being eligible for membership of the trade union, is not a member of such trade union or does not become a member of such trade union within a period of 90 days from the date of entering into employment, or who, being a member of such union, resigns as a member of such union; and no member of the trade union may continue his employment with an employer who is not a member of the employers' organisation or does not within a period of 90 days after the date of employment of the employee concerned, where the employment takes place after the date of coming into operation of this Agreement, become a member of the employers' organisation or who, being a member of such employer's organisation, resign as a member of such employer's organisation."

(2) Substitute the following for subclause (4):

"(4) The trade union as well as the employers' organisation shall furnish the Council with a list of all resignations, expulsions and suspensions of members from their respective organisations. Upon receipt of such lists, the Secretary of the Council shall advise the member or members of the organisation concerned that his/their card and/or certificate of membership is no longer valid for the purpose of this clause, and shall further advise the employees or the employers of such member or members, as the case may be, of such fact and that compliance with the provisions of subclause (1) is required within 30 days from date of such notification."

This Agreement signed at Bloemfontein, on behalf of the parties, this 20th day of August 1985.

P. I. LABUSCHAGNE,
Chairman of the Board.

T. C. SOLOMON,
Member of the Board.

H. L. SANDER,
Secretary of the Board.

No. R. 2424

25 Oktober 1985

WET OP BASIESE DIENSVOORWAARDES, 1983, EN
LOONWET, 1957

VRYSTELLING

Ek, Petrus Jacobus van der Merwe, Direkteur-generaal: Mannekrag, behoorlik daartoe gemagtig deur die Minister van Mannekrag, stel hierby, kragtens artikel 34 van die Wet op Basiese Diensvoorwaardes, 1983, en artikel 19 van die Loonwet, 1957, alle werkgewers vry van enige bepaling betreffende minimum lone, jaarlikse verlof, siekteverlof, stuk- en kommissiewerk, getalsverhouding en diensbeëindiging, ten opsigte van persone wat in diens geneem word in goedgekeurde projekte ingevolge die spesiale werkskepingsprogram wat op 7 Oktober 1985 deur die Minister van Mannekrag aangekondig is vir solank sodanige persone se indiensneming aan so 'n projek onderworpe is.

P. J. VAN DER MERWE,
Direkteur-generaal: Mannekrag.

SUID-AFRIKAANSE POLISIE

No. R. 2382

25 Oktober 1985

WYSIGING VAN DIE REGULASIES UITGEVAARDIG
KRAGTENS DIE WET OP ONTPLOFBARE STOWWE,
1956

Die Staatspresident het kragtens artikel 30 van die Wet op Ontploffbare Stowwe, 1956 (Wet 26 van 1956), die regulasies vervat in die Bylae hiervan uitgevaardig.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken "die Regulasies" die regulasies afgekondig by Goewermmentskennisgewing R. 1604 van 8 September 1972, soos gewysig by Goewermmentskennisgewings R. 2371 van 14 Desember 1973, R. 1550 van 4 Februarie 1977, R. 2153 van 21 Oktober 1977, R. 2135 van 21 September 1979, R. 2292 van 19 Oktober 1979 en R. 405 van 27 Februarie 1981.

2. Regulasie 1.1 van die Regulasies word hierby gewysig deur na die omskrywing van "veiligheidslont" die volgende omskrywing in te voeg:

" 'veiligheidsbestuurder' iemand wat ingevolge regulasie 2.6.1 as sodanig aangewys is;".

3. Die volgende regulasie word hierby in die Regulasies na regulasie 2.5 ingevoeg:

"2.6.1 Die okkupeerder van 'n fabriek vir ontplofbare stowwe moet 'n voltydse werknemer wat verantwoordelik is vir die bestuur van en beheer oor die fabriek Skriftelik as veiligheidsbestuurder aanstel ten einde die okkupeerder by te staan by die verrigting van 'n plig hom by of kragtens die Wet opgelê.

2.6.2 Die aanstelling van 'n veiligheidsbestuurder onthef nie die okkupeerder van 'n plig in Regulasie 2.6.1 bedoel nie."

4. Regulasie 2.7 van die Regulasies word hierby deur die volgende regulasie vervang:

"2.7 Die okkupeerder van 'n fabriek vir ontplofbare stowwe moet—

(a) 'n afskrif van die wet en van die regulasies vervat in Hoofstuk 2 beskikbaar stel vir insae deur persone in sy diens;

No. R. 2424

25 October 1985

BASIC CONDITIONS OF EMPLOYMENT ACT, 1983,
AND WAGE ACT, 1957

EXEMPTION

I, Petrus Jacobus van der Merwe, Director-General: Manpower, duly authorised thereto by the Minister of Manpower, hereby, in terms of section 34 of the Basic Conditions of Employment Act, 1983, and section 19 of the Wage Act, 1957, exempt all employers from any provision concerning minimum wages, annual leave, sick leave, piece-work and commission work, ratio and termination of employment, in respect of persons who are employed in approved projects in terms of the special work creation program that was announced by the Minister of Manpower on 7 October 1985, for as long as the unemployment of such persons is subject to such a project.

P. J. VAN DER MERWE,
Director-General: Manpower.

SOUTH AFRICAN POLICE

No. R. 2382

25 October 1985

AMENDMENT OF THE REGULATIONS MADE
UNDER THE EXPLOSIVES ACT, 1956

The State President has, under section 30 of the Explosives Act, 1956 (Act 26 of 1956), made the regulations set out in the Schedule hereto.

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, "the Regulations" means the regulations published by Government Gazette R. 1604 of 8 September 1972, as amended by Government Notices R. 2371 of 14 December 1973, R. 1550 of 4 February 1977, R. 2153 of 21 October 1977, R. 2135 of 21 September 1979, R. 2292 of 19 October 1979 and R. 405 of 27 February 1981.

2. Regulation 1.1 of the Regulations is hereby amended by the insertion after the definition of "safety fuse" of the following definition:

" 'safety manager' means a person appointed as such in terms of regulation 2.6.1;".

3. The following regulation is hereby inserted in the Regulations after regulation 2.5:

"2.6.1 The occupier of an explosives factory shall appoint in writing a full-time employee, who shall be responsible for the management and control of the factory, as safety manager in order to assist the occupier in the performance of any duty imposed on him by or under the Act.

2.6.2 The appointment of a safety manager shall not exempt the occupier from any duty referred to in regulation 2.6.1."

4. The following regulation is hereby substituted for regulation 2.7 of the Regulations:

"2.7 The occupier of an explosives factory shall—

(a) make a copy of the Act and of the regulations contained in Chapter 2 available for perusal by persons in his employ;

- (b) alle redelike stappe doen om te verseker dat die bepalings van die Wet en van hierdie regulasies nagekom word deur elke persoon in sy diens wat 'n werksaamheid in die gevaargebied, soos bedoel in regulasie 2.8.1, verrig;
- (c) ter wille van veiligheid, dissipline in die gevaargebied afdwing;
- (d) verseker dat werk in die gevaargebied verrig word onder algemene toesig van 'n persoon wat oor die kennis en ervaring beskik wat nodig is om die gevare verbonde aan die verrigting van sodanige werk uit te ken;
- (e) alle werknemers laat onderrig aangaande die omvang van hulle gesag;
- (f) vasstel, vir sover dit redelik is, watter gevare daar vir die veiligheid van persone mag voortspruit uit die verrigting van enige werk, of die prosessering, gebruik, hantering, opberging of vervoer van enige artikel of die gebruik van enige masjinerie in die gevaargebied, en, voorts, watter voorsorgmaatreëls getref moet word ten opsigte van sodanige werk, artikel of masjinerie ten einde die veiligheid van persone te bevorder;
- (g) die nodige middele verskaf ten opsigte van die voorsorgmaatreëls bedoel in paragraaf (f);
- (h) die stappe doen wat nodig is om enige gevaar of potensiële gevaar vir die veiligheid van persone sover doenlik te verwyder;
- (i) vir sover dit redelik is, elke werknemer ten volle op die hoogte laat bring betreffende die gevare vir sy veiligheid verbonde aan enige werk wat hy moet verrig, enige artikel wat hy moet prosesseer, gebruik, hanteer, opberg of vervoer en enige masjinerie wat hy moet gebruik of toegelaat word om te gebruik, asook betreffende die voorsorgmaatreëls wat getref en nagekom moet word ten opsigte van daardie gevare; en
- (j) vir sover dit redelik is, nie toelaat dat 'n werknemer enige werk doen of enige artikel prosesseer, gebruik, hanteer, opberg of vervoer of enige masjinerie gebruik nie, tensy die voorsorgmaatreëls ingestel ingevolge paragrawe (f) en (h) of enige voorsorgmaatreëls wat voorgeskryf mag word, nagekom word."

