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No. 16952

PROCLAMATIONS

by the

President

of the Republic of South Africa

No. R. 3, 1996

ASSIGNMENT OF EXECUTIVE AUTHORITY TO THE MINISTER OF MINERAL AND ENERGY AFFAIRS

Under section 235 (6) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby—

- (a) designate the Minister of Mineral and Energy Affairs as the competent authority responsible for the administration of the law specified in the first column of the Schedule;
- (b) determine that the said law is assigned to the extent specified in the third column of the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventeenth day of January, One thousand Nine hundred and Ninety-six.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

R. F. BOTHA

Minister of the Cabinet

SCHEDULE

LAW ASSIGNED

No. and year of law	Title	Extent of assignment
Act No. 9 of 1987	Lebowa Mineral Trust Act, 1987	The whole.

PROKLAMASIES
van die
President
van die Republiek van Suid-Afrika

No. R. 3, 1996

TOEWYSING VAN UITVOERENDE GESAG AAN DIE MINISTER VAN MINERAAL- EN ENERGIESAKE

Ingevolge artikel 235 (6) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993)—

- (a) wys ek hierby die Minister van Mineraal- en Energiesake aan as die bevoegde gesag verantwoordelik vir die administrasie van die wet gespesifiseer in die eerste kolom van die Bylae.
- (b) bepaal ek hierby dat die genoemde wet toegewys word tot die mate gespesifiseer in die derde kolom van die Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewentiende dag van Januarie Eenduisend Negehoonderd Ses-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

R. F. BOTHA

Minister van die Kabinet

BYLAE

WET TOEGEWYS

No. en jaar van Wet	Titel	Omvang van toewysing
Wet No. 9 van 1987	Lebowa Wet op die Mineraaltrust, 1987	Die geheel.

No. R. 4, 1996

**TRANSFER OF MINISTER'S POWERS AND FUNCTIONS TO THE
MINISTER OF MINERAL AND ENERGY AFFAIRS**

Under section 91 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby assign the administration of section 51 (3) of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987), which is currently assigned to the Minister of Land Affairs, to the Minister of Mineral and Energy Affairs.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventeenth day of January, One thousand Nine hundred and Ninety-six.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

R. F. BOTHA

Minister of the Cabinet

No. R. 4, 1996

OORDRAG VAN MINISTER SE BEVOEGDHEDE EN WERKSAAMHEDE AAN DIE
MINISTER VAN MINERAAL- EN ENERGIESAKE

Ingevolge artikel 91 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), dra ek hierby die administrasie van artikel 51 (3) van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987), wat tans aan die Minister van Grondsake opgedra is, op aan die Minister van Mineraal- en Energiesake.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewentiende dag van Januarie Eenduisend Negehoenderd Ses-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

R. F. BOTHA

Minister van die Kabinet

GOVERNMENT NOTICES
GOEWERMENSKENNISGEWINGS

DEPARTMENT OF FINANCE
DEPARTEMENT VAN FINANSIES

No. R. 109

2 February 1996

COMING INTO OPERATION OF SECTIONS 7 (1) (c), 10 (1) (e), 35 (1) AND 36 (1) OF THE INCOME TAX ACT, 1995
(ACT No. 21 OF 1995)

Under sections 7 (2), 10 (2) (b), 35 (2) and 36 (2) of the Income Tax Act, 1995 (Act No. 21 of 1995), I Christo Ferro Liebenberg, Minister of Finance, hereby determine that sections 7 (1) (c), 10 (1) (e), 35 (1) and 36 (1) of the said Act shall come into operation from **1 March 2000**.

C. F. LIEBENBERG

Minister of Finance

No. R. 109

2 Februarie 1996

INWERKINGTREDING VAN ARTIKELS 7 (1) (c), 10 (1) (e), 35 (1) EN 36 (1) VAN DIE INKOMSTEBELASTINGWET, 1995
(WET No. 21 VAN 1995)

Kragtens artikels 7 (2), 10 (2) (b), 35 (2) en 36 (2) van die Inkomstebelastingwet, 1995 (Wet No. 21 van 1995), bepaal ek, Christo Ferro Liebenberg, Minister van Finansies, hierby dat artikels 7 (1) (c), 10 (1) (e), 35 (1) en 36 (1) van die genoemde Wet vanaf **1 Maart 2000** in werking sal tree.

C. F. LIEBENBERG

Minister van Finansies.

DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID

No. R. 129

2 February 1996

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT No. 54 OF 1972)

REGULATIONS GOVERNING THE LABELLING AND ADVERTISING OF FOODSTUFFS: AMENDMENT

The Minister of Health has, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the regulations in the Schedule.

SCHEDULE

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 2034 of 29 October 1993.

Amendment of the Regulations

2. Regulation 1 is hereby amended—

(a) by the insertion in the correct alphabetical position of the following definition:

"**'diet sweetener'** a sweetener as listed in the Annexure of Government Notice No. R. 3128 of 20 December 1991, or a mixture of such sweeteners, of which amount with the sweetening equivalent of 5,0 g of sucrose does not have an energy value of more than 8,0 kJ;"

(b) by the substitution for the definition "readily absorbable carbohydrate" of the following definition:

"**'readily absorbable carbohydrate'** means monosaccharides and disaccharides, but does not include sugar alcohols and fructose".

3. Regulation 2 is hereby amended by the deletion of subregulation (4) and the renumbering of subregulation (5) as subregulation (4).

4. Regulation 3 (8) is hereby amended by the deletion in paragraph (c) of the words "with an indication of a storage temperature".

5. Regulation 3 (11) is hereby amended by the insertion at the end of paragraph (e) of the following proviso:

"Provided that the names 'salt' or 'sodium chloride' and 'vinegar' or 'acetic acid' may be used in the list of ingredients."

6. Regulation 3 is hereby amended by the substitution for subregulation (22) of the following subregulation:

"(22) No claim shall be made on the label of a foodstuff that the foodstuff is suitable for diabetics, unless the following requirements are met:

(a) The claim must be accompanied by the words 'when used as part of a balanced eating plan'.

(b) (i) A ready-to-eat foodstuff shall not contain more than 280 kJ per 100 g and/or 2 g of readily absorbable carbohydrates per 100 g;

(ii) beverages shall not contain more than 50 kJ per 100 ml and/or 1,2 g of readily absorbable carbohydrates per 100 ml; and

(iii) sugar confectionery, sauces, condiments, dressings, fruit spreads and similar products shall not contain more than 1 100 kJ per 100 g and/or 8 g of readily absorbable carbohydrates per 100 g.

(c) A foodstuff containing a sugar alcohol shall be labelled with the words 'excessive consumption may have a laxative effect'.

(d) The provisions of subregulation (14) shall be complied with and the label shall also bear the following information per 100 g or 100 ml and per serving: Energy (kJ), protein (g), fat (g), carbohydrates (g), readily absorbable carbohydrates (g) and sodium (mg)."

7. Regulation 3 (23) is hereby amended by the substitution in paragraphs (c) and (e) (i) for the words "unless the foodstuff is a non-nutritive sweetener" of the words "unless the foodstuff is a diet sweetener".

Amendment of Annexure 1 of the Regulations

8. Annexure 1 of the Regulations is hereby amended by the insertion in the correct alphabetical position of the category "Vegetable oils and fats".

No. R. 129

2 Februarie 1996

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET No. 54 VAN 1972)

REGULASIES BETREFFENDE DIE ETIKETTERING EN ADVERTERING VAN VOEDINGSMIDDELS: WYSIGING

Die Minister van Gesondheid het kragtens artikel 15 (1) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), die regulasies in die Bylae uitgevaardig.

BYLAE

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 2034 van 29 Oktober 1993.

Wysiging van die Regulasies

2. Regulasie 1 word hierby gewysig—

(a) deur in die korrekte alfabetiese posisie die volgende omskrywing in te voeg:

"**'dieetversoeter'** 'n versoeter soos gelys in die Aanhangsel van Goewermentskennisgewing No. R. 3128 van 20 Desember 1991, of 'n mengsel van sodanige versoeters, waarvan 'n hoeveelheid met die versoetingskwivalent van 5,0 g suikrose nie 'n energiewaarde van meer as 8,0 kJ het nie;"

(b) deur die omskrywing van "maklik opneembare koolhidraat" deur die volgende omskrywing te vervang:

"**'maklik opneembare koolhidraat'** monosakkariede en disakkariede, maar nie ook suikeralkohole en fruktose nie;"

3. Regulasie 2 word hierby gewysig deur subregulasie (4) te skrap en subregulasie (5) te hernoem as subregulasie (4).
4. Regulasie 3 (8) word hierby gewysig deur in paragraaf (c) die woorde "met 'n aanduiding van 'n bergingstemperatuur" te skrap.
5. Regulasie 3 (11) word hierby gewysig deur aan die einde van paragraaf (e) die volgende voorbehoudsbepaling in te voeg:

"Met dien verstande dat die name 'sout' of 'natriumchloried' en 'asyn' of 'asynsuur' in die lys van bestanddele gebruik kan word."

6. Regulasie 3 word hierby gewysig deur subregulasie (22) deur die volgende subregulasie te vervang:

"(22) Geen aanspraak mag op die etiket van 'n voedingsmiddel gemaak word dat die voedingsmiddel geskik is vir diabele nie, tensy aan die volgende vereistes voldoen word:

- (a) Die aanspraak moet vergesel gaan van die woorde 'wanneer gebruik as deel van 'n gebalanseerde eetplan'.
- (b) (i) 'n Eetklaar voedingsmiddel mag nie meer as 280 kJ per 100 g en/of 2 g maklik opneembare koolhidrate per 100 g bevat nie;
- (ii) drankie mag nie meer as 50 kJ per 100 ml en/of 1,2 g maklik opneembare koolhidrate per 100 ml bevat nie; en
- (iii) suikergoed, souse, kruiery, smeersels, vrugtesmere en soortgelyke produkte mag nie meer as 1 100 kJ per 100 g en/of 8 g maklik opneembare koolhidrate per 100 g bevat nie.
- (c) 'n Voedingsmiddel wat 'n suikeralkohol bevat, moet geëtiketteer word met die woorde 'oormatige verbruik kan 'n lakserende uitwerking hê'.
- (d) Die bepalings van subregulasie (14) moet nagekom word en die etiket moet ook die volgende inligting per 100 g of 100 ml asook per porsie bevat: Energie (kJ), proteïen (g), vet (g), koolhidrate (g), maklik opneembare koolhidrate (g) en natrium (mg)."

7. Regulasie 3 (23) word hierby gewysig deur in paragrafe (c) en (e) (i) die woorde "tensy die voedingsmiddel 'n nie-voedsame versoeter is" te vervang deur die woorde "tensy die voedingsmiddel 'n dieetversoeter is".

Wysiging van Aanhangsel 1 van die Regulasies

8. Aanhangsel 1 van die Regulasies word hierby gewysig deur in die korrekte alfabetiese posisie die kategorie "Plant-aardige olies en vette" in te voeg.

No. R. 132

2 February 1996

CHIROPRACTORS, HOMEOPATHS AND ALLIED HEALTH SERVICE PROFESSIONS ACT, 1982 (ACT No. 63 OF 1982)

APPOINTMENT OF MEMBERS TO THE CHIROPRACTORS, HOMEOPATHS AND ALLIED HEALTH SERVICE PROFESSIONS INTERIM COUNCIL

I, Olive Shisana, Director-General: Health, do hereby, in terms of section 5 (5) of the Chiropractors, Homeopaths and Allied Health Service Professions Act, 1982 (Act No. 63 of 1982), notify that the Minister of Health has, under section 5 (1) of the said Act appointed the following persons as members of the Chiropractors, Homeopaths and Allied Health Service Professions Interim Council with effect from 12 February 1996:

Dr M. L. Milani.
 Dr G. T. van der Walt.
 Dr G. B. Tasker.
 Dr W. A. Tomlinson.
 Dr L. F. Pleass.
 Dr B. F. M. Nkunjana.
 Dr L. R. Brom.
 Mr K. S. E. M. O'Brien.
 Dr P. M. Sidiya.
 Mrs R. Phetoe.
 Dr R. M. Cooppan.
 Mr M. O. P. Molema.
 Adv. D. Kuny.
 Mr G. S. K. Lenyai.
 Dr C. W. Fölscher.
 Dr G. Radevic.

O. SHISANA

Director-General: Health

No. R. 132

2 Februarie 1996

WET OP CHIROPRAKTISYNS, HOMEOPATE EN VERWANTE GESONDHEIDSDIENSBEROEPE, 1982
(WET No. 63 VAN 1982)

AANSTELLING VAN LEDE IN DIE INTERIM RAAD VIR CHIROPRAKTISYNS, HOMEOPATE EN VERWANTE
GESONDHEIDSDIENSBEROEPE

Ek, Olive Shisana, Direkteur-generaal: Gesondheid, maak ingevolge artikel 5 (5) van die Wet op Chiropraktisyne, Homeopate en Verwante Gesondheidsdiensberoepes, 1982 (Wet No. 63 van 1982), hierby bekend dat die Minister van Gesondheid kragtens artikel 5 (1) van genoemde Wet die volgende persone met ingang van 12 Februarie 1996 aangestel het as lede van die Interim Raad vir Chiropraktisyne, Homeopate en Verwante Gesondheidsdiensberoepes:

Dr. M. L. Milani.
Dr. G. T. van der Walt.
Dr. G. B. Tasker.
Dr. W. A. Tomlinson.
Dr. L. F. Pleass.
Dr. B. F. M. Nkunjana.
Dr. L. R. Brom.
Mnr. K. S. E. M. O'Brien.
Dr. P. M. Sidiya.
Mev. R. Phetoe.
Dr. R. M. Cooppan.
Mnr. M. O. P. Molema.
Adv. D. Kuny.
Mnr. G. S. K. Lenyai.
Dr. C. W. Fölscher.
Dr. G. Radevic.