5. Regulasie 2.8 van die Regulasies word hierby deur die volgende regulasie vervang:

"2.8.1 In elke fabriek vir ontplofbare stowwe moet die afdelings vir die vervaardiging en berging van ontplofbare stowwe en soveel van die omliggende grond as wat op die amptelike terreinplan van die fabriek aangetoon word, omhein word en staan dit bekend as die "gevaargebied" van die fabriek. 'n Gevaargebied mag alleenlik binnegegaan word deur 'n hek wat deur die veiligheidsbestuurder aangewys is, en enigeen wat ingaan, moet hom onderwerp aan deursoeking deur 'n persoon wat deur die veiligheidsbestuurder daartoe gemagtig is. 'n Register moet bygehou word van elke persoon wat 'n gevaargebied binnegaan of verlaat en van die tyd wanneer hy ingaan en wanneer hy uitkom.

2.8.2 In elke fabriek vir ontplofbare stowwe is die bepalings van die regulasies wat handel oor masjinerie, uitgevaardig kragtens die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet 6 van 1983), *mutatis mutandis* van toepassing. Enige verwysing in genoemde regulasies na 'n "Hoofinspekteur" en "Inspekteur" moet by die toepassing

- (b) take all reasonable steps to ensure that the provisions of the Act and of these regulations are observed by every person in his employ who performs any work in the danger area, as referred to in regulation 2.8.1;
- (c) in the interest of safety, enforce discipline in the danger area;
- (d) ensure that work in the danger area is performed under the general supervision of a person who has the knowledge and experience necessary to assess the hazards associated with the performance of such work;
- (e) cause all employees to be instructed regarding the scope of their authority;
- (f) establish, as far as is reasonable, what dangers to the safety of persons may arise from the performance of any work, or the processing, use, handling storing or transport of any article or the use of any machinery in the danger area and, further, what precautionary measures must be taken with respect to such work, article or machinery in order to promote the safety of persons;
- (g) provide the necessary means in respect of the precautionary measures referred to in paragraph (f);
- (h) take such steps as may be necessary to remove any danger or potential danger to the safety of persons as far as is practicable;
- (i) as far as is reasonable, cause every employee to be made fully conversant with the dangers to his safety attached to any work he has to perform, any article he has to process, use, handle, store or transport and any machinery he is required or permitted to use, and also with the precautionary measures which are to be taken and observed with respect to those dangers; and
- (j) as far as is reasonable, not permit any employee to do any work or to process, use, handle, store or transport any article or to operate any machinery unless the precautionary measures introduced in terms of paragraphs (f) and (h) or any precautionary measures as may be prescribed, are complied with."

5. The following regulation is hereby substituted for regulation 2.8 of the Regulations:

"2.8.1 In every explosives factory the explosives manufacturing and storage sections and so much of the land surrounding them as may be shown on the official factory site plan shall be fenced in and shall be known as the "danger area" of the factory. Entrance into a danger area shall be made only through a gate stipulated by the safety manager and any person entering shall submit to being searched by a person authorised thereto by the safety manager. A register shall be kept of every person entering or leaving a danger area together with the time he enters and the time he leaves.

2.8.2 In every explosives factory the provisions of the regulations dealing with machinery, made under the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), shall apply *mutatis mutandis*. Any reference in the said regulations to a "Chief Inspector" and an "Inspector" shall for

van die bepalings van hierdie regulasie as 'n verwysing na 'n inspekteur soos omskryf in artikel 1 van die Wet uitgelê word."

6. Regulasie 2.9.2 van die Regulasies word hierby deur die volgende regulasie vervang:

"2.9.2 'n Werknemer moet elke wettige opdrag nakom wat aan hom gegee word en moet aan die reëls en prosedures voldoen wat deur sy werkgever, die veiligheidsbestuurder of enige ander persoon deur die werkgever of die veiligheidsbestuurder daartoe gemagtig, voorgeskryf of ingestel is."

7. Die volgende regulasie word hierby in die Regulasies na regulasie 2.9.2 ingevoeg:

"2.9.3 Elke werknemer moet, waar 'n potensieel onveilige toestand by of naby sy werkplek onder sy aandag kom, sodanige toestand onmiddellik aan 'n toesigbeampte rapporteer."

8. Regulasie 2.10 van die Regulasies word hierby deur die volgende regulasie vervang:

"2.10.1 Slegs persone of voertuie wat deur die veiligheidsbestuurder daartoe gemagtig is, mag toegelaat word om 'n gevaargebied binne te gaan.

2.10.2 Niemand mag enige bedwelmende drank of verdowingsmiddels in of deur 'n gevaargebied neem of probeer neem nie, tensy hy skriftelik deur die veiligheidsbestuurder daartoe gemagtig is. Niemand mag, wanneer hy onder die invloed van bedwelmende drank of 'n verdowingsmiddel is, sodanige gevaargebied binnegaan of daarin wees nie. Iemand wat 'n gevaargebied binnegegaan het of wat daarin gevind word in 'n bedwelmde toestand, moet onmiddellik deur die veiligheidsbestuurder of 'n ander persoon wat deur hom daartoe gemagtig is, gearresteer en aan die Suid-Afrikaanse Polisie oorgelewer word.

2.10.3 Niemand mag enige tabak, in watter vorm ook al, vuurhoutjies, sigaretaanstekers of enige middel om 'n onbeskermdde vlam te verkry, in of deur 'n gevaargebied neem of probeer neem nie, of in 'n gevaargebied rook nie, uitgesonderd op die voorwaardes deur die okkuperder bepaal.

2.10.4 Elkeen wat 'n gevaargebied binnegaan moet, deur homself te deursoek, seker maak dat hy geen artikels wat kragtens die regulasies verbied word, by hom het nie, en die sekerheidswag of ander persoon daartoe gemagtig deur die veiligheidsbestuurder moet sodanige persoon ook betreffende sodanige artikels ondervra.

2.10.5 Geen eetware, medisyne of drinkbare vloeistowwe mag 'n gevaargebied binnegeneem of daar verbruik word nie, uitgesonderd in die erkende eetkamers of ander plekke wat deur die veiligheidsbestuurder aangewys is: Met dien verstande dat water in veilige en onbesoedelde omstandighede gedrink kan word.

2.10.6 Enigeen wat die gevaargebied deur die normale plekke van toegang of uitgang wat deur die veiligheidsbestuurder aangewys is, binnegaan of verlaat, moet seker maak dat die hekwag, sekerheidswag of 'n ander persoon wat deur die veiligheidsbestuurder daartoe gemagtig is, hom geïdentifiseer het, en enigeen wat 'n gevaargebied binnegaan of verlaat of wat daarin gevind word, moet toelaat dat die hekwag, sekerheidswag of 'n ander persoon wat deur die veiligheidsbestuurder daartoe gemagtig is hom deursoek.

the purposes of this regulation be deemed to refer to an inspector as defined in section 1 of the Act."

6. The following regulation is hereby substituted for regulation 2.9.2 of the Regulations:

"2.9.2 Every employee shall carry out a lawful order given to him and shall obey the rules and procedures prescribed or introduced by his employer, the safety manager or any other person authorised thereto by the employer or safety manager."

7. The following regulation is hereby inserted in the Regulations after regulation 2.9.2:

"2.9.3 Every employee shall, where a potentially unsafe situation at or near his workplace comes to his attention, immediately report such situation to a supervising official."

8. The following regulation is hereby substituted for regulation 2.10 of the Regulations:

"2.10.1 Only persons or vehicles authorised thereto by the safety manager shall be permitted to enter any danger area.

2.10.2 No person shall take or attempt to take intoxicating liquor or narcotics into or through any danger area unless he is authorised thereto in writing by the safety manager. No person shall when under the influence of intoxicating liquor or a narcotic enter or be in such danger area. Any person who has entered a danger area or been found there in a state of intoxication shall be arrested immediately by the safety manager or any other person authorised thereto by him and be handed over to the South African Police.

2.10.3 No person shall take, or attempt to take, tobacco, in whatever form, matches, cigarette lighters or any means of producing a naked flame into or through any danger area, or smoke in a danger area, except under such conditions as determined by the occupier.

2.10.4 Every person entering a danger area shall make certain by searching himself that he has about him no articles prohibited in terms of the regulations and the security guard or other person authorised by the safety manager shall also question such person as to such articles.

2.10.5 No food, medicine or drinkable fluids shall be taken into or consumed within a danger area, except in the recognised messrooms or other places designated by the safety manager: Provided that water may be consumed under safe and uncontaminated circumstances.

2.10.6 Any person entering or leaving the danger area through the normal points of entry or exit designated by the safety manager shall ensure that the gatekeeper, security guard or other person authorised by the safety manager has identified him, and any person entering, leaving or found in the danger area shall submit to being searched by the gatekeeper, security guard or other person authorised thereto by the safety manager.

2.10.7 Niemand mag 'n gevaargebied binnegaan of verlaat by 'n ander plek as die aangewese plekke van toegang of uitgang nie, tensy hy spesiale toestemming daartoe by die veiligheidsbestuurder of by 'n deur hom benoemde toesigbeampte, verkry het, en in sodanige geval moet die persoon die hekwag, sekerheidswag of 'n ander persoon wat deur die veiligheidsbestuurder daartoe gemagtig is, by 'n aangewese beheerpunt onmiddellik in kennis stel van sy binnekoms van of vertrek uit die gevaargebied."

9. Regulasie 2.11 van die Regulasies word hierby deur die volgende regulasie vervang:

- "2.11.1 'n Gebou waarin ontplofbare stowwe vervaardig of gehou mag word kragtens die bepalings van die lisensie, mag alleenlik vir sodanige doeleindes gebruik word as wat in die lisensie bepaal word en om goedgekeurde houers, gereedskap of werktuie wat nodig is vir sodanige doeleindes, te bewaar.
- 2.11.2 Alle geboue moet in 'n goeie toestand gehou word en die binnekant van 'n gebou waarin 'n vervaardigingsproses uitgevoer word of waarin ontplofbare stowwe of bestanddele daarvan in enige stadium van die vervaardigingsproses mag wees, hetsy gemeng of gedeeltelik gemeng, insluitende die banke, rakke en toebehore in die geboue, moet, vir sover dit redelikerwys uitvoerbaar is, skoon en vry van grint gehou word.
- 2.11.3 Geboue wat in verband met die vervaardiging van ontplofbare stowwe gebruik word, maar waarin daar geen materiaal gemaak of gebruik word wat ontplofbaar is nie, word nie as gevaargebou beskou nie en die betrokke bylaes van die lisensie wat 'n onderskeid tref tussen sodanige geboue en gevaargebou, word geag 'n sertifikaat te dien effekte te wees.
- 2.11.4 Elke gevaargebou moet teen weerlig beskerm word in ooreenstemming met die SABS-gebruikskode, tensy skriftelike vrystelling deur 'n inspekteur verleen is, en alle gevaargeboue wat metaalmure of -dakke het, met inbegrip van installasies en masjiene daarin, moet doeltreffend geaard wees.
- 2.11.5 Geen houtskool, hetsy gemaal of andersins, geoliede of olierige katoenlappe, of poetskatoen of enige artikel hoegenaamd wat selfontstekend is, mag 'n gevaargebou binnegeneem word nie, uitgesonderd vir doeleindes van onmiddellike gebruiksvorraad en werk of vir onmiddellike gebruik in die gebou, en moet na afloop van die werk of gebruik onmiddellik verwyder word.
- 2.11.6 Voordat herstelwerk aan of in 'n gevaargebou gedoen word, moet daardie gebou, vir sover dit redelik uitvoerbaar is, skoongemaak word deur alle ontplofbare stowwe en bestanddele daarvan, hetsy gemeng of andersins, daaruit te verwyder, en indien nodig, deur die gebou of deel van die gebou waaraan of waarin herstelwerk nodig is, deeglik uit te was. Nadat die gebou aldus skoongemaak is, word dit geag nie 'n gevaargebou te wees by die toepassing van die Wet en hierdie regulasies nie, totdat die ontplofbare stowwe of die bestanddele daarvan weer die gebou binnegebring word.
- 2.11.7 Die amptelike nommer van die gebou moet te alle tye aangeheg wees aan die buitemuur van elke gebou binne die gevaargebied en naby die hoofdeur daarvan. In elke gevaargebou moet daar te alle tye op 'n opvallende plek waar dit maklik

2.10.7 No person may enter or leave a danger area at any point other than the normal points of entry or exit, unless he has obtained special permission therefor from the safety manager or a supervising official appointed by him, and in such case the person shall immediately advise the gatekeeper, security guard or other person authorised thereto by the safety manager, at a designated point of control, of his entry to or exit from the danger area."

9. The following regulation is hereby substituted for regulation 2.11 of the Regulations:

- "2.11.1 Every building in which explosives may, under the terms of the licence, be manufactured or kept, shall be used only for such purposes as are provided for in the licence and for the keeping of approved receptacles, tools or implements necessary for such purpose.
- 2.11.2 All buildings shall be maintained in good order and the interior of every building in which any manufacturing process is carried on or which may, at any stage of the process of manufacture, contain explosives or any ingredients thereof, either mixed or partially mixed, including the benches, shelves and fittings in such buildings, shall, so far as is reasonably practicable, be kept clean and free of grit.
- 2.11.3 Buildings used in connection with the manufacture of explosives but in which no material of an explosive nature is made, used or kept, shall not be deemed to be danger buildings and the relative schedules of the licence distinguishing such buildings from danger buildings shall be deemed to be a certificate to this effect.
- 2.11.4 Every danger building shall be protected against lightning in accordance with the SABS code of practice, unless exempted, in writing, by an inspector, and all danger buildings having metal walls or roofs, including all plants and machines in such buildings, shall be efficiently earthed.
- 2.11.5 No charcoal, whether ground or otherwise, oiled or oily cotton rags or cotton waste, or any article whatsoever liable to spontaneous ignition shall be taken into any danger building except for the purpose of immediate supply and work, or for immediate use in such building, and upon the cessation of such work or use it shall be removed forthwith.
- 2.11.6 Before repairs are done to or in any danger building such building shall, so far as is practicable, be cleaned by the removal of all explosives and ingredients thereof, whether mixed or otherwise, and, if necessary, by the thorough washing out of the building or part of the building to or in which repairs are required. After the building has so been cleaned it shall not be deemed to be a danger building for the purpose of the Act and these regulations until explosives or the ingredients thereof are again taken into it.
- 2.11.7 The official number of the building shall be kept constantly affixed on the outer wall of every building within the danger area and near the main door thereof. Inside every danger building there shall be constantly affixed, in a conspicuous

gelees kan word, 'n uittreksel opgeplak wees van die fabriekslisensie wat betrekking het op die gebou en waarin die hoeveelhede ontplofbare stowwe of bestanddele daarvan wat in die gebou toegelaat word, die werksaamhede wat daarin uitgevoer kan word en die getal persone wat toegelaat word om in die gebou te wees, aangedui word. 'n Afskrif van hierdie regulasies en van die voorskrifte betreffende die werksaamhede in die gebou deur die veiligheidsbestuurder goedgekeur en kragtens regulasie 2.11.16 uitgereik moet in elke gevaargebou geredelik beskikbaar wees. Sodanige regulasies, uittreksel van die fabriekslisensie en voorskrifte en ander vereistes moet in Afrikaans en Engels gedruk of getik wees.