O. SHISANA

Direkteur-generaal: Gesondheid

No. R. 133

2 February 1996

THE SOUTH AFRICAN DENTAL TECHNICIANS COUNCIL

NOTICE REGARDING THE ANNUAL FEES PAYABLE TO THE COUNCIL

I, Nkosazana Clarice Dlamini Zuma, Minister of Health, hereby fix, in terms of section 49 of the Dental Technicians Act, 1979 (Act No. 19 of 1979), and on the recommendation of the South African Dental Technicians Council (hereinafter referred to as the Council), the fees set out in the Schedule as the fees to be paid to the Council by every dentist and every dental technician.

N. C. D. ZUMA

Minister of Health

SCHEDULE

Annual fees payable by dentists

1. A dentist who, in terms of section 17(3) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974)—

- (a) is registered shall pay to the Council an amount of R45,60 as an annual fee for the period 1 January to 31 December of each year; or
- (b) is registered during such period shall pay to the Council an amount of R22,80 as an annual fee in respect of the unexpired portion of that year.

Annual fees payable by dental technicians

2. Any person who, in terms of section 18 of the Dental Technicians Act, 1979 (Act No. 19 of 1979)—

- (a) is registered shall pay to the Council an amount of R216,00 as an annual fee for the period 1 January to 31 December of each year; or
- (b) is registered during such period shall pay to the Council an amount of R108,00 as an annual fee in respect of the unexpired portion of that year.

Liability**3. The annual fees referred to in—**

(a) paragraphs 1 (a) and 2 (a) shall be due on 1 January of the year concerned and shall be payable not later than 31 March of that year; and

(b) paragraphs 1 (b) and 2 (b) shall be due on the day of the registration and shall be payable on or before the last day of the third month following that day, or on 31 December of that year, whichever date is the earlier.

Value-added tax**4. All fees referred to in this notice shall include 14% value-added tax.****Withdrawal**

Government Notice No. R. 193 of 10 February 1995 is hereby withdrawn.

No. R. 133**2 Februarie 1996****DIE SUID-AFRIKAANSE RAAD VIR TANDTEGNICI****KENNISGEWING BETREFFENDE DIE JAARLIKSE GELDE BETAALBAAR AAN DIE RAAD**

Ek, Nkosazana Clarice Dlamini Zuma, Minister van Gesondheid, stel hierby kragtens artikel 49 van die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979), op aanbeveling van die Suid-Afrikaanse Raad vir Tandtegnici (hieronder die Raad genoem), die gelde in die Bylae uiteengesit, vas as die gelde wat deur elke tandarts en elke tandtegnikus aan die Raad betaal moet word.

N. C. D. ZUMA**Minister van Gesondheid****BYLAE****Jaarlikse gelde betaalbaar deur tandartse****1. 'n Tandarts wat kragtens artikel 17(3) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiens-beroepe, 1974 (Wet No. 56 van 1974)—**

(a) geregistreer is, betaal aan die Raad 'n bedrag van R45,60 as jaarlikse gelde vir die tydperk 1 Januarie tot 31 Desember van elke jaar; of

(b) gedurende genoemde tydperk geregistreer word, betaal aan die Raad 'n bedrag van R22,80 as jaarlikse gelde ten opsigte van die onverstreke gedeelte van daardie jaar.

Jaarlikse gelde betaalbaar deur tandtegnici**2. Iemand wat kragtens artikel 18 van die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979)—**

(a) geregistreer is, betaal aan die Raad 'n bedrag van R216,00 as jaarlikse gelde vir die tydperk 1 Januarie tot 31 Desember van elke jaar; of

(b) gedurende genoemde tydperk geregistreer word, betaal aan die Raad 'n bedrag van R108,00 as jaarlikse gelde ten opsigte van die onverstreke gedeelte van daardie jaar.

Aanspreeklikheid**3. Die jaarlikse gelde bedoel in—**

(a) paragrawe 1 (a) en 2 (a), is verskuldig op 1 Januarie van die betrokke jaar en is betaalbaar nie later nie as 31 Maart van daardie jaar; en

(b) paragrawe 1 (b) en 2 (b), is verskuldig op die dag van die betrokke registrasie en is betaalbaar voor of op die laaste dag van die derde maand wat op daardie dag volg, of op 31 Desember van daardie jaar, welke datum ook al die vroegste is.

Belasting op toegevoegde waarde**4. Alle gelde in hierdie kennisgewing bedoel, sluit 14% belasting op toegevoegde waarde in.****Herroeping**

Goewermenskennisgewing No. R. 193 van 10 Februarie 1995 word hierby herroep.

No. R. 134

2 February 1996

THE SOUTH AFRICAN DENTAL TECHNICIANS COUNCIL**REGULATIONS RELATING TO THE REGISTRATION OF DENTAL LABORATORIES AND RELATED MATTERS:
AMENDMENT**

The Minister of Health has, in terms of section 50 of the Dental Technicians Act, 1979 (Act No. 19 of 1979), on the recommendation of the South African Dental Technicians Council, made the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 308 of 26 February 1982, as amended by Government Notices Nos. R. 1808 of 27 August 1982, R. 196 of 4 February 1983, R. 284 of 15 February 1985, R. 854 of 9 May 1986, R. 668 of 3 April 1987, R. 2440 of 2 December 1988, R. 2914 of 14 December 1990, R. 3156 of 27 December 1991, R. 107 of 22 January 1993, R. 434 of 11 March 1994 and R. 194 of 10 February 1995.

Substitution of regulation 11 of the Regulations

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

"REGISTRATION FEES

11. (1) The registration fees for the registration of a dental laboratory under section 30 of the Act shall be R1 440,00.
(2) The registration fees referred to in subregulation (1) shall include 14% value-added tax."

Substitution of regulation 12 of the Regulations

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

"ANNUAL FEES

12. (1) Every owner/partner of a dental laboratory shall pay to the Council an amount of R900,00 as an annual fee for the period 1 January to 31 December of each year or part thereof.

(2) The amount referred to in subregulation (1) shall be due on 1 January of the year concerned and shall be payable not later than 31 March of that year.

- (3) The amount referred to in subregulation (1) shall include 14% value-added tax."

No. R. 134

2 Februarie 1996

DIE SUID-AFRIKAANSE RAAD VIR TANDTEGNICI**REGULASIES BETREFFENDE DIE REGISTRASIE VAN LABORATORIUMS VIR TANDKUNDIGE WERK EN
AANVERWANTE AANGELEENTHEDE: WYSIGING**

Die Minister van Gesondheid het kragtens artikel 50 van die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979), op aanbeveling van die Suid-Afrikaanse Raad vir Tandtegnici, die regulasies in die Bylae uitgevaardig.

BYLAE**Woordskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 308 van 26 Februarie 1982, soos gewysig by Goewermentskennisgewings Nos. R. 1808 van 27 Augustus 1982, R. 196 van 4 Februarie 1983, R. 284 van 15 Februarie 1985, R. 854 van 9 Mei 1986, R. 668 van 3 April 1987, R. 2440 van 2 Desember 1988, R. 2914 van 14 Desember 1990, R. 3156 van 27 Desember 1991, R. 107 van 22 Januarie 1993, R. 434 van 11 Maart 1994 en R. 194 van 10 Februarie 1995.

Vervanging van regulasie 11 van die Regulasies

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

"REGISTRASIEGELDE

11. (1) Die registrasiegelde vir die registrasie van 'n laboratorium vir tandkundige werk ingevolge artikel 30 van die Wet is R1 440,00.

- (2) Die registrasiegelde in subregulasie (1) bedoel, sluit 14% belasting op toegevoegde waarde in."

Vervanging van regulasie 12 van die Regulasies

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

"JAARLIKSE GELDE

12. (1) Elke eienaar/vennoot van 'n laboratorium vir tandkundige werk betaal aan die Raad 'n bedrag van R900,00 as jaarlikse gelde vir die tydperk 1 Januarie tot 31 Desember van elke jaar of gedeelte daarvan.

(2) Die bedrag in subregulasie (1) bedoel, is verskuldig op 1 Januarie van die betrokke jaar en is betaalbaar nie later nie as 31 Maart van daardie jaar.

- (3) Die bedrag in subregulasie (1) bedoel, sluit 14% belasting op toegevoegde waarde in."

**DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE**

No. R. 114

2 February 1996

JUDICIAL SERVICE COMMISSION ACT, 1994 (ACT No. 9 OF 1994)

PROCEDURE OF COMMISSION

Under section 5 of the Judicial Service Commission Act, 1994 (Act No. 9 of 1994), I, Abdullah Mohamed Omar, Minister of Justice, hereby make known the particulars of the procedure which the Judicial Service Commission has determined in terms of section 105 (4) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), in the Schedule.

A. M. OMAR**Minister of Justice****SCHEDULE****Definitions**

1. In this Procedure, unless the context otherwise indicates—

“the Commission” means the Judicial Service Commission;

“the Constitution” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

“the institutions” means the Association of Law Societies, the Black Lawyers Association, the Department of Justice, the General Council of the Bar, the Magistrates Association of South Africa, the National Association of Democratic Lawyers, the Society of Teachers of Law and the Association of Regional Magistrates of South Africa, and such other institutions with an interest in the work of the Commission as the Commission may identify from time to time;

a selection made by “majority vote” is one made with the support of at least an ordinary majority of all the members of the Commission; and

“the screening committee” means an *ad hoc* subcommittee of the Commission constituted from time to time.

Judges of the Constitutional Court

2. The procedure for the selection of candidates for appointment as judges of the Constitutional Court in terms of section 99 (7) (b) read with section 99 (4) and (5) of the Constitution shall be as follows:

- (a) The President of the Constitutional Court shall inform the Commission when a vacancy occurs or will occur in the Constitutional Court.
- (b) The Commission shall announce the vacancy publicly and call for nominations by a specified closing date.
- (c) Each nomination contemplated in paragraph (b) shall consist of—
 - (i) a letter of nomination which identifies the person making the nomination and the candidate;
 - (ii) the candidate's written acceptance of the nomination;
 - (iii) a detailed *curriculum vitae* of the candidate which shall disclose his or her formal qualifications for appointment as prescribed in section 99 (2) of the Constitution; and
 - (iv) such further pertinent information concerning the candidate as he or she, or the person nominating him or her, wishes to provide.
- (d) After the closing date, all members of the Commission shall be provided with a list of the candidates nominated with an invitation to—
 - (i) make additional nominations should they wish to do so and such nominations shall comply with the requirements of paragraph (c) above; and
 - (ii) inform the screening committee of the names of the candidates, if any, who they feel strongly should be included in the short list of candidates to be interviewed.
- (e) The screening committee shall prepare a short list of candidates to be interviewed which shall include all candidates who qualify for appointment and who—
 - (i) are referred to in paragraph (d) (ii); or
 - (ii) in the opinion of the screening committee or any of its members, have a real prospect of recommendation for appointment.

- (f) The short list shall be distributed to the institutions and publicly announced for comment by a specified closing date.
- (g) After the closing date referred to in paragraph (f), the short list and all the material received on short-listed candidates shall be distributed to all the members of the Commission.
- (h) The Commission shall interview all short-listed candidates.
- (i) The interviews contemplated in paragraph (h) shall be open to the public and the media subject to the same rules as those ordinarily applicable in courts of law and shall not be subject to a set time-limit.
- (j) After completion of the interviews, the Commission shall deliberate in private and shall, if deemed appropriate, select the candidates to be recommended for appointment in terms of section 99 (5) of the Constitution by consensus or, if necessary, by majority vote.
- (k) The chairperson and deputy chairperson of the Commission shall distil and record the Commission's reasons for recommending the candidates selected.
- (l) The Commission shall advise the President of the names of the candidates recommended for appointment and of the reasons for their recommendation.
- (m) The Commission shall announce publicly the names of the candidates recommended for appointment.
- (n) If further candidates have to be recommended in terms of section 99 (5) (c) of the Constitution, the Commission may in its discretion select them—
 - (i) from the candidates already interviewed *mutatis mutandis* in accordance with the procedures described in paragraphs (j) to (m); or
 - (ii) by repeating the whole process *mutatis mutandis* in accordance with the procedures described in paragraphs (b) to (m).