- 2.11.8 Beskermende klere, soos voorgeskryf deur die veiligheidsbestuurder, moet aan elke persoon wat die gevaargebied binnegaan, uitgereik en deur hom gedra word.
- 2.11.9 'n Vervoermiddel of houer waarin ontplofbare stowwe of die gedeeltelik gemengde bestanddele daarvan vervoer word, mag slegs sodanige ontplofbare stowwe en bestanddele bevat, en moet toegemaak of andersins behoorlik bedek wees. Die ontplofbare stowwe en bestanddele moet so spoedig en versigtig moontlik vervoer word en met sodanige voorsorg en op so 'n wyse dat daar doeltreffend gewaak word teen enige toevallige ontsteking of ontploffing daarvan.
- 2.11.10 Niemand onder die ouderdom van 18 jaar mag werksaam wees in of by 'n gevaargebou ingaan nie, uitgesonderd in die teenwoordigheid en onder toesig van 'n persoon bo die ouderdom van 21 jaar.
- 2.11.11 Niemand mag in 'n gevaargebou werksaam wees nie, tensy daar 'n bekwame en behoorlik opgeleide persoon, wat Afrikaans of Engels vlot kan praat, in bevel is.
- 2.11.12 Elke bestanddeel wat tot ontplofbare stowwe verwerk word, wat of op sigself ontplofbare eienskappe het, of wat, wanneer gemeng met 'n ander bestanddeel of voorwerp wat ook in 'n gevaargebou aangetref word, 'n ontplofbare mengsel of verbinding kan vorm, moet so spoedig en versigtig moontlik uit so 'n gebou verwyder word so gou as die gemagtigde proses in verband met daardie bestanddele wat in die gebou plaasvind, voltooi is, en alle voltooide ontplofbare stowwe moet so spoedig en versigtig moontlik na 'n fabrieksmagasin geneem word of onmiddellik uit die fabriek uit weggestuur word, en die ontplofbare stowwe en bestanddele moet so spoedig en versigtig moontlik op- of afgelaai word.
- 2.11.13 Wanneer die aanwesigheid van onsuiverhede in ontplofbare stowwe of 'n bestanddeel daarvan 'n gevaar inhou, moet alle bestanddele wat tot ontplofbare stowwe verwerk of daarin gemeng moet word, voordat dit aldus verwerk of gemeng word, versigtig ondersoek, gesif, of andersins behandel word om alle sodanige gevaarlike onsuiverhede, vir sover dit uitvoerbaar is, daaruit te verwyder of uit te sluit.
- 2.11.14 As 'n donderstorm in die onmiddellike omgewing van die fabriek naderkom of ontwikkel wat na die mening van die veiligheidsbestuurder of 'n toesigbeampte wat deur hom aangestel is, 'n gevaar inhou, moet die gevaargeboue toegemaak word en alle persone wat daarin of daarbuite werksaam is, weggestuur word. Waar 'n werksaamheid aan die gang is wat gevaar inhou as dit

position, where it can be easily read, an extract from the factory licence that refers to the building, which indicates the quantities of explosives or ingredients thereof allowed to be in the building, the operations that may be carried on therein and the number of persons allowed to be in the building. A copy of these regulations and of the instructions relating to the operations in the building approved by the safety manager and issued in terms of regulation 2.11.16 shall be kept readily available inside each danger building. Such regulations, extract from the factory licence and instructions and any other requirements shall be printed or typed in English and Afrikaans.

- 2.11.8 Any person entering the danger area shall be issued with and shall wear such protective clothing as determined by the safety manager.
- 2.11.9 Any vehicle or receptacle in which explosives, or the partly mixed ingredients thereof, are conveyed, shall contain only such explosives and ingredients, and shall be closed or otherwise properly covered. The explosives and ingredients shall be conveyed as quickly and carefully as possible and with such precaution and in such manner as will effectively guard against any accidental ignition or explosion.
- 2.11.10 No person under the age of 18 years shall be employed in or enter any danger building, except in the presence and under the supervision of a person over the age of 21 years.
- 2.11.11 No person shall be employed in any danger building, unless there is a competent, properly trained person, capable of speaking English or Afrikaans fluently, in charge.
- 2.11.12 Every ingredient that is manufactured into explosives that either by itself possesses explosives properties or which when mixed with any other ingredient or object also present in any danger building is capable of forming an explosive mixture or an explosive compound shall be removed as quickly and carefully as possible from such building as soon as the authorised process connected with those ingredients that is carried on in such building is completed, and all finished explosives shall be removed as quickly and carefully as possible to a factory magazine or dispatched immediately from the factory, and such explosives and ingredients shall be loaded or unloaded as quickly and carefully as possible.
- 2.11.13 When the presence of foreign matter in the explosives or any ingredient thereof constitutes a danger, all ingredients to be made or mixed into explosives shall, before being so made or mixed, be carefully examined, sifted or otherwise treated for the purpose of removing therefrom or excluding, so far as practicable, all such dangerous foreign matter.
- 2.11.14 If, in the opinion of the safety manager, or a supervising official appointed by him, the approach or development of a thunderstorm in the vicinity of the factory constitutes a danger, the danger buildings shall be closed and every person engaged in or about them shall be withdrawn.
- Where an operation is in progress the stopping of which would constitute a danger, the operation

- gestaak word, moet die werkzaamheid voortgesit word tot op die stadium waar dit met veiligheid gestaak kan word, en geen sodanige werkzaamheid mag hervat word terwyl die donderstorm, na die mening van die veiligheidsbestuurder of toesigbeampte wat deur hom aangestel is, steeds gevaar inhou nie.
- 2.11.15 Soveel van die grond om 'n gevaargebou wat nodig is om die gevaar van grasbrande so gering as moontlik te maak, moet vry van gras en ander gewasse gehou word.
- 2.11.16 Die veiligheidsbestuurder moet die metodes, materiale, toerusting en gereedskap wat by elke vervaardigingswerkzaamheid gebruik moet word, skriftelik goedkeur.
- 2.11.17 Toesigbeamptes moet seker maak dat alle operateurs onder hulle beheer vertrou is met hierdie regulasies en die toepaslike bedryfsvoorskrifte en enige ander vereistes wat deur die okkupeerder neergelê word.
- 2.11.18 Besoekers aan 'n gevaargebied wat nie vertrou is met die roetes binne die gevaargebied nie moet, terwyl hulle in die gevaargebied is, begelei word deur 'n wag of ander fabrieksbeampte wat vir die doel aangewys is.
- 2.11.19 Alle werknemers moet met die mees regstreekse gemagtigde roete na en van hulle werksplekke gaan.
- 2.11.20 Niemand mag enige gevaargebou of enige plek in 'n gevaargebied besoek of daar vertoef nie, uitgesonderd in die normale nakoming van sy pligte.
- 2.11.21 Iemand in 'n gevaargebied moet te alle tye orde-lik optree.
- 2.11.22 Die spoed van geen vervoermiddel in die gevaargebied mag 35 km/h te bowe gaan nie. Vervoermiddels wat ontplofbare stowwe vervoer, het te alle tye ryvoorrang bo alle ander voertuigverkeer. Voetgangers wat van paaie in die gevaargebied gebruik maak, moet so ver as doenlik so loop dat hulle in die rigting van die aankomende verkeer kyk.
- 2.11.23 'n Handaangedrewe vervoermiddel, hetsy dit ontplofbare stowwe bevat al dan nie, mag nie vinniger as teen 'n loopas voortbeweeg word nie. 'n Handaangedrewe vervoermiddel mag nie laat los word nie, tensy dit eers tot stilstand gebring is. Ongemagtigde bemoeiing met die remme van sodanige vervoermiddels is verbode. Vervoermiddels wat ontplofbare stowwe bevat, mag nie alleen gelaat word nie, uitgesonderd in aangewese plekke.
- 2.11.24 Slegs houers wat spesiaal verskaf is vir die vervoer van ontplofbare stowwe mag gebruik word vir die vervoer van ontplofbare stowwe en die houers moet altyd skoon, vry van grint en in 'n goeie onderhoudstoestand gehou word.
- 2.11.25 Ontplofbare stowwe of materiale wat met ontplofbare stowwe besoedel is of houers wat ontplofbare stowwe bevat of wat met ontplofbare stowwe besoedel is, mag nie 'n gebou wat nie gelisensieer is om ontplofbare stowwe te bevat, binnegeneem word nie.
- 2.11.26 Houers wat ontplofbare stowwe bevat, mag slegs op die goedgekeurde manier hanteer word.
- 2.11.27 Beweegbare voorwerpe in 'n gevaargebou, of voorwerpe wat met ontplofbare stowwe besoedel is, mag slegs op die goedgekeurde manier hanteer word.
- shall be continued, to the point at which it can be suspended with safety and no such operation shall be recommenced while the thunderstorm, in the opinion of the safety manager or a supervising official appointed by him, continues to constitute a danger.
- 2.11.15 As much of the land around a danger building as may be necessary to minimise the risk of veld fires shall be kept clear of grass and other vegetation.
- 2.11.16 The safety manager shall approve, in writing, the methods, materials, equipment and tools to be used in each of the manufacturing operations.
- 2.11.17 Supervising officials shall ensure that all operators under their control are acquainted with these regulations and the applicable operating instructions and any other requirements laid down by the occupier.
- 2.11.18 Visitors to a danger area who are not acquainted with the routes within the danger area shall be escorted while in the danger area by a guard or other factory official detailed for this purpose.
- 2.11.19 All employees shall proceed to and from their places of work by the most direct authorised route.
- 2.11.20 No person may visit or remain at any danger building or any place in a danger area, except in the normal course of his duties.
- 2.11.21 Every person in a danger area shall at all times behave in an orderly manner.
- 2.11.22 The speed of any vehicle in a danger area shall not exceed 35 km/h. Vehicles conveying explosives shall at all times have the right of way over all other vehicular traffic. Pedestrians using roads in the danger area shall as far as practicable walk facing the oncoming traffic.
- 2.11.23 A manually propelled vehicle, whether or not it contains explosives, shall not be moved faster than at a walking pace. A manually propelled vehicle shall not be released until it has first been brought to a stop. Unauthorised interference with the brakes of such vehicles is prohibited. Vehicles containing explosives shall not be left unattended except at designated places.
- 2.11.24 Only containers specially provided for the conveyance of explosives shall be used for the transporting of explosives and such containers shall at all times be kept clean, free from grit and in a good state of repair.
- 2.11.25 Explosives or materials contaminated with explosives or containers which house explosives or which are contaminated with explosives shall not be taken into a building which is not licenced to contain explosives.
- 2.11.26 Containers of explosives shall be handled in the approved manner only.
- 2.11.27 Movable objects in a danger building or objects contaminated with explosives shall be handled in the approved manner only.