Judges of the Supreme Court

3. The procedure for the selection of candidates for appointment as judges of the Supreme Court in terms of section 104 (1) of the Constitution shall be as follows:

- (a) The Chief Justice or responsible Judge President shall inform the Commission when a vacancy occurs or will occur in the Appellate Division or any provincial or local division of the Supreme Court.
- (b) The Commission shall inform the institutions of the vacancy and shall call for nominations by a specified closing date.
- (c) A nomination contemplated in paragraph (b) shall consist of—
 - (i) a letter of nomination which identifies the person making the nomination, the candidate and the division of the Supreme Court for which he or she is nominated;
 - (ii) the candidate's written acceptance of the nomination;
 - (iii) a questionnaire prepared by the Commission and completed by the candidate; and
 - (iv) such further pertinent information concerning the candidate as he or she, or the person nominating him or her, wishes to provide.
- (d) After the closing date, all the members of the Commission shall be provided with a list of the candidates nominated with an invitation to—
 - (i) make additional nominations should they wish to do so and such nominations shall comply with the requirements of paragraph (c) above; and
 - (ii) inform the screening committee of the names of the candidates, if any, who they feel strongly should be included in the short list of candidates to be interviewed.
- (e) The screening committee shall prepare a short list of candidates to be interviewed, which shall include all candidates who qualify for appointment and who—
 - (i) are referred to in paragraph (d) (ii); or
 - (ii) in the opinion of the screening committee or any of its members, have a real prospect of selection for appointment.
- (f) The short list shall be distributed to the institutions for comment by a specified closing date.
- (g) After the closing date referred to in paragraph (f), the short list and all the material received on short-listed candidates shall be distributed to all the members of the Commission.
- (h) The Commission shall interview all short-listed candidates.
- (i) The interviews contemplated in paragraph (h) shall be open to the public and the media subject to the same rules as those ordinarily applicable in courts of law and shall not be subject to a set time-limit.
- (j) After completion of the interviews, the Commission shall deliberate in private and shall, if deemed appropriate, select the candidate for appointment by consensus or, if necessary, majority vote.
- (k) The Commission shall advise the President of the name of the successful candidate.
- (l) The Commission shall announce publicly the name of the successful candidate.

President of the Land Claims Court

4. When a vacancy occurs in the office of President of the Land Claims Court, the Commission shall advise the President of the Republic on a candidate for appointment as President of the Land Claims Court in terms of section 22 (3) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), after the Commission has acted *mutatis mutandis* in accordance with the procedure for the selection of candidates for appointment as judges of the Supreme Court.

Additional judges of the Land Claims Court

5. The procedure for consultation with the President of the Republic on the appointment of additional judges of the Land Claims Court in terms of section 22 (4) of the Restitution of Land Rights Act, 1994, shall be determined on an *ad hoc* basis in consultation with the Office of the President of the Republic.

Departure

6. The Commission may depart or condone any departure from this procedure whenever, in its opinion, it is appropriate to do so.

No. R. 114

2 Februarie 1996

WET OP DIE REGTERLIKE DIENSKOMMISSIE, 1994 (WET NO. 9 VAN 1994)

PROSEDURE VAN KOMMISSIE

Kragtens artikel 5 van die Wet op die Regterlike Dienskommissie, 1994 (Wet No. 9 van 1994), maak ek, Abdulah Mohamed Omar, Minister van Justisie, hierby die besonderhede van die prosedure bepaal deur die Regterlike Dienskommissie ingevolge artikel 105 (4) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), in die Bylae bekend.

A. M. OMAR

Minister van Justisie

BYLAE

Woordomskrywing

1. In hierdie Prosedure, tensy uit die samehang anders blyk, beteken—

“die Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

“die instellings” die Landdrosvereniging van Suid-Afrika, die Vereniging van Prokureursorders, die Vereniging van Streeklanddroste van Suid-Afrika, die Black Lawyers Association, die Departement van Justisie, die Algemene Balieraad, die National Association of Democratic Lawyers, die Vereniging van Regsdosente en sodanige ander instellings as wat die Kommissie van tyd tot tyd identifiseer wat 'n belang by die werk van die Kommissie het;

keuring met “'n meerderheid van stemme”, een met die steun van minstens 'n gewone meerderheid van al die lede van die Kommissie;

“die Kommissie” die Regterlike Dienskommissie; en

“die siftingskomitee” 'n *ad hoc*-subkomitee van die Kommissie van tyd tot tyd saamgestel.

Regters van die Konstitusionele Hof

2. Die prosedure vir die keuring van kandidate vir aanstelling as regters van die Konstitusionele Hof ingevolge artikel 99 (7) (b), gelees met artikel 99 (4) en (5), van die Grondwet is soos volg:

(a) Die President van die Konstitusionele Hof stel die Kommissie in kennis wanneer daar 'n vakature in die Konstitusionele Hof ontstaan het of gaan ontstaan.

(b) Die Kommissie maak die vakature in die openbaar bekend en vra nominasies teen 'n bepaalde sluitingsdatum.

(c) 'n Nominasie beoog in paragraaf (b) moet bestaan uit—

(i) 'n nominasiebrief wat die persoon wat die nominasie doen en die kandidaat identifiseer;

(ii) die kandidaat se skriftelike aanvaarding van die nominasie;

(iii) 'n uitvoerige *curriculum vitae* van die kandidaat wat sy of haar formele kwalifikasies vir aanstelling soos voorgeskryf by artikel 99 (2) van die Grondwet moet aandui; en

(iv) sodanige verdere tersaaklike inligting aangaande die kandidaat as wat hy of sy, of die persoon wat hom of haar nomineer, wil verstrek.

- (d) Na die sluitingsdatum word alle lede van die Kommissie van 'n lys van die genomineerde kandidate voorsien, met 'n uitnodiging om—
 - (i) bykomende nominasies te doen as hulle wil en sodanige nominasies moet voldoen aan die vereistes van paragraaf (c), hierbo; en
 - (ii) die siftingskomitee in kennis te stel van die name van die kandidate, indien enige, wat na hulle mening beslis op die kortlys van die kandidate vir onderhoude geplaas moet word.
- (e) Die siftingskomitee stel 'n kortlys op van kandidate met wie onderhoude gevoer moet word, wat alle kandidate insluit wat vir aanstelling kwalifiseer en—
 - (i) wat in paragraaf (d) (ii) bedoel word; of
 - (ii) wat na die mening van die siftingskomitee of enige van sy lede 'n werklike kans staan om vir aanstelling aanbeveel te word.
- (f) Die kortlys word aan die instellings versprei en in die openbaar bekend gemaak vir kommentaar teen 'n bepaalde sluitingsdatum.
- (g) Na die sluitingsdatum bedoel in paragraaf (f) word die kortlys en al die materiaal ontvang aangaande kandidate op die kortlys, aan alle lede van die Kommissie versprei.
- (h) Die Kommissie voer onderhoude met alle kandidate op die kortlys.
 - (i) Die onderhoude beoog in paragraaf (h) is oop vir die publiek en die media, onderworpe aan dieselfde reëls as wat normaalweg in geregshoue van toepassing is, en is nie onderworpe aan enige vasgestelde tydsbeperking nie.
 - (j) Na afhandeling van die onderhoude beraadslaag die Kommissie agter geslote deure en indien dit gerade geag word, keur die kandidate wat vir aanstelling ingevolge artikel 99 (5) van die Grondwet aanbeveel gaan word, deur konsensus of, indien nodig, met 'n meerderheid van stemme.
- (k) Die voorsitter en ondervoorsitter van die Kommissie vat die Kommissie se redes vir die aanbeveling van die gekeurde kandidate saam en teken dit aan.
- (l) Die Kommissie stel die President in kennis van die name van die kandidate wat vir aanstelling aanbeveel is en van die redes waarom hulle aanbeveel is.
- (m) Die Kommissie maak die name van die kandidate wat vir aanstelling aanbeveel is, in die openbaar bekend.
- (n) Indien verdere kandidate ingevolge artikel 99 (5) (c) van die Grondwet aanbeveel moet word, kan die Kommissie hulle volgens sy diskresie keur—
 - (i) uit die kandidate met wie reeds onderhoude gevoer is, *mutatis mutandis* ooreenkomstig die prosedure uiteengesit in paragrawe (j) tot (m); of
 - (ii) deur die hele proses te herhaal, *mutatis mutandis* ooreenkomstig die prosedure uiteengesit in paragrawe (b) tot (m).

Regters van die Hooggeregshof

3. Die prosedure vir die keuring van kandidate vir aanstelling as regters van die Hooggeregshof ingevolge artikel 104 (1) van die Grondwet is soos volg:

- (a) Die Hoofregter of verantwoordelike Regter-president stel die Kommissie in kennis wanneer daar 'n vakature in die Appèlafdeling of enige provinsiale- of plaaslike afdeling van die Hooggeregshof ontstaan het of gaan ontstaan.
- (b) Die Kommissie stel die instellings in kennis van die vakature en versoek nominasies teen 'n bepaalde sluitingsdatum.
- (c) 'n Nominasie beoog in paragraaf (b) moet bestaan uit—
 - (i) 'n nominasiebrief wat die persoon wat die nominasie doen, die kandidaat en die afdeling van die Hooggeregshof waarvoor hy of sy genomineer word, identifiseer;
 - (ii) die kandidaat se skriftelike aanvaarding van die nominasie;
 - (iii) 'n vraelys opgestel deur die Kommissie en ingevul deur die kandidaat; en
 - (iv) sodanige verdere tersaaklike inligting aangaande die kandidaat as wat hy of sy, of die persoon wat hom of haar nomineer, wil verstrek.
- (d) Na die sluitingsdatum word alle lede van die Kommissie voorsien van 'n lys van die genomineerde kandidate, met 'n uitnodiging om—
 - (i) bykomende nominasies te doen as hulle wil en sodanige nominasies moet voldoen aan die vereistes van paragraaf (c), hierbo; en
 - (ii) die siftingskomitee in kennis te stel van die name van die kandidate, indien enige, wat na hulle mening beslis op die kortlys van kandidate vir onderhoude geplaas moet word.

- (e) Die siftingskomitee stel 'n kortlys op van kandidate met wie onderhoude gevoer moet word, wat al die kandidate insluit wat vir aanstelling kwalifiseer en—
 - (i) wat in paragraaf (d) (ii) bedoel word; of
 - (ii) wat na die mening van die siftingskomitee of enige van sy lede 'n werklike kans staan om vir aanstelling gekeur te word.
- (f) Die kortlys word aan die instellings versprei vir kommentaar teen 'n bepaalde sluitingsdatum.
- (g) Na die sluitingsdatum bedoel in paragraaf (f) word die kortlys en al die materiaal ontvang aangaande kandidate op die kortlys, aan al die lede van die Kommissie versprei.
- (h) Die Kommissie voer onderhoude met alle kandidate op die kortlys.
- (i) Die onderhoude beoog in paragraaf (h) is oop vir die publiek en die media, onderworpe aan dieselfde reëls as wat normaalweg in geregshoue van toepassing is, en is nie onderworpe aan enige vasgestelde tydsbeperking nie.
- (j) Na afhandeling van die onderhoude beraadslaag die Kommissie agter geslote deure en indien dit gerade geag word, keur die kandidaat vir aanstelling, deur konsensus of, indien nodig, met 'n meerderheid van stemme.
- (k) Die Kommissie stel die President in kennis van die naam van die suksesvolle kandidaat.
- (l) Die Kommissie maak die naam van die suksesvolle kandidaat in die openbaar bekend.

President van die Grondsehof

4. Wanneer daar 'n vakature in die amp van President van die Grondsehof ontstaan, adviseer die Kommissie die President van die Republiek oor 'n kandidaat vir aanstelling as President van die Grondsehof ingevolge artikel 22 (3) van die Wet op Herstel van Grondregte, 1994 (Wet No. 22 van 1994), nadat die Kommissie *mutatis mutandis* ooreenkomstig die prosedure vir die keuring van kandidate vir aanstelling as regters van die Hooggeregshof te werk gegaan het.

Addisionele regters van die Grondsehof

5. Die prosedure vir oorlegpleging met die President van die Republiek aangaande die aanstelling van bykomende regters van die Grondsehof ingevolge artikel 22 (4) van die Wet op Herstel van Grondregte, 1994, word *ad hoc* in oorleg met die Kantoor van die President van die Republiek bepaal.

Afwyking

6. Die Kommissie kan van hierdie prosedure afwyk of enige afwyking daarvan kondoneer wanneer dit ook al na sy mening gepas is om dit te doen.

No. R. 148

2 February 1996

SUPREME COURT ACT, 1959 (ACT No. 59 OF 1959)

NOTICE IN TERMS OF SECTION 19 (2) (b)

Under section 19 (2) (b) of the Supreme Court Act, 1959 (Act No. 59 of 1959), I, Christoffel Frederik Eloff, Judge President of the Transvaal Provincial Division of the Supreme Court of South Africa, hereby determine that appeals in civil matters from all inferior courts situated in all of the magisterial districts in the area of jurisdiction of the Witwatersrand Local Division of the Supreme Court of South Africa shall be heard and determined by the said Division and that the proceedings in civil matters of all such courts shall be reviewed by the said Division, with effect from 1 March 1996.

C. F. ELOFF

Judge President

No. R. 148

2 Februarie 1996

WET OP DIE HOOGGEREGSHOF, 1959 (WET No. 59 VAN 1959)

KENNISGEWING KRAGTENS ARTIKEL 19 (2) (b)

Kragtens artikel 19 (2) (b) van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), bepaal ek, Christoffel Frederik Eloff, Regter-president van die Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika, hierby dat appèlle in siviele aangeleenthede van alle laerhove in alle landdrostdistrikte geleë in die regsgebied van die Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika met ingang van 1 Maart 1996 deur genoemde Afdeling verhoor en beslis word en dat die verrigtinge in siviele aangeleenthede van alle sodanige hove deur genoemde Afdeling hersien word.

C. F. ELOFF

Regter-president

DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 131

2 February 1996

AVIATION ACT, 1962 (ACT No. 74 OF 1962)

THIRTY-FOURTH AMENDMENT OF THE AIR NAVIGATION REGULATIONS, 1976

The Minister of Transport has, under section 22 of the Aviation Act, 1962 (Act No. 74 of 1962), made the regulations in the Schedule hereto.