- 2.11.28 Ontploffbare stowwe mag in geen omstandighede aan die direkte strale van die son of direk aan reën blootgestel word nie en moet behoorlik bedek wees tydens vervoer.
- 2.11.29 Die voorwaardes bepaal in die lisensie van 'n gevaargebou moet nagekom word.
- 2.11.30 Alle leerling-operateurs in gevaargeboue moet 'n rooi armband dra totdat hulle opleidingstydperk voltooi is.
- 2.11.31 Ondanks die gemagtigde perke van die lisensie, moet dit as 'n vaste gebruik aanvaar word dat wanneer die hoeveelheid ontploffbare stowwe of die getal operateurs ook al verminder kan word, dit gedoen moet word.
- 2.11.32 Elkeen in 'n gevaargebied moet sy werk op 'n versigtige en reëlmatige manier verrig en moet hom onthou van enige handeling wat skok, wrywing of die geringste risiko van brand of ontploffing inhou. Enige werksaamheid wat blykbaar die uitoefening van buitengewone krag vereis, moet onmiddellik gestaak word en die aangeleentheid moet aan 'n toesigbeampte gerapporteer word. Alle gereedskap, toerusting en beweegbare voorwerpe moet met die grootste sorg hanteer word en mag nie neergegooi of laat val word nie.
- 2.11.33 Indien 'n ongeval plaasvind, abnormale toestande ontdek word of 'n ongewone voorval plaasvind moet werksaamhede onmiddellik gestaak word, uitgesonderd waar dit nie moontlik is nie as gevolg van die aard van die proses, in welke geval daar onmiddellik opgetree moet word ooreenkomstig die betrokke voorgeskrewe prosedures, en so gou as moontlik aan 'n toesigbeampte gerapporteer word. Geen verdere stappe mag gedoen word voordat instruksies ontvang word nie, uitgesonderd dat, in 'n noodtoestand, die operateur ter plaatse onmiddellik in ooreenstemming met die voorgeskrewe prosedures moet optree om toestande veilig te maak en die toestand so gou moontlik aan 'n toesigbeampte moet rapporteer.
- 2.11.34 'n Operateur moet sonder versuim rapporteer indien enige masjinerie of toerusting onder sy beheer aandag nodig het.
- 2.11.35 Alle masjinerie en toerusting en die omstreke van gevaargeboue moet skoon gehou word. Daar moet met die veegsels en afval uit gevaargeboue gehandel word ooreenkomstig die voorgeskrewe prosedures.
- 2.11.36 Die operateur in bevel van 'n gevaargebou moet te alle tye in staat wees om beheer uit te oefen oor die werksaamhede in die gevaargebou. Wanneer werksaamhede gestaak word, moet die operateur in bevel seker maak dat die gebou en uitrusting skoon is. Hy moet daarna die gebou toesluit en die sleutels by die aangewese plek afgee.
- 2.11.37 Alle deure van 'n gevaargebou moet oopgesluit en ontgrendel bly terwyl werksaamhede aan die gang is. Daar mag nie toegelaat word dat deure toeklap nie. 'n Oop deurgangstrook moet te alle tye na alle ingange en uitgange behou word.
- 2.11.38 'n Operateur mag geen metaal- of glasartikel of enigiets wat waarskynlik 'n brand of ontploffing kan veroorsaak, in 'n gevaargebou inneem nie, uitgesonderd voorwerpe wat vir vervaardigings-, onderhouds- of konstruksiedoeleindes gemagtig is.
- 2.11.28 Under no circumstances may explosives be exposed to the direct rays of the sun or direct to rain, and shall be properly covered during transport.
- 2.11.29 The conditions as laid down in the licence of a danger building shall be observed.
- 2.11.30 All trainee operators in danger buildings shall wear a red arm band until their training period is completed.
- 2.11.31 Notwithstanding authorised licence limits, it shall be accepted as a firm practice that whenever the quantity of explosives or the number of operators can be reduced this shall be done.
- 2.11.32 Every person in a danger area shall perform his work in a careful and regular manner and shall avoid any act involving shock, friction or the slightest risk of fire and explosion. Any operation which appears to require the exertion of unusual force shall be suspended at once and the matter reported to a supervising official. All tools equipment and movable objects shall be handled with the greatest care and shall not be thrown down or allowed to fall.
- 2.11.33 In the event of any mishap occurring, abnormal conditions being discovered or any unusual occurrence taking place, operations shall be stopped immediately, except where this is not possible owing to the nature of the process, in which case immediate action shall be taken in accordance with the relevant procedures laid down and a report shall be made to a supervising official as soon as possible. No further action shall be taken until instructions have been received, except that in an emergency immediate action shall be taken by the operator on the spot in accordance with prescribed procedures in order to render conditions safe and a report shall be made as soon as possible to a supervising official.
- 2.11.34 An operator shall report without delay if any plant or equipment under his control requires attention.
- 2.11.35 All plant and equipment and the environs of danger buildings shall be kept clean. The sweepings and waste from danger buildings shall be dealt with according to prescribed procedures.
- 2.11.36 The operator in charge of a danger building shall at all times be in a position to exercise control of the operations in the danger building. When operations are terminated the operator in charge shall ensure that the building and equipment are clean. He shall then lock up the building and deposit the keys at the designated place.
- 2.11.37 All the doors of a danger building shall remain unlocked and unbolted while operations are in progress. Doors shall not be allowed to slam. A clear passage shall be kept to all entrances and exits at all times.
- 2.11.38 No metal or glass article or anything likely to cause a fire or explosion may be taken into danger buildings by operators, except objects authorised for manufacturing, maintenance or construction purposes.

2.11.39 Alle redelike voorsorg moet getref word om te voorkom dat vreemde materiale, soos grint, klippe en spykers, in gevaargeboue of ontplofbare stowwe kan kom. Indien enige vreemde materiaal in ontplofbare stowwe of in die bestandele gevind word, moet werksaamhede gestaak en die saak dadelik aan 'n toesigbeampte gerapporteer word.

2.11.40 Slegs die gereedskap, toerusting of beweegbare artikels wat deur die veiligheidsbestuurder gemagtig is en wat op 'n los artikellys verskyn wat in 'n gevaargebou aangebring is, mag in die gevaargebou gebruik word terwyl daar ontplofbare stowwe daarin is, tensy andersins gemagtig deur die veiligheidsbestuurder. Sodanige gereedskap, toerusting en artikels mag nie sonder magtiging uit die gebou verwyder word nie en wanneer hulle nie in gebruik is nie, moet hulle op hulle aangewese plekke in die gebou gehou word. Geen sodanige artikels mag gebruik word nie tensy hulle in 'n goeie toestand is.

2.11.41 Alle redelike voorsorg moet getref word om die storting van ontplofbare stowwe uit uitrusting, hanteringstoerusting of houers te voorkom. Die operateur in bevel moet op die toepaslike manier handel met stortings van ontplofbare stowwe waarvoor skoonmaakprosedures in die spesiale reëls vir die bepaalde gevaargebou voorgeskryf is. Enige buitengewone storting van ontplofbare stowwe waarvoor daar nie skoonmaakprosedures in die spesiale reëls voorgeskryf is nie, moet onmiddellik deur die operateur aan die toesigbeampte gerapporteer word, wat dan op die toepaslike manier met die storting moet handel.