SCHEDULE

Definition

1. In this Schedule, unless the context otherwise indicates, "the Regulations" means the Air Navigation Regulations, 1976, published by Government Notice No. R. 141 of 30 January 1976, as amended by Government Notices Nos. R. 1283 of 23 July 1976, R. 2380 of 18 November 1977, R. 317 of 23 February 1979, R. 259 of 19 February 1982, R. 131 of 28 January 1983, R. 509 of 11 March 1983, R. 551 of 23 March 1984, R. 1160 of 30 May 1985, R. 1161 of 30 May 1985, R. 2848 of 27 December 1985, R. 517 of 13 March 1987, R. 720 of 15 April 1988, R. 1902 of 23 September 1988, R. 917 of 12 May 1989, R. 2139 of 6 October 1989, R. 2669 of 16 November 1990, R. 1287 of 7 June 1991, R. 1794 of 2 August 1991, R. 3191 of 27 December 1991, R. 2702 of 25 September 1992, R. 2801 of 2 October 1992, R. 3081 of 6 November 1992, R. 156 of 5 February 1993, R. 157 of 5 February 1993, R. 2559 of 31 December 1993, R. 39 of 7 January 1994, R. 717 of 22 April 1994, R. 830 of 29 April 1994, R. 132 of 3 February 1995 and R. 443 of 24 March 1995.

Amendment of Annexure A of the Regulations

2. Annexure A of the Regulations is hereby amended by the substitution of subparagraph A.1 (m) with the following subparagraph:

"A.1 (m) Registration of aircraft:

(i) New registration.....	R200,00
(ii) Registration of change of ownership.....	R200,00
(iii) Duplicate certificate of registration.....	R 80,00
(iv) Amendment of certificate of registration.....	R120,00
(v) Export of an aircraft.....	R200,00"

Short title

3. These regulations shall be called the **Thirty-Fourth Amendment of the Air Navigation Regulations, 1976.**

No. R. 131

2 Februarie 1996

LUGVAARTWET, 1962 (WET No. 74 VAN 1962)

VIER-EN-DERTIGSTE WYSIGING VAN DIE LUGVAARTREGULASIES, 1976

Die Minister van Vervoer het kragtens artikel 22 van die Lugvaartwet, 1962 (Wet No. 74 van 1962), die regulasies in die Bylae hiervan uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken "die Regulasies" die Lugvaartregulasies, 1976, afgekondig by Goewermentskennisgewing No. R. 141 van 30 Januarie 1976, soos gewysig by Goewermentskennisgewings Nos. R. 1283 van 23 Julie 1976, R. 2380 van 18 November 1977, R. 317 van 23 Februarie 1979, R. 259 van 19 Februarie 1982, R. 131 van 28 Januarie 1983, R. 509 van 11 Maart 1983, R. 551 van 23 Maart 1984, R. 1160 van 30 Mei 1985, R. 1161 van 30 Mei 1985, R. 2848 van 27 Desember 1985, R. 517 van 13 Maart 1987, R. 720 van 15 April 1988, R. 1902 van 23 September 1988, R. 917 van 12 Mei 1989, R. 2139 van 6 Oktober 1989, R. 2669 van 16 November 1990, R. 1287 van 7 Junie 1991, R. 1794 van 2 Augustus 1991, R. 3191 van 27 Desember 1991, R. 1794 van 24 Junie 1992, R. 2702 van 25 September 1992, R. 2801 van 2 Oktober 1992, R. 3081 van 6 November 1992, R. 156 van 5 Februarie 1993, R. 157 van 5 Februarie 1993, R. 2559 van 31 Desember 1993, R. 39 van 7 Januarie 1994, R. 717 van 22 April 1994, R. 830 van 29 April 1994, R. 132 van 3 Februarie 1995 en R. 443 van 24 Maart 1995.

Wysiging van Aanhangel A van die Regulasies

2. Aanhangel A van die Regulasies word hiermee gewysig deur subparagraaf A.1 (m) te vervang met die volgende subparagraaf:

"A.1 (m) Registrasie van lugvaartuie:

(i) Nuwe registrasie	R200,00
(ii) Registrasie van eiendomswisseling	R200,00
(iii) Duplikaat registrasiesertifikaat	R 80,00
(iv) Wysiging van registrasiesertifikaat	R120,00
(v) Uitvoer van 'n lugvaartuig	R200,00"

Kort titel

3. Hierdie regulasies heet die **Vier-en-Dertigste Wysiging van die Lugvaartregulasies, 1976.**

**DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU**

No. R. 118**2 February 1996**

MARKETING ACT, 1968 (ACT No. 59 OF 1968)

DRIED FRUIT SCHEME: LEVY AND SPECIAL LEVY

I, André Isak van Niekerk, Minister of Agriculture, hereby make known in terms of section 79 of the Marketing Act, 1968 (Act No. 59 of 1968), that—

(a) the Dried Fruit Board referred to in section 6 of the Dried Fruit Scheme published by Government Notice No. R. 1065 of 10 June 1988, has under section 27 of the said Scheme imposed the levy and special levy set out in the Schedule;

(b) the said levy and special levy have been approved by me and shall come into operation on the date of publication hereof; and

(c) Government Notice No. R. 2187 of 15 December 1994 is repealed with effect from the said date of commencement.

A. I. VAN NIEKERK**Minister of Agriculture****SCHEDULE****Definitions**

1. Any word or expression in this Schedule to which a meaning has been assigned in the Scheme shall have that meaning and "the Scheme" means the Dried Fruit Scheme published by Government Notice No. R. 1065 of 10 June 1988.

Imposition of levy and special levy

2. A levy and a special levy are hereby imposed on dried fruit of the kinds specified in column 1 of the Table, that is sold by a producer thereof.

Amount of levy and special levy

3. The amount of the levy and special levy referred to in clause 2 shall respectively be as specified in columns 2 and 3 of the Table opposite the respective kinds of dried fruit.

No. R. 118**2 Februarie 1996**

BEMARKINGSWET, 1968 (WET No. 59 VAN 1968)

DROËVRUGTESKEMA: HEFFING EN SPESIALE HEFFING

Ek, André Isak van Niekerk, Minister van Landbou, maak hierby ingevolge artikel 79 van die Bemarkingswet, 1968 (Wet No. 59 van 1968), bekend dat—

(a) die Droëvrugteraad bedoel in artikel 6 van die Droëvrugteskema gepubliseer by Goewermentskennisgewing No. R. 1065 van 10 Junie 1988, kragtens artikel 27 van genoemde Skema die heffing en spesiale heffing in die Bylae uiteengesit, opgelê het;

(b) genoemde heffing en spesiale heffing deur my goedgekeur is en op die datum van publikasie hiervan in werking tree; en

(c) Goewermentskennisgewing No. R. 2187 van 15 Desember 1994 met ingang van genoemde datum van inwerkingtrede herroep word.

A. I. VAN NIEKERK**Minister van Landbou**

BYLAE**Woordomskrywing**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Skema geheg is, daardie betekenis, en beteken "die Skema" die Droëvrugteskema gepubliseer by Goewermentskennisgewing No. R. 1065 van 10 Junie 1988.

Oplegging van heffing en spesiale heffing

2. 'n Heffing en 'n spesiale heffing word hierby opgelê op droëvrugte van die soorte in kolom 1 van die Tabel vermeld, wat deur 'n produsent daarvan verkoop word.

Bedrag van heffing en spesiale heffing

3. Die bedrag van die heffing en spesiale heffing in klousule 2 bedoel, is onderskeidelik soos in kolomme 2 en 3 van die Tabel teenoor die onderskeie soorte droëvrugte vermeld.

TABLE • TABEL
LEVY AND SPECIAL LEVY ON DRIED FRUIT
HEFFING EN SPESIALE HEFFING OP DROËVRUGTE

Kind of dried fruit Soorte droëvrugte	Levy* Heffing* (c/per kg)	Special levy* Spesiale heffing* (c/per kg)
1	2	3
1. Currants/Korente	2,10	6,00
2. Raisins/Rosyntjies	2,10	2,00
3. Seedless raisins/Pitlose rosyne:		
3.1 Sultanas, Golden/Sultanas, Goue	2,10	6,00
3.2 Sultanas, Unbleached/Sultanas, geloog	2,10	6,00
3.3 Thompson seedless raisins/Thompson pitlose rosyne	2,10	6,00
4. Prunes/Pruimedante	2,10	3,00
5. All other kinds of dried fruit/Alle ander soorte droëvrugte	2,70	6,00

* Levies include 14% VAT.

* Heffings sluit 14% BTW in.

No. R. 119

2 February 1996

MARKETING ACT, 1968 (ACT No. 59 OF 1968)

DECIDUOUS FRUIT SCHEME: REGISTRATION OF PRODUCERS OF DECIDUOUS FRUIT

I, André Isak van Niekerk, Minister of Agriculture, hereby make known in terms of section 79 of the Marketing Act, 1968 (Act No. 59 of 1968), that—

(a) the Deciduous Fruit Board referred to in section 6 of the Deciduous Fruit Scheme published by Government Notice No. R. 945 of 20 May 1994, as corrected, has under section 38 of the said Scheme issued the directions set out in the Schedule;

(b) the said directions have been approved by me and shall come into operation on the date of publication hereof; and

(c) Government Notice No. R. 2341 of 18 November 1988 is repealed with effect from the said date of commencement.

A. I. VAN NIEKERK
Minister of Agriculture

SCHEDULE

Definition

1. Any word or expression in this Schedule to which a meaning has been assigned in the Scheme shall have that meaning, and "the Scheme" means the Deciduous Fruit Scheme, published by Government Notice No. R. 945 of 20 May 1994, as corrected.

Submission of applications

2. (1) An application for registration by a producer of deciduous fruit shall be made on the applicable forms obtainable on request from the Board.

(2) Such application form shall—

- (a) be completed by the applicant concerned or a person duly authorised to apply on his behalf;
- (b) be confirmed under oath, if so indicated;
- (c) when submitted by hand, be delivered at the office of the Deciduous Fruit Board, Parc du Cap, Bellville;
- (d) when submitted by post, be addressed to the Executive Officer, Deciduous Fruit Board, P.O. Box 1801, Bellville, 7535.

Consideration of applications

3. (1) An application referred to in clause 2 will be considered by the Board as soon as possible after the receipt thereof.

(2) The Board may require that an applicant submit other documents or evidence in connection with his application as the Board may determine.

(3) The Board may for the purpose of consideration of an application referred to in clause 2, make any investigation or enquiry in connection therewith which it may deem necessary.

Registration

4. If the Board grants an application referred to in section 2, the executive officer of the Board shall notify the applicant concerned of such registration.

No. R. 119**2 Februarie 1996****BEMARKINGSWET, 1968 (WET No. 59 VAN 1968)****SAGTEVRUGTESKEMA: REGISTRASIE VAN PRODUSENTE VAN SAGTEVRUGTE**

Ek, André Isak van Niekerk, Minister van Landbou, maak hierby ingevolge artikel 79 van die Bemarkingswet, 1968 (Wet No. 59 van 1968), bekend dat—

- (a) die Sagtevrugteraad bedoel in artikel 6 van die Sagtevrugteskema, gepubliseer by Goewermenskennisgewing No. R. 945 van 20 Mei 1994, soos verbeter, kragtens artikel 38 van genoemde Skema die voorskrifte in die Bylae uitgevaardig het;
- (b) genoemde voorskrifte deur my goedgekeur is en op die datum van publikasie hiervan in werking tree; en
- (c) Goewermenskennisgewing No. R. 2341 van 18 November 1988, met ingang van genoemde datum van inwerkingtreding herroep word.

A. I. VAN NIEKERK**Minister van Landbou****BYLAE****Woordomskrywing**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Skema geheg is, daardie betekenis, en beteken "die Skema" die Sagtevrugteskema gepubliseer by Goewermenskennisgewing No. R. 945 van 20 Mei 1994, soos verbeter.

Indiening van aansoeke

2. (1) 'n Aansoek om registrasie deur 'n produsent van sagtevrugte moet op die toepaslike vorms gedoen word wat op aanvraag van die Raad verkrygbaar is.

(2) So 'n aansoekvorm moet—

- (a) deur die betrokke aansoeker of iemand wat behoorlik daartoe gemagtig is om namens hom aansoek te doen, ingevul word;
- (b) beëdig word, indien aldus aangedui;
- (c) wanneer per hand ingedien, afgelewer word by die kantoor van die Sagtevrugteraad, Parc du Cap, Bellville;
- (d) wanneer per pos ingedien, geadresseer word aan die Uitvoerende Beampte, Sagtevrugteraad, Posbus 1801, Bellville, 7535.

Oorweging van aansoeke

3. (1) 'n Aansoek in klousule 2 bedoel word so spoedig doenlik na die ontvangs daarvan deur die Raad oorweeg.
- (2) Die Raad kan vereis dat 'n aansoeker die ander stukke of bewyse in verband met sy aansoek indien wat die Raad bepaal.
- (3) Die Raad kan vir die doeleindes van die oorweging van 'n aansoek in klousule 2 bedoel, enige ondersoek of navraag in verband daarmee doen wat hy nodig ag.

Registrasie

4. Indien die Raad 'n aansoek in klousule 2 bedoel toestaan, stel die uitvoerende beampte van die Raad die betrokke aansoeker van sodanige registrasie in kennis.