2.11.42 Buigsame deurverbindinge (aardingsbande) moet deur die operateur in bevel van 'n gevaargebou geïnspekteer word voordat toegelaat word dat werksaamhede begin.

2.11.43 Geen gevaargebou mag bedryf word nie tensy die lugtemperatuur en die relatiewe humiditeit binne die gebou en die temperatuur van die ontplofbare stowwe binne die gebou binne die voorgeskrewe perke is.

2.11.44 In die geval waar 'n gevaarlike gas ontsnap of afgegee word, moet alle persone onmiddellik die gebou verlaat en/of die gebied ontruim en die toesigbeampte in kennis stel, wat die situasie ooreenkomstig die voorgeskrewe prosedures moet hanteer.

2.11.45 Iemand wat stikstofoksiedamp of 'n ander giftige gas ingeasem het of dink dat hy moontlik daarvan ingeasem het, moet die saak sonder versuim aan 'n toesigbeampte rapporteer en homself onderwerp aan 'n ondersoek deur 'n mediese praktisyn en aan sodanige behandeling as wat hy voorskryf. Die betrokke toesigbeampte moet seker maak dat iemand wat stikstofoksiedamp of 'n ander giftige gas ingeasem het of dit moontlik ingeasem het of wat aan omstandighede blootgestel was waarin hy dit moontlik ingeasem het, as 'n draagbaargeval behandel word en sonder versuim deur 'n mediese praktisyn ondersoek word.

2.11.46 Geen materiaal, masjinerie, toerusting, gereedskap, produk of ontplofbare stof mag uit gevaargebiede verwyder word nie, tensy dit vergesel gaan van 'n permit wat uitgereik is deur 'n toesigbeampte wat deur die veiligheidsbestuurder daartoe gemagtig is. Alle operateurs moet hulleself deursoek voordat hulle hulle geboue verlaat, ten

2.11.39 All reasonable precautions shall be taken to prevent foreign materials such as grit, stones and nails from finding their way into danger buildings or explosives. Should any foreign material be found in explosives or in the ingredients, operations shall be stopped and the matter shall be reported at once to a supervising official.

2.11.40 Only those tools, equipment or movable articles entered on the loose article list authorised by the safety manager that is posted up in a danger building may be used in the danger building while explosives are present, unless otherwise authorised by the safety manager. Such tools, equipment and articles shall not be removed from the building without authority and when not in use they shall be kept in their appointed places in the building. No such articles may be used unless they are in a good state of repair.

2.11.41 All reasonable precautions shall be taken to prevent the spillage of explosives from equipment, handling equipment or containers. The spillage of explosives for which cleaning procedures have been laid down in the special rules for the particular danger building shall be dealt with in the appropriate manner by the operator in charge. Any unusual spillage of explosives for which no cleaning procedures have been laid down in the special rules shall be reported immediately by the operator to the supervising official, who shall then deal with the spillage in the appropriate manner.

2.11.42 Flexible bonding (earthing) straps shall be inspected by the operator in charge of a danger building before operations are allowed to commence.

2.11.43 No danger building may be operated unless the atmospheric temperature and relative humidity inside the building and the temperature of the explosives in the building are within the prescribed limits.

2.11.44 In the event of a dangerous gas escaping or being emitted, all persons shall immediately leave the building and/or evacuate the area and shall inform the supervising official, who shall handle the situation in accordance with prescribed procedures.

2.11.45 Any person who has inhaled, or thinks that he might have inhaled, fumes of oxides of nitrogen or any other poisonous gas shall report the matter to the supervising official without delay and such person shall subject himself to an examination by a medical practitioner and to such treatment as he may prescribe. The supervisor concerned shall ensure that a person who has inhaled or might have inhaled or has been exposed to conditions under which he might have inhaled fumes of oxides of nitrogen or any other poisonous gas is treated as a stretcher case and is examined by a medical practitioner without delay.

2.11.46 No material, plant, equipment, tools, product or explosive may be removed from danger areas unless it is accompanied by a permit issued by a supervising official, authorised by the safety manager. All operators shall search themselves

einde seker te maak dat geen ontplofbare materiaal per abuis uit die gebou weggeëem word nie.

- 2.11.47 Alle ontplofbare afvalstowwe, papier, hout, lappe, katoenafval en soortgelyke materiaal wat met ontplofbare stowwe in aanraking was, moet op die gemagtigde wyse weggedoen word. Aan die einde van die dag moet die operateur in bevel seker maak dat alle afval en vloerveegsels afkomstig van gevaargeboue in die aangewese plek geplaas word.
- 2.11.48 Alle materiaal wat vir herstelwerk na fabriekswerkwinkels buite 'n gevaargebied gestuur word moet vergesel gaan van 'n permit geteken deur 'n persoon wat daartoe gemagtig is deur die veiligheidsbestuurder. In die permit moet daar duidelik gesertifiseer word dat die materiaal nie met ontplofbare stowwe in aanraking was nie of dat dit op die goedgekeurde wyse gedekontamineer is. Die permit mag nie vernietig word nie voordat die herstelwerk voltooi is en die materiaal na die gevaargebied teruggestuur is.
- 2.11.49 Alle brandbestrydingsapparaat en noodtoerusting wat dwarsdeur die gevaargebied voorsien word, moet so geplaas en gehou word dat hulle maklik sigbaar en vir gebruik toeganklik is wanneer nodig. Sodanige apparaat mag vir geen ander doel as brandbestryding, optrede in noodtoestande, opleiding of toetsing gebruik word nie. Enigeen wat 'n brandbestrydingsapparaat of noodtoerusting gebruik het, moet dit skriftelik aan 'n toesigbeampte rapporteer.
- 2.11.50 Wanneer 'n fabriek vir 'n onbepaalde tydperk of permanent sluit, moet die okkupeerder of veiligheidsbestuurder aan die Hoofinspekteur van Ontplofbare Stowwe ten minste drie maande kennis gee van sodanige voorneme en ook 'n opgawe by hom indien van alle ontplofbare stowwe en bestanddele daarvan in die fabriek. Daar moet oor hierdie ontplofbare stowwe en bestanddele beskik word op 'n wyse deur 'n inspekteur goedgekeur.
- 2.11.51 Uitgesonderd met die skriftelike toestemming van 'n inspekteur, mag geen ontplofbare stowwe gehou word op die perseel van 'n fabriek wat gesluit het nie."

10. Regulasie 2.12 van die Regulasies word hierby deur die volgende regulasie vervang:

"2.12 Ontplofbare stowwe vir die vervaardiging waarvan daar nie in hierdie Hoofstuk voorsiening gemaak is nie, moet slegs op sodanige plekke en wyse vervaardig word as wat skriftelik deur 'n inspekteur voorgeskryf word."

11. Regulasie 2.13 van die Regulasies word hierby deur die volgende regulasie vervang:

"2.13 Die Hoofinspekteur van Ontplofbare Stowwe kan na goeëdunke skriftelike vrystelling van die bepalings van hierdie Hoofstuk verleen en kan sodanige addisionele voorwaardes as wat hy nodig mag ag, skriftelik voorskryf."

12. Regulasie 2.14 van die Regulasies word hierby deur die volgende regulasie vervang:

"STRAFBEPALING

2.14 Iemand wat deur 'n handeling of versuim enigeen van die regulasies ingevolge hierdie hoofstuk oortree, is skuldig aan 'n misdryf, en by skuldigbevinding strafbaar met 'n boete van hoogstens seshonderd rand (R600) of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande, of met sowel sodanige boete as sodanige gevangenisstraf."

before leaving their building to ensure that explosive material is not inadvertently carried out of the building.

2.11.47 All explosive waste, paper, timber, rags, cotton waste and similar materials, which have been in contact with explosives, shall be disposed of in the authorised manner. At the end of the day the operator in charge shall ensure that all waste and floor sweepings from danger buildings are deposited in the designated place.

2.11.48 All material which is sent to factory workshops outside a danger area for repair shall be accompanied by a permit signed by a person authorised by the safety manager. This permit shall clearly certify that the material has not been in contact with explosives or that it has been decontaminated in the approved manner. The permit shall not be destroyed before the repair has been completed and the material returned to the danger area.

2.11.49 All fire fighting appliances and emergency equipment provided throughout the danger area shall be so placed and kept that they are readily visible and accessible for use when required. Such appliances shall not be used for any purpose other than fire fighting, an emergency, training or testing. Any person who has used a fire fighting appliance or emergency equipment shall report the fact, in writing, to a supervising official.