No. R. 120**2 February 1996****MARKETING ACT, 1968 (ACT No. 59 OF 1968)****CONTROL OF THE EXPORTATION OF DECIDUOUS FRUIT***

I, André Isak van Niekerk, Minister of Agriculture, acting under section 87 of the Marketing Act, 1968 (Act No. 59 of 1968), hereby—

- (a) issue the prohibition and provisions set out in the Schedule; and
- (b) repeal Proclamation No. R. 36 of 1978 as amended by Government Notice No. R. 738 of 18 April 1986.

A. I. VAN NIEKERK
Minister of Agriculture

* Prohibition on export of deciduous fruit except by the Deciduous Fruit Board or by virtue of a permit.

SCHEDULE**Definition**

1. Any word or expression in this Schedule to which a meaning has been assigned in the Scheme shall have that meaning, and "the Scheme" means the Deciduous Fruit Scheme published by Proclamation No. R. 945 of 20 May 1994, as corrected.

Control of the exportation of deciduous fruit

2. No person other than the Board or a person authorised thereto by permit by the Board shall export deciduous fruit or any class or grade thereof from the Republic: Provided that the total quantity of deciduous fruit which may be exported during a particular period shall not exceed a quantity determined in respect of such period by the Minister after consultation with the Marketing Council and the Deciduous Fruit Board.

Provided further that this prohibition will not be applicable to—

- (a) deciduous fruit exported to the countries of the Southern African Custom Union area;
- (b) deciduous fruit supplied in the harbours of the Republic to ships for use as ship's stores;
- (c) deciduous fruit shipped as provisions for consumption on any other means of conveyance to foreign countries; and
- (d) deciduous fruit with a mass of not more than 50 kg which is exported for the household use of the person exporting it or as a gift to any other person.

Application for permits

3. An application for a permit referred to in clause 2 shall be made on the applicable form obtainable on request from the Board.

Issuing of permits

4. The issuing of permits referred to in clause 2 shall be in the discretion of the Board and the export of deciduous fruit under such permit shall be done in accordance with conditions determined by the Board and set out in the permit concerned.

No. R. 120

2 Februarie 1996

BEMARKINGSWET, 1968 (WET No. 59 VAN 1968)

BEHEER OOR DIE UITVOER VAN SAGTEVRUGTE*

Ek, André Isak van Niekerk, Minister van Landbou, handelend kragtens artikel 87 van die Bemarkingswet, 1968 (Wet No. 59 van 1968)—

(a) vervaardig hierby die verbod en bepalings in die Bylae uiteengesit, uit; en

(b) herroep hierby Proklamasie No. R. 36 van 1978, soos gewysig deur Goewermentskennisgewing No. R. 738 van 18 April 1986.

A. I. VAN NIEKERK

Minister van Landbou

* Verbod op uitvoer van sagtevrugte behalwe deur die Sagtevrugteraad of kragtens 'n permit.

BYLAE

Woordskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Skema geheg is, daardie betekenis, en beteken "die Skema" die Sagtevrugteskema gepubliseer by Goewermentskennisgewing No. R. 945 van 20 Mei 1994, soos verbeter.

Beheer oor die uitvoer van sagtevrugte

2. Niemand anders as die Raad of 'n persoon wat by permit deur die Raad daartoe gemagtig is, mag sagtevrugte of enige klas of graad daarvan uit die Republiek uitvoer nie: Met dien verstande dat die totale hoeveelheid sagtevrugte wat gedurende 'n bepaalde tydperk uitgevoer mag word, nie 'n hoeveelheid mag oorskry nie wat ten opsigte van so 'n tydperk deur die Minister na oorlegpleging met die Bemarkingsraad en die Sagtevrugteraad bepaal is.

Met dien verstande verder dat hierdie verbod nie van toepassing is nie op—

- (a) sagtevrugte wat na lande van die Suider-Afrikaanse Doeane-Unie gebied uitgevoer word;
- (b) sagtevrugte wat aan skepe in die hawens van die Republiek verskaf word vir gebruik op sodanige skepe as skeepsvoorraad;
- (c) sagtevrugte wat ingeneem word as voorraad vir verbruik op 'n ander vervoermiddel na die buiteland; en
- (d) sagtevrugte met 'n massa van hoogstens 50 kg wat vir die huishoudelike gebruik van die persoon wat dit uitvoer of as 'n geskenk aan iemand anders uitgevoer word.

Aansoeke om permitte

3. 'n Aansoek om 'n permit in klousule 2 bedoel, moet op die toepaslike vorm gedoen word wat op aanvraag van die Raad verkrygbaar is.

Uitreiking van permitte

4. Die uitreiking van permitte in klousule 2 bedoel, geskied na goeddunke van die Raad en die uitvoer van sagtevrugte kragtens so 'n permit geskied ooreenkomstig die voorwaardes deur die Raad bepaal en in die betrokke permit uiteengesit.

No. R. 135

2 February 1996

WINE AND SPIRIT CONTROL ACT, 1970 (ACT No. 47 OF 1970)

1. TRANSPORT COSTS IN RESPECT OF GOOD WINE

2. LEVY PAYABLE BY LICENSEES, DISTILLERS, WINEGROWERS AND CO-OPERATIVE SOCIETIES

3. RESEARCH LEVY PAYABLE BY LICENSEES, DISTILLERS, WINEGROWERS AND CO-OPERATIVE SOCIETIES

It is hereby made known that the Co-operative Winegrowers Association of South Africa, Limited—

1. acting in terms of section 18 (8) (a) (iv) of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), with the approval of the Minister of Agriculture, hereby prescribe that if wine referred to in section 14 is delivered during the year 1 February 1996 to 31 January 1997 by a winegrower or co-operative society at a place other than the place where such wine was produced or manufactured, or the railway station or siding nearest to such place, the transport costs set out in the table hereinafter shall be added to the price referred to in section 18 (8):

TABLE

Distance over which wine is transported	Transport costs
Up to and including 50 km	4,792c per litre.
Further than 50 km	4,792c per litre for the first 50 km, plus 0,096c per litre per kilometre for each kilometre further than 50 km.

In the event of wine being transported by any other person for or on behalf of a winegrower or co-operative society the actual transport costs of such wine shall be added to the price referred to in section 18 (8);

2. acting in terms of section 22 of the said Act, with the approval of the Minister of Agriculture, hereby determine in respect of the year 1 February 1996 to 31 January 1997 the tariff of the levy referred to in the said section, as set out in the table hereinafter, which levy shall be payable to the Vereniging by—

(a) every person licensed to deal in liquor and every distiller in respect of wine, described in section 14 of the said Act, purchased or acquired by him during the said year, from a winegrower or co-operative society; and

(b) every winegrower and co-operative society in respect of wine, described in section 14 of the said Act, sold by him during the said year to any person who is not licensed to deal in liquor or is not a distiller:

TABLE

Description	Levy
(a) In the case of unfortified wine, sparkling wine, must, grape juice and fortified wine excluding added spirit contained therein	R1,00 per hectolitre.
(b) In the case of moskonfyt	R1,00 per hectolitre wine of a strength of 10 per cent alcohol by volume calculated according to the conversion tables prescribed under section 54 of the said Act.
(c) In the case of grapes	R7,00 per ton.

Payment of the said levy in respect of any quantity of such wine shall be made as and when delivery takes place;

3. acting in terms of section 48 of the said Act, with the approval of the Minister of Agriculture, hereby determine in respect of the year ending 31 December 1996 the tariff of the levy referred to in the said section in respect of wine referred to in sections 1 and 14, spirit and brandy, as set out in the table hereinafter, which levy shall be payable to the Vereniging by—

(a) every person licensed to deal in liquor and every distiller in respect of any such wine, spirit and brandy purchased or acquired by him from the Vereniging, or purchased or otherwise acquired by him from a winegrower or co-operative society in pursuance of a written contract of purchase and sale referred to in section 5A or 18B of the said Act; and

(b) every winegrower and co-operative society in respect of such wine spirit and brandy sold or disposed of by him otherwise than in pursuance of a written contract of purchase and sale:

TABLE

Description	Levy
(a) In the case of wine intended for distilling purposes, spirit and brandy	21c per hectolitre wine at 10% alcohol by volume.
(b) In the case of unfortified wine, sparkling wine, must, grape juice and fortified wine excluding added spirit therein	25c per hectolitre.
(c) In the case of moskonfyt	25c per hectolitre of a strength of 10 per cent alcohol by volume calculated according to the conversion tables prescribed in terms of section 54 of the said Act.
(d) In the case of grapes	R1,75 per ton.

A winegrower or co-operative society purchasing or acquiring wine, referred to in section 14, from any other winegrower or co-operative society shall be exempted from payment of the levy in respect of such wine.

Payment of the said levy in respect of any quantity of such wine shall be made as and when delivery takes place.

VAT is not included in the aforementioned transport costs and levies.

S. W. JOUBERT

Secretary: Co-operative Winegrowers Association of South Africa, Limited

No. R. 135

2 Februarie 1996

WET OP BEHEER OOR WYN EN SPIRITUS, 1970 (WET No. 47 VAN 1970)

1. VERVOERKOSTE TEN OPSIGTE VAN GOEIEWYN
2. HEFFING BETAALBAAR DEUR GELISENSIEERDES, DISTILLEERDERS, WYNBOERE EN KOÖPERATIEWE VERENIGINGS
3. NAVORSINGSHEFFING BETAALBAAR DEUR GELISENSIEERDES, DISTILLEERDERS, WYNBOERE EN KOÖPERATIEWE VERENIGINGS

Hiermee word bekendgemaak dat die Koöperatiewe Wynbouersvereniging van Suid-Afrika, Beperk—

1. handelende kragtens artikel 18 (8) (a) (iv) van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), met die goedkeuring van die Minister van Landbou, hierby voorskryf dat indien wyn in artikel 14 bedoel, gedurende die jaar 1 Februarie 1996 tot 31 Januarie 1997 deur 'n wynboer of koöperatiewe vereniging met eie vervoer gelewer word op 'n ander plek as die plek waar sodanige wyn geproduseer of vervaardig is, of die naaste spoorwegstasie of -halte aan daardie plek, die vervoerkoste in die tabel hierna vermeld, bygevoeg moet word by die prys in artikel 18 (8) bedoel:

TABEL

Afstand waaroor wyn vervoer word	Vervoerkoste
Tot en met 50 km	4,792c per liter.
Verder as 50 km.....	4,792c per liter vir die eerste 50 km, plus 0,096c per liter per kilometer verder as 50 km.

In die geval waar wyn deur enigiemand anders namens of ten behoeve van 'n wynboer of koöperatiewe vereniging vervoer word, moet die werklike vervoerkoste van daardie wyn bygevoeg word by die prys in artikel 18 (8) bedoel;

2. handelende kragtens artikel 22 van genoemde Wet, met die goedkeuring van die Minister van Landbou, vir die jaar 1 Februarie 1996 tot 31 Januarie 1997 die tarief van die heffing bedoel in genoemde artikel bepaal het, soos in die tabel hierna vermeld, welke heffing betaalbaar is aan die Vereniging deur—

(a) elke persoon wat gelisensieer is om in drank handel te dryf en elke distilleerder wat gedurende genoemde jaar wyn, soos omskryf in artikel 14 van genoemde Wet, van 'n wynboer of koöperatiewe vereniging koop of verkry; en

(b) elke wynboer en koöperatiewe vereniging wat gedurende genoemde jaar wyn, soos omskryf in artikel 14 van genoemde Wet, verkoop aan iemand wat nie gelisensieer is om in drank handel te dryf of nie 'n distilleerder is nie;

TABEL

Beskrywing	Heffing
(a) In geval van onversterkte wyn, vonkelwyn, mos, druiwesap en versterkte wyn, uitgesluit toegevoegde spiritus daarin aanwesig.....	R1,00 per hektoliter.
(b) In geval van moskonfyt.....	R1,00 per hektoliter wyn van 'n sterkte van 10 persent alkohol volgens volume bereken ooreenkomstig die omrekeningstabelle voorgeskryf ingevolge artikel 54 van genoemde Wet.
(c) In geval van druiwe.....	R7,00 per ton.

Betaling van genoemde heffing ten opsigte van enige hoeveelheid sodanige wyn, moet geskied soos en wanneer aflewering daarvan plaasvind;

3. handelende kragtens artikel 48 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), met die goedkeuring van die Minister van Landbou, vir die jaar eindigende 31 Desember 1996, die tarief van die heffing bedoel in genoemde artikel opgelê het ten opsigte van wyn in artikels 1 en 14 bedoel, spiritus en brandewyn, soos in die tabel hierna vermeld, welke heffing betaalbaar is aan die Vereniging deur—

(a) iemand wat gelisensieer is om in drank handel te dryf en 'n distilleerder ten opsigte van enige sodanige wyn, spiritus en brandewyn wat hy van die Vereniging verkry het of, ingevolge 'n skriftelike koopkontrak bedoel in artikel 5A of 18B van genoemde Wet, van 'n wynboer of koöperatiewe vereniging gekoop of andersins verkry het; en

(b) 'n wynboer en 'n koöperatiewe vereniging ten opsigte van enige sodanige wyn, spiritus en brandewyn wat hy anders as ingevolge so 'n skriftelike koopkontrak verkoop of andersins van die hand gesit het:

TABEL

Beskrywing	Heffing
(a) In geval van wyn bestem vir distilleringsoeieindes, spiritus en brandewyn.....	21c per hektoliter wyn teen 10% alkohol volgens volume.
(b) In geval van onversterkte wyn, vonkelwyn, mos, druiwesap en versterkte wyn, uitgesluit toegevoegde spiritus daarin aanwesig.....	25c per hektoliter.
(c) In geval van moskonfyt	25c per hektoliter van 'n sterkte van 10% alkohol volgens volume, bereken ooreenkomstig die omrekeningstabelle voorgeskryf ingevolge artikel 54 van die genoemde Wet.
(d) In geval van druiwe	R1,75 per ton.

'n Wynboer of koöperatiewe vereniging wat wyn in artikel 14 bedoel van 'n ander wynboer of koöperatiewe vereniging koop of verkry, is vrygestel van betaling van die heffing ten opsigte van daardie wyn.

Betaling van genoemde heffing ten opsigte van enige hoeveelheid sodanige wyn, moet geskied soos en wanneer aflewering daarvan plaasvind.

BTW is nie ingesluit by die bogenoemde vervoerkoste en heffings nie.

S. W. JOUBERT

Sekretaris: Koöperatiewe Wynbouersvereniging van Suid-Afrika, Beperk

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 122

2 February 1996

LABOUR RELATIONS ACT, 1956

CANCELLATION OF GOVERNMENT NOTICES

JEWELLERY AND PRECIOUS METAL INDUSTRY (CAPE): MAIN AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (5) of the Labour Relations Act, 1956, cancel Government Notices Nos. R. 953 of 30 June 1995 and R. 1880 of 8 December 1995, with effect from the second Monday after the date of publication of this notice.

T. T. MBOWENI

Minister of Labour

No. R. 122

2 Februarie 1996

WET OP ARBEIDSVERHOUDINGE, 1956

INTREKKING VAN GOEWERMENSKENNISGEWINGS

JUWELIERSWARE- EN EDELMETAALNYWERHEID (KAAP): HOOFOOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, trek hierby, kragtens artikel 48 (5) van die Wet op Arbeidsverhoudinge, 1956, Goewermenskennisgewings Nos. R. 953 van 30 Junie 1995 en R. 1880 van 8 Desember 1995 in, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing.

T. T. MBOWENI

Minister van Arbeid

No. R. 123

2 February 1996

LABOUR RELATIONS ACT, 1956

JEWELLERY AND PRECIOUS METAL INDUSTRY (CAPE): RE-ENACTMENT OF MAIN AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the 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 December 1996, upon the employers' organisation and the trade union which entered into the said Agreement and upon the employers and employees who are members of the said organisation or union; and
- (b) in terms of section 48 (1) (b) of the Act, declare that the provisions of the said Agreement, excluding those contained in clauses 1 (1) (a), 2, 3 and 11 shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1996, 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 said Agreement.

T. T. MBOWENI

Minister of Labour

SCHEDULE

INDUSTRIAL COUNCIL FOR THE JEWELLERY AND PRECIOUS METAL INDUSTRY (CAPE)

AGREEMENT

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

Cape Jewellery Manufacturers' Association

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

Jewellers' and Goldsmiths' Union

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

(being the parties to the Industrial Council for the Jewellery and Precious Metal Industry (Cape),

to amend the Main Agreement published under Government Notice No. R. 1133 of 8 June 1984, as amended and renewed by Government Notices Nos. R. 2070 of 26 September 1986, R. 107 of 16 January 1987, R. 146 of 30 January 1987, R. 975 of 30 April 1987, R. 1992 of 11 September 1987, R. 2635 of 27 November 1987, R. 70 of 22 January 1988, R. 1233 of 24 June 1988, R. 1675 of 19 August 1988, R. 2591 of 23 December 1988, R. 1454 of 7 July 1989, R. 393 and R. 394 of 23 February 1990, R. 1762 of 2 August 1991, R. 2858 of 29 November 1991, R. 818 of 13 March 1992, R. 2248 of 7 August 1993, R. 702 of 30 April 1993, R. 949 of 20 May 1994, R. 1425 of 19 August 1994, R. 1523 of 9 September 1994, R. 1943 of 18 November 1994, R. 953 of 30 June 1995 and R. 1880 of 8 December 1995.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Jewellery and Precious Metal Industry (Cape)—
 - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
 - (b) in the Magisterial Districts of Bellville, The Cape, including those portions of the Magisterial District of Goodwood which, prior to 3 October 1975 and 12 December 1980 (Government Notices Nos. 1882 of 3 October 1975 and 2536 of 12 December 1980), fell within the Magisterial District of the Cape, and Wynberg.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—
 - (a) apply only to employees for whom wages are prescribed in this Agreement, and to the employers of such employees;
 - (b) apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any condition fixed thereunder.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on a date to be fixed by the Minister of Labour in terms of section 48 (1) of the Act and shall remain in force for the period ending 31 December 1996 or for such period as may be determined by him.

3. SPECIAL PROVISIONS

The provisions of clauses 13 (7) (e), 18, 19, 20, 21 and 29 of the Agreement published under Government Notice No. R. 1133 of 8 June 1984, as renewed and amended by Government Notices Nos. R. 2070 of 26 September 1986, R. 107 of 16 January 1987, R. 146 of 30 January 1987, R. 975 of 30 April 1987, R. 1992 of 11 September 1987, R. 2635 of 27 November 1987, R. 70 of 22 January 1988, R. 1233 of 24 June 1988, R. 1675 of 19 August 1988, R. 2591 of 23 December 1988, R. 1454 of 7 July 1989, R. 393 and R. 394 of 23 February 1990, R. 1742 of 2 August 1991, R. 2858 of 29 November 1991, R. 818 of 13 March 1992, R. 2248 of 7 August 1992, R. 702 of 30 April 1993, R. 949 of 20 May 1994, R. 1425 of 19 August 1994, R. 1943 of 18 November 1994, R. 953 of 30 June 1995 and R. 1880 of 8 December 1995 (hereinafter referred to as the "Former Agreement") as further extended, renewed and amended from time to time, shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 13 (7) (d), 13 (7) (f) to 17, 22 to 28, 30 to 37 of the Former Agreement, as further extended, renewed and amended from time to time, shall apply to employers and employees.

5. CLAUSE 3: DEFINITIONS

Substitute the following for clause 3:

"3. DEFINITIONS

Any expressions used in this Agreement which are defined in the Labour Relations Act, 1956, shall have the same meaning as in that Act, any reference to an Act shall include any amendment of such Act, and unless the contrary intention appears, words importing the masculine gender shall include the female gender; further, unless inconsistent with the context—

"Act" means the Labour Relations Act, 1956;

"alloying" means the calculation and preparation of metals prior to smelting;

"apprentice" means—

- (a) any person employed under a contract of apprenticeship in any trade in the Industry designated in pursuance of section 16 of the Manpower Training Act, 1981, and which said contract has been registered in terms of subsection (2) of section 20 or 23 of the said Act, and includes any minor employed under section 19 thereof; or
- (b) any person, not being a minor at the date on which the trade concerned was designated in pursuance of section 16 (1) of the Manpower Training Act, 1981, employed under a contract of apprenticeship in any recognised trade in the Industry which contract is for a period of not less than the recognised period of training and which was entered into prior to the date of publication of the preliminary notice of designation under subsection (4) of the said section: Provided that at the time the contract was entered into it was—

- (a) reduced to writing;
- (b) signed by or on behalf of the employer;
- (c) signed by the apprentice; and
- (d) if at the time the contract was entered into the apprentice was a minor, signed by the guardian of the apprentice;

"assembling" means, for the purposes of work performed by an operative Grade A, the bringing together of component parts for purposes of soldering of preformed jewellery;

"Council" means the Industrial Council for the Jewellery and Precious Metal Industry (Cape) registered in terms of section 19 (3) of the Labour Relations Act, 1956;

"enamelling" means a vitrified substance applied to the surface of a metallic object by hand or machine and/or a heat process;

"engraving" includes, but without limiting the meaning thereof, the following:

- (a) Engraving of floral, decorative and/or abstract designs;
- (b) engraving of inscriptions, dates, monograms, initials and/or the like;
- (c) engraving of heraldic designs;
- (d) engraving of outlines for cutting out;
- (e) cutting in relief and/or sinking for the purpose of, or in preparation for, enamelling or otherwise; and
- (f) matting, embossing, carving and/or chasing;

"establishment" means any premises in or in connection with which one or more persons are employed in the Jewellery and Precious Metal Industry;

"experience", in relation to any particular operations, means the total period or periods of employment which an employee has been in the Industry and in the performance of any operations within the same classification as such first-mentioned operations, without making any adjustment in respect of short-time or overtime worked during such period or periods of employment;

"Industry" means the Jewellery and Precious Metal Industry;

"Jewellery and Precious Metal Industry" means the joint enterprise in which employer and employee are associated for any one or more of the following purposes:

- (a) The manufacture of the following articles mainly from precious metals, including all operations incidental to such manufacture:
 - (i) Articles of jewellery and/or personal adornment, with or without ornamental stones;
 - (ii) mountings for ornamental stones;
 - (iii) medals, medallions, badges, masonic jewels and/or like articles;
 - (iv) ornaments, ornamental vessels, ornamental utensils and/or like ornamental articles;
 - (v) parts of any of the aforesaid articles;

- (b) the setting and/or resetting or ornamental stones in any articles referred to in paragraph (a);
- (c) the engraving of any articles referred to in paragraph (a);
- (d) the repairing, altering and/or renovating of any such articles referred to in paragraph (a);
- (e) the enamelling of any articles referred to in paragraph (a);
- (f) the making and/or repairing of tools and/or dies used or intended for use in any of the activities referred to in this definition when undertaken by any employer engaged in such activities and when undertaken in connection therewith;
- (g) the engraving of dies used or intended for use in any of the activities referred to in this definition;

"journeyman" means any person—

- (a) who has served and completed an apprenticeship in terms of a contract of apprenticeship such as referred to in paragraph (a) of the definition "apprentice"; or
- (b) who has satisfied the Council that he has been employed for a period of eight years or longer in the Industry and furthermore that he holds a recognised certificate of competency in all the classes of work as set out in clause 6A;

"new employee" means any person that has entered the Industry for the very first time and is in his/her three month's probation period;

"ornamental stones" means precious and/or semi-precious gem stones and/or any other ornamental stones, whether cut and polished or of natural shape and lustre and/or imitations of any such stones;

"polisher" means any person who polishes any article or component part of any article as defined in this Agreement under "Jewellery and Precious Metal Industry", either manually or mechanically, including the use of rubberised or paper wheels and/or flexible shafts;

"grinder" means any person who grinds any article or component part or any article as defined in this Agreement under "Jewellery and Precious Metal Industry", either manually or mechanically, including the use of rubberised or paper wheels and/or flexible shafts;

"precious metals" means the precious metals gold, silver, platinum and/or palladium and/or any alloy containing the said precious metals or any of them in such proportion with any other metals as to be the greater part in value of such alloy;

"preformed jewellery" means any article of precious metal which is cast or stamped into a specific shape or pattern;

"remuneration" means any payment in money or in kind or both in money and in kind, made or owing to any person, which arises in any manner whatsoever out of employment, and "remunerate" has a corresponding meaning;

"stone mounting in wax patterns" means the process of mounting stones in wax patterns and placing stones into rubber moulds using a beader;

"Trade Union" means the Jewellers' and Goldsmiths' Union;

"wage" means that portion of the remuneration payable to any employee in money in respect of the ordinary hours of work laid down in clause 5 or such higher amount as an employer regularly pays an employee in respect of his/her ordinary hours of work but excluding any other payment."

6. CLAUSE 5: ORDINARY HOURS OF WORK

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

"(a) 43 in any week from Monday to Saturday, inclusive;"

7. CLAUSE 6: CLASSIFICATION OF WORK AND ORDINARY MINIMUM WAGES FOR ORDINARY HOURS OF WORK

Substitute the following for clause 6:

"6. CLASSIFICATION OF WORK AND ORDINARY MINIMUM WAGES FOR ORDINARY HOURS OF WORK

The minimum weekly wages which shall be paid by an employer to each member of the undermentioned classes of employees shall be as follows:

A. JOURNEYMAN'S WORK

Any one or more of the following operations, irrespective of the group or groups in which they appear:

Classes of work

	Weekly wage R
Group I: Mounting and/or precious metal working:	
(i) Alloying precious metals	480,00
(ii) Assembling by hand, with or without the use of hand tools.....	480,00
(iii) Bending, plying and/or manipulating metal to shape by hand	480,00
(iv) Making and/or preparing for use moulds for casting precious metals, but not including preparing for use moulds for casting plain ingots of precious metals.....	480,00

*Classes of work**Weekly wage*
R

(v) Cutting metal incidental to the work being performed by the particular journeyman	480,00
(vi) Drilling by means of any hand tool (including flexible shaft drill) or by means of electrically operated hand drill	480,00
(vii) Filing metal with hand file	480,00
(viii) Hammering metal with hand-operated hammer or any other hand tool	480,00
(ix) Lathe turning	480,00
(x) Preparing metal for drawing tube or charnier (but not including the drawing thereof through draw plates)	480,00
(xi) Punching with hand punch or with any other hand tool or instrument	480,00
(xii) Repairing and/or altering any manufactured article or part of any such article	480,00
(xiii) Sawing metal with fretsaw	480,00
(xiv) Soldering metal by hand with or without the use of hand tools and with or without the use of blowpipe (whether such blowpipe is operated by mouth or by air under pressure)	480,00
(xv) Soldering metal by any machine process and/or operating any soldering machine and/or operating a soldering oven	480,00
(xvi) Spinning	480,00

Note: The terms "alloying" and "precious metals" are defined in clause 3.