2.11.50 Whenever a factory closes down for an indefinite period, or permanently, the occupier or safety manager shall give at least three months' notice of such intention to the Chief Inspector of Explosives and shall render a return of all explosives and ingredients thereof in the factory. Such explosives and ingredients shall be disposed of in a manner to be approved by an inspector.

2.11.51 Except with the permission in writing of an inspector, no explosives shall be kept on the premises of a factory which has closed down."

10. The following regulation is hereby substituted for regulation 2.12 of the Regulations:

"2.12 Explosives, the manufacture of which is not provided for in this Chapter, shall be manufactured only at such place and in such manner as may be prescribed, in writing, by an inspector."

11. The following regulation is hereby substituted for regulation 2.13 of the Regulations:

"2.13 The Chief Inspector of Explosives may, at his discretion, give written exemption from the provisions of this Chapter and may prescribe, in writing, such additional conditions as he may deem necessary."

12. The following regulation is hereby substituted for regulation 2.14 of the Regulations:

"PENALTY

2.14 Any person who by any act or omission commits a breach of any of the regulations under this chapter, shall be guilty of an offence and liable on conviction to a fine not exceeding six hundred rand (R600) or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment."

13. Die Regulasies word hierby gewysig deur regulasies 2.15 en 2.16 te skrap.

14. Hoofstuk 11 van die Regulasies word hierby deur die volgende hoofstuk vervang:

“HOOFSTUK 11

ONGELUKKE EN ONDERSOEKE

11.1.1 Wanneer 'n ongeluk ook al voorkom—

- (a) by 'n fabriek vir ontplofbare stowwe, wat uitloop op beserings van 'n persoon of beskadiging van eiendom;
- (b) by 'n magasyn vir ontplofbare stowwe;
- (c) in 'n tunnel, gruisgat of uitgraving waarin ontplofbare stowwe ingevolge hierdie regulasies gebruik is of word, wat uitloop op besering van 'n persoon of beskadiging van eiendom;
- (d) in verband met enige manier waarop ontplofbare stowwe vervoer is;
- (e) deur 'n brand of ontploffing in of om 'n perseel wat geokkupeer word deur 'n handelaar in ontplofbare stowwe (met inbegrip van vuurwerke);
- (f) as gevolg van die gebruik van ontplofbare stowwe (met inbegrip van vuurwerke);
- (g) in verband met die aansteek of ontploffing van ontplofbare stowwe by enige ander plek wat aan hierdie regulasies onderworpe is,

moet die persoon wat amptelik in beheer is by die fabriek, magasyn, tunnel, gruisgat of uitgraving, die eienaar of persoon wat amptelik in beheer is van die vervoer, die eienaar of bestuurder van die perseel of die persoon wat die ontplofbare stowwe gebruik, na gelang van die geval, sonder versuim skriftelik en ook per telegraaf of telefoon die Hoofinspekteur van Ontplofbare Stowwe daarvan in kennis stel en volle besonderhede van die ongeluk verstrek.

11.1.2 Ongeag daarvan dat daar moontlik geen besering aan persone of beskadiging van eiendom veroorsaak is nie, moet elke ongeluk of gebeurtenis in verband waarmee ontplofbare stowwe of die bestanddele daarvan per ongeluk aangesteek is of ontplof het, 'n noodsaaklike onderdeel van masjinerie gebreek of onklaar geraak het waardeur die veiligheid van persone in gevaar gestel kan word, grootskaalse inkalwing of versakking van die grond of werkplekke en die onklaarraking van 'n vervoermiddel wat vir ontplofbare stowwe gebruik word, onmiddellik aan die Hoofinspekteur van Ontplofbare Stowwe gerapporteer word.

11.1.3 Wanneer 'n ongeluk ook al voorkom in verband waarmee ontplofbare stowwe of hulle bestanddele per ongeluk aangesteek is of ontplof het, of as gevolg van die gebruik van ontplofbare stowwe, en in alle ander ongelukke wat ingevolge hierdie regulasies gerapporteer moet word, wat die dood van of ernstige liggaamlike letsels aan 'n persoon veroorsaak, mag die plek waar die ongeluk voorgekom het, nie versteur of verander word voor die aankoms of sonder die toestemming van 'n inspekteur nie, tensy die versteuring onvermydelik is om verdere ongelukke te voorkom, oorledenes of beseerdes te verwyder of persone van gevaar te red.

11.1.4 Wanneer besering uitloop op die dood van die beseerde persoon nadat die amptelike verslag aangestuur is, moet die persoon wat amptelik in beheer is die Hoofinspekteur van Ontplofbare Stowwe daarvan in kennis stel.

13. The regulations are hereby amended by the deletion of regulations 2.15 and 2.16.

14. The following chapter is hereby substituted for Chapter 11 of the Regulations:

“CHAPTER 11

ACCIDENTS AND INQUIRIES

11.1.1 Whenever an accident occurs—

- (a) at an explosives factory, resulting in injury to a person or damage to property;
- (b) at an explosives magazine;
- (c) in any tunnel, quarry or excavation in which explosives have been or are being used in terms of these regulations, resulting in injury to a person or damage to property;
- (d) in connection with any mode of transport for explosives;
- (e) by fire or explosion in or about any premises occupied by a dealer in explosives (including fireworks);
- (f) as a result of the use of explosives (including fireworks);
- (g) in connection with the ignition or detonation of explosives at any other place subject to these regulations,

the person in official charge at the factory, magazine, tunnel, quarry or excavation, the owner or person officially in charge of the transport, the owner or manager of the premises, or the person using the explosives, as the case may be, shall forthwith give notice thereof in writing, and also by telegraph or telephone, to the Chief Inspector of Explosives, stating full particulars of such accident.

11.1.2 Whether injury to persons or damage to property is caused or not, every accident or occurrence in connection with the accidental ignition or detonation of explosives or their ingredients, the fracture or failure of any essential part of any machinery whereby the safety of persons may be endangered, extensive caving in or subsidence in the ground or works and the failure of any mode of transport used for explosives, shall be reported immediately to the Chief Inspector of Explosives.

11.1.3 Whenever an accident occurs in connection with the accidental ignition or detonation of explosives or their ingredients, or as a result of the use of explosives and in any other accident reportable under these regulations, which causes death or grievous bodily harm to any person, the place where the accident occurred shall not be disturbed or altered before the arrival or without the consent of an inspector, unless such interference is unavoidable to prevent further accidents, to remove the dead or injured, or to rescue persons from danger.

11.1.4 When injury results in the death of the injured person after the official report has been forwarded, the person who is officially in charge shall give notice thereof to the Chief Inspector of Explosives.

11.2.1 'n Inspekteur kan na goeddunke 'n ondersoek instel na enige voorval.

11.2.2 Vir doeleindes van 'n ondersoek in regulasie 11.2.1 bedoel, kan die inspekteur iemand by skriftelike kennisgewing dagvaar om op 'n dag en plek in die kennisgewing vermeld, voor hom te verskyn en getuienis af te lê of 'n boek, geskrif of saak voor te lê wat na die oordeel van die inspekteur op die onderwerp van die ondersoek betrekking het.

11.2.3 Die inspekteur kan iemand wat aanwesig is by die plek waar die ondersoek gehou word, ongeag of so iemand kragtens regulasie 11.2.2 gedagvaar is of nie, oproep om voor hom te verskyn, en kan—

- (a) so iemand ondervra of deur iemand anders laat ondervra;
- (b) van so iemand vereis om 'n boek, geskrif of saak in die dagvaarding vermeld of wat hy by hom het, voor te lê;
- (c) 'n boek, geskrif of saak deur so iemand voorgelê, vir 'n redelike tyd hou of beslag daarop lê indien dit na sy oordeel as bewys kan dien by die verhoor van iemand op aanklag van 'n misdryf kragtens die Wet, hierdie regulasies of die gemene reg.

11.2.4 Wanneer daar by 'n ondersoek getuienis afgelê word waaruit redelikerwyse vermoed word dat iemand 'n misdryf gepleeg het in verband met die voorval wat ondersoek word of op watter wyse ook al vir bedoelde voorval verantwoordelik gehou kan word, kan so iemand—

- (a) enigiemand wat by die ondersoek getuienis afgelê het of 'n boek, geskrif of saak voorgelê het, aan kruisondervraging onderwerp of deur sy regsvertegenwoordiger laat kruisvra;
- (b) die inspekteur versoek om iemand wat hy as getuie by die ondersoek verlang, te dagvaar om getuienis af te lê of om 'n boek, geskrif of saak voor te lê.