Group II: Setting ornamental stones:

(i) Setting ornamental stones by hand, including the use of hand tools	480,00
(ii) Setting ornamental stones by means of hand-operated dies and/or punches	480,00
(iii) Carving and cutting up	480,00

Note: The term "ornamental stones" is defined in clause 3.

Group III: Engraving:

(i) Engraving by hand, including the use of any hand tool	480,00
(ii) Engraving by operating any machine	480,00

Note: The term "engraving" is defined in clause 3.

Group IV: Enamelling:

(i) Hand-painted enamelling	480,00
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Note: The term "enamelling" is defined in clause 3.

Group V: Model making:

(i) Making models for mould castings	480,00
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B. ARTISAN'S WORK

Work in any one or more of the following trades when performed by a person in the employ of an employer engaged in the Jewellery and Precious Metal Industry, and when undertaken by the employer in connection with his/her own activities therein:

*Classes of work**Weekly wage*

R

(i) Base metal spinning	480,00
(ii) Ornamental base metal working	480,00
(iii) Coppersmithing	480,00
(iv) Die and/or jig and/or tool and/or gauge making	480,00
(v) Electrical maintenance work and/or installation	480,00
(vi) Fitting and/or turning and/or machining and/or precision grinding	480,00
(vii) Instrument making and/or repairing	480,00
(viii) Machine tool setting up	480,00
(ix) Carpentering	480,00
(x) Engine turning	480,00
(xi) Die engraving and/or sinking	480,00

C. OPERATIVE WORK (GRADE A)

Any of the following operations:

Filing, sawing, drilling, assembling and soldering of preformed jewellery and of marcasite articles in silver and shall include the use of a hammer:

	Weekly wage R
New employee	150,00
During first year of experience	200,00
During second year of experience	220,00
During third year of experience	250,00
Thereafter	300,00

Note: The terms "assembling" and "preformed jewellery" are defined in clause 3.

D. OPERATIVE WORK (GRADE B)

All operations in connection with the "lost-wax" process of casting, other than those enumerated under clause 6J (Mould Cutters), are amalgamated into one category as plaster and lost-wax operations and are as follows:

Classes of work

- (i) Injecting molten wax into moulds by hand and/or mechanical means;
- (ii) measuring quantity of and mixing plaster, including the evacuation of same by mechanical means;
- (iii) pouring by hand and/or mechanical means liquid plaster mixture into cans and/or containers into which cores, trees or sprues have been fitted and/or placed;
- (iv) making or building wax pattern cores, trees or sprues and the positioning of same in cans and/or containers;
- (v) ejecting and/or lifting, and/or taking out of wax patterns from moulds;
- (vi) trimming and/or removing "feather", "flash" and/or irregularities on wax patterns;
- (vii) preparing, vulcanising and curing of moulds:

	Weekly wage R
New employee	150,00
During first year of experience	200,00
During second year of experience	210,00
During third year of experience	230,00
Thereafter	250,00

E. OPERATIVE WORK (GRADE C)

Any one or more of the following operations:

Classes of work

- (i) Gilding, plating, emerying, including making use of rubberised wheels or paper, either manually or mechanically (including flexible shaft) and/or sandblasting;
- (ii) press cutting, press punching and/or press embossing;
- (iii) cleaning and/or washing jewellery;
- (iv) annealing, drawing solid wire and/or drawing tube or charnier (as distinct from preparing the metal for drawing tube or charnier, which is within the scope of journeyman's work);
- (v) feeding rollers and/or using gauges;
- (vi) cutting base metals and any precious metal scrap, and the smelting, casting and pouring thereof in plain ingots;
- (vii) fixing and/or filling articles in cement, wax, shellac and/or other cementing material for engraving, setting or engine turning;
- (viii) stamping quality, identification, registration, name, patent, date and/or carat marks;
- (ix) crushing and grinding of enamel into fine powder and washing powdered enamel for Grade I operations;
- (x) glueing of ornamented stones, pearls or other embellishments into or onto articles of jewellery in the final stages of production:

	Weekly wage R
New employee	150,00
During first year of experience	200,00
During second year of experience	210,00
During third year of experience	220,00
Thereafter	240,00

F. REPETITIVE WORK

- (i) Placing on and removing from the moving belt feed to the soldering oven trays of assembled articles prepared for soldering.
- (ii) Placing into jigs and tack welding component parts of preformed jewellery and placing thereon solder or soldering paste preparatory to placing the articles onto the moving belt of a soldering oven.
- (iii) Processes relating to the production of sleeper earrings, viz. drilling, riveting, sawing and removing flash by mechanical means:

	<i>Weekly wage</i> R
New employee.....	150,00
During first year of experience.....	200,00
During second year of experience.....	210,00
During third year of experience.....	220,00
Thereafter.....	230,00

G. POLISHING

A polisher means any person who polishes any article or component part of any articles as defined in this Agreement under "Jewellery and Precious Metal Industry" either manually or mechanically, including the use of rubberised or paper wheels and/or flexible shafts:

	<i>Weekly wage</i> R
New employee.....	150,00
During first year of experience.....	200,00
During second year of experience.....	220,00
During third year of experience.....	250,00
Thereafter.....	300,00

H. GENERAL WORKER

Any one or more of the following operations:

<i>Classes of work</i>	<i>Weekly wage</i> R
(i) Cleaning and/or washing premises, utensils, containers, plant, machinery and/or tools.....	210,00
(ii) Oiling, and/or greasing plant and machinery.....	210,00
(iii) Carrying, moving, wrapping, packing and/or stacking goods.....	210,00
(iv) Opening and/or closing doors, windows, boxes, packages, bales, sacks and/or bags.....	210,00
(v) Making tea and/or preparing other beverages.....	210,00
(vi) Delivering and/or collecting letters and/or goods and/or executing messages.....	210,00
(vii) Turning a hand-roller, swinging a hand press, operating the handle of any hand-operated machine and/or operating a blower or bellows.....	210,00
(viii) Washing and/or ironing overalls and/or other protective clothing.....	210,00

I. APPRENTICES

Wages as prescribed from time to time in the conditions of apprenticeship fixed under the Manpower Training Act, 1981.

J. MOULD CUTTERS

A mould cutter means a person who cuts open rubber moulds in respect of lost wax casting:

	<i>Weekly wage</i> R
New employee.....	150,00
During first year of experience.....	250,00
Thereafter.....	354,00

K. MACHINIST

A machinist means a person engaged in the production by mechanical means of articles of jewellery, which production shall include:

The roughing out, smoothing, bevelling and shaping of such articles when performed by a person in the employ of the employer in the Jewellery and Precious Metal Industry and when undertaken by the employer in connection with his/her own activities therein:

	Weekly wage
	R
New employee.....	150,00
During first year of experience	200,00
During second year of experience	231,00
During third year of experience	322,00
Thereafter.....	450,00

L. GRINDER

Any person who grinds any article or component part of any articles as defined in this Agreement under "Jewellery and Precious Metal Industry", either manually or mechanically, including the use of rubberised or paper wheels and/or flexible shafts:

	Weekly wage
	R
New employee.....	150,00
During first year of experience	200,00
During second year of experience	220,00
During third year of experience	250,00
Thereafter.....	300,00

M. STONE MOUNTER IN WAX PATTERNS

Any person who mounts stones in wax patterns and places stones into rubber moulds using a beader. The required ratio is two stone mounters to one setter:

	Weekly wage
	R
New employee.....	150,00
During first year of experience	200,00
During second year of experience	210,00
During third year of experience	230,00
Thereafter.....	250,00

N. STONE MOUNTER IN PRE-PREPARED METAL CASTINGS

Any person mounts stones in pre-cut metal settings.

The employment of such stone mounters shall take place through negotiations with existing setters employed by each individual company. The setter's permission shall not be unreasonably withheld."

8. CLAUSE 8: OVERTIME

Substitute the following for clause 8:

"8. OVERTIME

- (1) "Overtime" means that portion of any period during which an employee works for his/her employer during any one week inclusive of Saturdays which is in excess of the hours prescribed as the ordinary maximum in accordance with clause 5 (1).
- (2) An employer shall not require an employee to work overtime without such employee's consent.
- (3) An employer shall not require or permit an employee to work more than 10 hours overtime during any week from Monday to Saturday inclusive.
- (4) An employer shall pay an employee remuneration at a rate of not less than one and a half times his/her ordinary wage in respect of all overtime worked by such employee.
- (5) Genuine illness confirmed by a medical certificate shall be counted as normal working hours and may not be deducted from ordinary hours when overtime is calculated."

9. CLAUSE 9: PUBLIC HOLIDAYS

Substitute the following for clause 9:

"9. PUBLIC HOLIDAYS

(1) All statutory public holidays, namely—

New Year's Day

Human Right's Day

Good Friday

Family Day

Freedom Day

Worker's Day

Youth Day

National Women's Day

Heritage Day

Day of Reconciliation

Christmas Day

Day of Goodwill

shall be observed in the Industry.

In respect of each of the said public holidays all employees shall be granted leave of absence from work and shall be remunerated in terms of subclause (2).

(2) If an employee does not work on any public holiday referred to in subclause (1), his/her employer shall pay him/her in respect of such day remuneration at a rate not less than his/her ordinary rate of remuneration as if he/she had on such day worked his/her average ordinary working hours for that day of the week: Provided that an employee who absents himself/herself from work on the working day immediately preceding or following any statutory public holiday without producing a medical certificate in terms of clause 14 or without his/her employer's prior permission, shall not be paid for such holiday, and provided further that such holiday is on a working day as prescribed in clause 5 (5).

(3) Whenever an employee works on any public holiday referred to in subclause (1), his/her employer shall pay him/her remuneration at a rate not less than his/her ordinary wage in respect of the total period worked on such day, in addition to the remuneration to which he/she would have been entitled had he/she not so worked.

(4) When a public holiday falls on a Sunday, it will be carried over to the next day, which automatically becomes a public holiday.

(5) Public holidays may be exchanged upon proof of a 75% ballot of employees in the firm. The Secretary of the Industrial Council shall be advised two weeks prior to the date of such ballot. Such arrangement may also include Saturdays."

10. CLAUSE 14: SICK LEAVE

Substitute the following for clause 14:

"14. SICK LEAVE

(1) An employer shall grant to an employee employed by him and who is absent from work through incapacity—

(a) in the case of an employee who works a five-day week, not less than 30 working days; and

(b) in the case of an employee who works a six-day week, not less than 36 working days; and

(c) in the case of an employee who has worked for 10 years or more with the same employer, not less than, in the case of (a) above, 45 working days, and in the case of (b) above, 54 working days' sick leave in the aggregate during any period of 36 consecutive months of employment with him and shall pay such employee in respect of the period of absence in terms of this clause an amount of not less than the remuneration he would have received had he worked during such period: Provided that—

(i) in the first 12 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one working day in respect of each completed period of five weeks of employment and, in the case of every other employee, one working day in respect of each completed month of employment;

(ii) an employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work for a period covering more than two consecutive days, or for a period of absence of one day only where such day immediately precedes or follows any statutory public holiday, require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity, and if an employee had during any period of up to eight weeks received payment in terms of this clause on two or more occasions without producing such a certificate, his/her employer may during the period of eight weeks immediately succeeding the last such occasion, require him to produce such a certificate in respect of any absence from work.

(2) For the purposes of this clause, the term "employment" shall have the same meaning as in clause 12 (7). "Incapacity" means inability to work owing to any sickness or injury other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work caused by an accident or scheduled disease for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

(3) *Maternity leave:* (a) Female employees who have had more than three years' continuous service with the same employer shall be entitled, upon application, to three months' unpaid maternity leave. Such employees shall be guaranteed re-employment provided that the employee returns to work immediately upon expiry of the three month period. Employees shall also be granted four days' unpaid leave prior to confinement for attendance at prenatal clinics and two days' unpaid leave after confinement for postnatal clinic attendance.

(b) Such period of maternity leave shall be treated as continuous service. This shall include the accrual of holiday pay and sick leave, but shall not include payment for sick leave on public holidays falling within this period.

(c) The employer shall be permitted to employ an employee on a fixed-term contract to fill an employee's position whilst such employee is on maternity leave. The maximum duration of such contract shall be six months.

(4) *Compassionate leave.* In the event of a death in the immediate family, the employer shall grant the employee a maximum of three days' unpaid compassionate leave per each occasion."

11. CLAUSE 20: TRADE UNION SUBSCRIPTIONS

Substitute the following for subclause (1):

"20. TRADE UNION SUBSCRIPTIONS

(1) Every employer shall deduct from the weekly wages or monthly salary of each employee the amount of subscription payable by such employee to the trade union and shall forward the amount thus deducted to the Secretary of the Industrial Council for the Jewellery and Precious Metal Industry (Cape), P.O. Box 204, Cape Town, month by month and not later than the 10th day of the following month. The amount thus received shall thereafter be transmitted by the Secretary of the Council to the Secretary of the Jewellers' and Goldsmiths' Union."