11.2.5 By ontvangs van 'n versoek bedoel in regulasie 11.2.4 (b) moet die inspekteur daardie persoon ooreenkomstig regulasie 11.2.2 dagvaar om voor hom te verskyn en getuienis af te lê of die betrokke boek, geskrif of saak voor te lê: Met dien verstande dat indien dit na die oordeel van die inspekteur nie nodig is dat bedoelde persoon getuienis aflê of daardie boek, geskrif of saak voorlê nie, hy nie daardie persoon dagvaar nie, tensy die persoon wat die versoek gerig het 'n bedrag by die inspekteur stort wat genoeg is om die getuiegeld te dek wat die Staat ingevolge regulasie 11.2.8 aan bedoelde persoon moet betaal.

11.2.6 Wanneer die inspekteur dit nodig ag, kan hy enigiemand gelas om sy getuienis onder eed of na die doen van 'n bevestiging af te lê, en die inspekteur kan so iemand die eed oplê of van hom 'n bevestiging aanneem.

11.2.7 Die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuienis af te lê of 'n stuk of saak voor te lê, is van toepassing in verband met die ondervraging van, of die voorlegging van 'n boek, geskrif of saak deur, iemand vir doeleindes van 'n ondersoek kragtens hierdie artikel.

11.2.1 An inspector may at his discretion conduct an inquiry into any incident.

11.2.2 For the purposes of an inquiry referred to in regulation 11.2.1 an inspector may by notice in writing summon any person to appear before him on a day and at a place specified in the notice and to give evidence or to produce a book, document or thing which in the opinion of the inspector has a bearing on the subject of the inquiry.

11.2.3 The inspector may call any person present at the place where the inquiry is conducted to appear before him, irrespective of whether or not such person was summoned under regulation 11.2.2, and may—

- (a) examine such person or cause such person to be examined by any other person;
- (b) require such person to produce a book, document or thing specified in the summons or which he may have with him;
- (c) retain for a reasonable period any book, document or thing produced by such person or seize it if in his opinion it may serve as evidence at the trial of any person charged with any offence under the Act, these regulations or the common law.

11.2.4 Whenever at an inquiry evidence is given from which it may reasonably be presumed that a person has committed an offence in connection with the incident which is being inquired into, or in any manner whatsoever may be held responsible for the said incident, such person may—

- (a) cross-examine any person who at such inquiry has given evidence or produced a book, document or thing, or cause such person to be cross-examined by his legal representative;
- (b) request the inspector to summon a person required by him as a witness at the inquiry to give evidence or to produce a book, document or thing.

11.2.5 Upon receiving a request referred to in regulation 11.2.4 (b) the inspector shall summon that person in accordance with regulation 11.2.2 to appear before him or to give evidence or to produce the book, document or thing in question: Provided that if in the inspector's opinion it is not necessary for the said person to give evidence or to produce such book, document or thing, he shall not summon that person unless the person who made the request deposits with the inspector an amount adequate to cover any witness fees which the State has to pay to the said person in terms of regulation 11.2.8.

11.2.6 Whenever the inspector deems necessary, he may direct any person to give his evidence on oath or affirmation, and the inspector may administer the oath to, or accept an affirmation from, such person.

11.2.7 The law relating to privilege as applicable to a person summoned to give evidence or to produce a document or thing before a court of law shall be applicable in connection with the examination or the production of a book, document or thing by any person for the purposes of an inquiry under this section.

- 11.2.8 Iemand wat gedagvaar is om voor 'n inspekteur te verskyn, is daarop geregtig om uit gelde deur die Parlement vir die doel bewillig as getuiegeld 'n bedrag te ontvang wat gelyk is aan die bedrag wat hy as getuiegeld sou ontvang het as hy gedagvaar was om strafregtelike verrigtinge in 'n landdroshof gehou op die plek vermeld in die dagvaarding, by te woon.
- 11.2.9 Die ondervraging van 'n getuie by 'n ondersoek vind in die openbaar plaas tensy die inspekteur anders gelas.
- 11.2.10 Die getuienis by 'n ondersoek kragtens hierdie artikel afgelê, word afgeneem en skriftelik deur die inspekteur saam met sy verslag aan die Hoof-inspekteur voorgelê, en in die geval van 'n voorval waarin of na aanleiding waarvan iemand beswyk, ernstig beseer is of ernstig siek geword het, moet die inspekteur 'n afskrif van bedoelde getuienis en verslag voorlê aan die Prokureur-generaal binne wie se regsgebied bedoelde voorval plaasgevind het.
- 11.2.11 Ondanks 'n andersluidende bepaling van die een of ander wet, word die verslag bedoel in regulasie 11.2.10 of 'n afskrif daarvan nie vir doeleindes van geregtelike verrigtinge blootgelê nie.
- 11.2.12 'n Ondersoek kragtens hierdie artikel kan te eniger tyd voortgesit word deur 'n inspekteur wat nie die inspekteur is voor wie die ondersoek begin het nie, en kan daarna weer voortgesit word deur die inspekteur voor wie die ondersoek begin het.
- 11.3.1 Die bepalings van regulasies 11.2.1 tot 11.2.12 raak nie die bepalings van 'n wet waardeur geregtelike doodsondersoeke of ander ondersoeke in die geval van dood weens ander oorsake as natuurlike oorsake, vereis en gereël word nie, en ten opsigte van elke voorval in daardie regulasies bedoel waarin of na aanleiding waarvan iemand beswyk het, moet daar, benewens 'n ondersoek kragtens daardie regulasies, ook die geregtelike doodsondersoek of ander ondersoek deur so 'n wet vereis, ingestel word: Met dien verstande dat 'n ondersoek kragtens genoemde regulasies en 'n geregtelike doodsondersoek deur 'n landdros kragtens die Wet op Geregtelike Doodsondersoeke, 1959 (Wet 58 van 1959), gesamentlik ingestel kan word.
- 11.3.2 By so 'n gesamentlike ondersoek en geregtelike doodsondersoek moet die landdros voorsit, en die bepalings van die Wet op Geregtelike Doodsondersoeke, 1959, is daarop van toepassing, maar die inspekteur en die landdros moet elkeen die verslag uitbring wat deur onderskeidelik regulasie 11.2.10 en daardie Wet van hulle vereis word.
- 11.2.8 Any person summoned to appear before an inspector shall be entitled to receive as witness fees, from moneys appropriated by Parliament for the purpose, an amount equal to the amount which he would have received as witness fees had he been summoned to attend criminal proceedings in a magistrate's court held at the place specified in the summons.
- 11.2.9 The examination of a witness at an inquiry shall take place in public unless the inspector otherwise directs.
- 11.2.10 The evidence given at any inquiry under this section shall be recorded and shall be submitted in writing by the inspector with his report to the Chief Inspector and in the case of an incident in which or in consequence of which any person died or was seriously injured or became seriously ill, the inspector shall submit a copy of the said evidence and report to the Attorney-General within whose area of jurisdiction such incident occurred.
- 11.2.11 Notwithstanding anything to the contrary contained in any law the report referred to in regulation 11.2.10 or a copy thereof shall not be disclosed for purposes of any judicial proceedings.
- 11.2.12 An inquiry under this section may at any stage be continued by an inspector other than the inspector before whom the proceedings commenced, and may again be continued by the inspector before whom the proceedings commenced.
- 11.3.1 The provisions of regulations 11.2.1 to 11.2.12 shall not affect the provisions of any law requiring and regulating judicial inquests or other inquiries in case of death resulting from other than natural causes, and in respect of each incident referred to in those regulations in which or in consequence of which any person has died there shall be held, in addition to an inquiry under those regulations, such judicial inquest or inquiry as is required by any such law: Provided that an inquiry under the said regulations and a judicial inquest held by a magistrate under the Inquests Act, 1959 (Act 58 of 1959), may be held jointly.
- 11.3.2 At such a joint inquiry and inquest the magistrate shall preside and the provisions of the Inquests Act, 1959, shall apply in such case but the inspector and the magistrate shall each make the report required of them by regulation 11.2.10 and that Act, respectively.

“STAFBEPALINGS

- 11.4 Enigeen wat deur 'n handeling of versuim die regulasies van hierdie hoofstuk oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand (R500) of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.”

“PENALTY

- 11.4 Any person who by any act or omission commits a breach of the regulations of this chapter shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand (R500) or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”

Werk mooi daarmee

Ons leef  daarvan

water is kosbaar

Use it

Don't abuse  it

water is for everybody

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