12. CLAUSE 22: PROTECTIVE CLOTHING

Substitute the following for clause 22:

"22. PROTECTIVE CLOTHING

The employer, occupier or user of a factory or place where machinery is used shall provide free of charge two dustcoats per annum to polishers, and one dustcoat and one full apron to all other employees per annum, and where necessary, caps, goggles, gloves, footwear or protective ointment, to any person working in the factory or where machinery is used who is exposed to a wet or dusty process, to heat or to any poisonous, corrosive, or other injurious substance liable to cause injury or disease to the person or damage to clothing. Such protective clothing shall remain the property of the employer, but shall be maintained in good condition by the employee."

13. CLAUSE 25: EXHIBITION OF AGREEMENT AND POSTING OF NOTICES

Substitute the following for clause 25:

"25. EXHIBITION OF AGREEMENT AND POSTING OF NOTICES

Every employer upon whom this Agreement is binding shall affix and keep affixed in some conspicuous and readily accessible place upon his/her premises, the undermentioned documents which must be printed in legible characters in both English and Afrikaans:

- (a) A copy of this Agreement;
- (b) a summary of sections of the Labour Relations Act as prescribed by section 58 (1) of the Labour Relations Act, 1956;
- (c) a notice in the form prescribed by the regulations under the Act, specifying the day of the week or month, as the case may be, and the time and place at which wages will be paid each week or month, as the case may be;
- (d) a notice containing the official address of the Divisional Inspector of Labour and of the Secretary of the Council within whose area of jurisdiction the employer is carrying on his/her business."

14. CLAUSE 31: COUNCIL FUNDS

Substitute the following for subclause (6):

31. COUNCIL FUNDS

"(6) *Remittance of contributions:* Every employer shall remit the total sum of the contributions within each calendar month in pursuance of subclauses (2) and (3), together with a statement duly completed and signed by him, by the 10th day of the following month, to the Secretary of the Council, P.O. Box 204, Cape Town."

15. CLAUSE 37: PENSION FUND

Substitute the following for subclauses (4) and (5):

37. PENSION FUND

"(4) The contributions prescribed in subclause (3) shall be transmitted to the Secretary of the Industrial Council, P.O. Box 204, Cape Town, 8000, not later than the seventh day of each and every succeeding month, together with a detailed statement in terms of Annexure G to this Agreement.

(5) The contributions received in terms of subclause (4) shall be transmitted by the Secretary of the Council to Fedlife, Cape Town, for and on behalf of each member, to cover such member for pension, life assurance and disability benefits as provided for in the group policy and the rules of the Fund and subject to the terms and conditions specified therein. A copy of the group policy and the said rules shall be transmitted to the Director-General of Labour, Pretoria."

Signed at Cape Town on this 17th day of October 1995.

I. KURGAN

Chairman

K. A. MARTIN

Secretary

No. R. 123

2 Februarie 1996

WET OP ARBEIDSVERHOUDINGE, 1956**JUWELIERSWARE- EN EDELMETAALNYWERHEID (KAAP): HERBEKRAGTIGING VAN HOOFOOREENKOMS**

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms 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 Desember 1996 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die genoemde Ooreenkoms, uitgesonderd die vervat in klousules 1 (1) (a), 2, 3 en 11, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1996 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 genoemde Ooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE**NYWERHEIDSRAAD VIR DIE JUWELIERSWARE- EN EDELMETAALNYWERHEID (KAAP)****OOREENKOMS**

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

Cape Jewellery Manufacturers' Association

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

Jewellers' and Goldsmith's Union

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

wat die partye is by die Nywerheidsraad vir die Juweliersware- en Edelmetaalnywerheid (Kaap),

tot wysiging van die Hoofooreenkoms, gepubliseer by Goewermmentskennisgewing No. R. 1133 van 8 Junie 1984, soos gewysig en hernieu by Goewermmentskennisgewing Nos. R. 2070 van 26 September 1986, R. 107 van 16 Januarie 1987, R. 146 van 30 Januarie 1987, R. 975 van 30 April 1987, R. 1992 van 11 September 1987, R. 2635 van 27 November 1987, R. 70 van 22 Januarie 1988, R. 1233 van 24 Junie 1988, R. 1675 van 19 Augustus 1988, R. 2591 van 23 Desember 1988, R. 1454 van 7 Julie 1989, R. 393 van 23 Februarie 1990, R. 393 en R. 394 van 23 Februarie 1990, R. 1762 van 2 Augustus 1991, R. 2858 van 29 November 1991, R. 818 van 13 Maart 1992, R. 2248 van 7 Augustus 1993, R. 702 van 30 April 1993, R. 949 van 20 Mei 1994, R. 1425 van 19 Augustus 1994, R. 1943 van 18 November 1994, R. 953 van 30 Junie 1995 en R. 1880 van 8 Desember 1995.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

- (1) Hierdie Ooreenkoms moet in die Juweliersware- en Edelmetaalnywerheid (Kaap) nagekom word —
- (a) deur alle werkgewers wat lede is van die werkgewersorganisasie en deur alle werknemers wat lede is van die vakvereniging;
 - (b) in die landdrosdistrikte Bellville, Die Kaap, met inbegrip van die gedeeltes van die landdrosdistrik Goodwood wat voor 3 Oktober 1975 en 12 Desember 1980 (Goewermenskennisgewings Nos. 1882 van 3 Oktober 1975 en 2536 van 12 Desember 1980) binne die landdrosdistrik Die Kaap geval het, en Wynberg.
- (2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing —
- (a) slegs op werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers;
 - (b) op vakleerlinge vir sover dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of met 'n kontrak wat daarkragtens aangegaan of 'n voorwaarde wat daarkragtens gestel is nie.

2. GELDIGHEDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid kragtens artikel 48 (1) van die Wet vasstel, en bly van krag vir die tydperk eindigende 31 Desember 1996 of vir die tydperk wat hy bepaal.

3. SPESIALE BEPALINGS

Die bepalings soos vervat in klousules 13 (7) (e), 18, 19, 20, 21 en 29 van die Ooreenkoms gepubliseer by Goewermenskennisgewings No. R. 1133 van 8 Junie 1984, soos hernieu en gewysig is deur Goewermenskennisgewings Nos. R. 2070 van 26 September 1986, R. 107 van 16 Januarie 1987, R. 146 van 30 Januarie 1987, R. 975 van 30 April 1987, R. 1992 van 11 September 1987, R. 2635 van 27 November 1987, R. 70 van 22 Januarie 1988, R. 1233 van 24 Junie 1988, R. 1675 van 19 Augustus 1988, R. 2591 van 23 Desember 1988, R. 1454 van 7 Julie 1989, R. 393 en R. 394 van 23 Februarie 1990, R. 1742 van 2 Augustus 1991, R. 2858 van 29 November 1991, R. 818 van 13 Maart 1992, R. 2248 van 7 Augustus 1992, R. 702 van 30 April 1993, R. 949 van 20 Mei 1994, R. 1425 van 19 Augustus 1994, R. 1943 van 18 November 1994, R. 953 van 30 Junie 1995 en R. 1880 van 8 Desember 1995, (hierna die "Vorige Ooreenkoms" genoem) soos verder verleng, hernieu en gewysig van tyd tot tyd, is van toepassing op sowel werkgewers as werknemers.

4. ALGEMENE BEPALINGS

Die bepalings soos vervat in klousules 3 tot 13 (7) (d), 13 (7) (f) tot 17, 22 tot 28, 30 tot 37 van die Vorige Ooreenkoms, soos verder verleng, hernieu en gewysig van tyd tot tyd, is van toepassing op sowel werkgewers as werknemers.

5. KLOUSULE 3: WOORDOMSKRYWING

Vervang klousule 3 deur die volgende:

"3. WOORDOMSKRYWING

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig en in die Wet op Arbeidsverhoudinge, 1956, omskryf word, het dieselfde betekenis as in daardie Wet, waar daar van 'n wet melding gemaak word, word ook alle wysigings van sodanige wet bedoel, en tensy die teenoorgestelde bedoeling blyk, word daar met woorde wat die manlike geslag aandui, ook die vroulike geslag bedoel; voorts, tensy onbestaanbaar met die sinsverband, beteken —

"Wet" die Wet op Arbeidsverhoudinge, 1956;

"legeer" of "legering" die berekening en bereiding van metale voordat hulle buite gesmelt word;

"vakleerling" —

- (a) enigeen wat in 'n ambag, aangewys ingevolge artikel 16 van die Wet op Mannekragopleiding, 1981, in die Nywerheid in diens is ooreenkomstig 'n kontrak wat ingevolge subartikel (2) van artikel 20 of 23 van genoemde Wet geregistreer is, en ook 'n minderjarige wat ooreenkomstig artikel 19 van die Wet in diens geneem is; of
- (b) enigeen wat op die datum waarop die betrokke ambag ooreenkomstig artikel 16 (1) van die Wet op Mannekragopleiding, 1981, aangewys is, nie 'n minderjarige was nie en wat in 'n erkende ambag in die Nywerheid in diens is ooreenkomstig 'n kontrak van vakleerlingskap wat vir 'n tydperk van minstens die erkende opleidingstydperk van krag is en wat voor die datum van publikasie van die voorlopige kennisgewing van aanwysing ingevolge subartikel (4) van genoemde artikel aangegaan is: Met dien verstande dat die kontrak, to dit aangegaan is —
 - (a) op skrif gestel is;
 - (b) deur of namens die werkgewer onderteken is;
 - (c) deur die vakleerling onderteken is; en
 - (d) deur die voog van die vakleerling onderteken is as die vakleerling minderjarig was toe die kontrak aangegaan is;

"monteer" of "montering", vir die doel van die werk wat 'n werkman graad A verrig, die bymekaarbring van samestellende dele ten einde vooraf gevormde juweliersware te soldeer;

"Raad" die Nywerheidsraad vir die Juweliersware- en Edelmetaalnywerheid (Kaap) wat ingevolge artikel 19 (3) van die Wet op Arbeidsverhoudinge, 1956, geregistreer is;

"emailjering" die aanbring van 'n verglaasde stof met die hand of 'n masjien en/of deur middel van 'n hitteproses op die oppervlakte van 'n metaalvoorwerp;

"graveerwerk", sonder om die betekenis daarvan te beperk, ook die volgende:

- (a) Die gravering van blom-, dekoratiewe en/of abstrakte ontwerpe;
- (b) die gravering van inskripsies, datum, monogramme, voorletters en/of iets dergeliks;
- (c) die gravering van heraldiese ontwerpe;
- (d) die gravering van buitelyne vir uitsnydoeleindes;
- (e) reliefsnywerk en/of versinkwerk vir die doeleindes van of ter voorbereiding vir emailjering of ander werk; en
- (f) matwerk, bosseleerwerk, kerfwerk en/of gedrewe werk;

"bedryfsinrigting" 'n perseel waarin of in verband waarmee een of meer persone in die Juweliersware- en Edelmetaalnywerheid werksaam is;

"ondervinding", met betrekking tot bepaalde werksaamhede, die totale dienstydsperk of -tydsperke van 'n werknemer in die Nywerheid en in die verrigting van werksaamhede binne dieselfde indeling as eersgenoemde werksaamhede, sonder om 'n aanpassing te maak ten opsigte van korttyd of oortyd wat gedurende sodanige dienstydsperk of -tydsperke gewerk is;

"nywerheid" die Juweliersware- en Edelmetaalnywerheid;

"Juweliersware- en Edelmetaalnywerheid" die gesamentlike onderneming waarin werkgewer en werknemer met mekaar geassosieer is vir een of meer van die volgende doeleindes:

- (a) Die vervaardiging van die volgende artikels, hoofsaaklik uit edelmetale, met inbegrip van alle werksaamhede wat met sodanige vervaardiging gepaard gaan:
 - (i) Juweliersware en/of persoonlike sierade, met of sonder sierstene;
 - (ii) montuur vir sierstene;
 - (iii) medaljes, medaljons, wapens, vrymesselaarsjuwele en/of dergelike artikels;
 - (iv) ornamente, siervate, siergerei en/of dergelike sierartikels;
 - (v) dele van enige van voornoemde artikels;
- (b) die montering en/of hermontering van sierstene in enigeen van die artikels in paragraaf (a) bedoel;
- (c) die gravering van enige van die artikels in paragraaf (a) bedoel;
- (d) die herstel, verandering en/of opknapping van enige van die artikels in paragraaf (a) bedoel;
- (e) die emailjering van enige van die artikels in paragraaf (a) bedoel;
- (f) die maak en/of herstel van gereedskap en/of stempels wat gebruik word vir of bedoel is vir gebruik in enige van die werksaamhede in hierdie omskrywing bedoel, wanneer dit onderneem word deur 'n werkgewer wat by sodanige werksaamhede betrokke is, en wanneer dit in verband daarmee onderneem word;
- (g) die gravering van stempels wat in enigeen van die werksaamhede in hierdie omskrywing bedoel, gebruik word of vir gebruik daarin bedoel is;

"vakman" 'n persoon wat—

- (a) sy leeftyd as 'n vakleerling ingevolge 'n vakleerlingkontrak soos dié in paragraaf (a) van die omskrywing "vakleerling" bedoel, deurgemaak en voltooi het; of
- (b) die Raad oortuig het dat hy agt jaar of langer in die Nywerheid werksaam was en, voorts, dat hy in besit is van 'n erkende bevoegdheidsertifikaat in al die klasse werk in klousule 6A genoem;

"nuwe werknemer" 'n persoon wat die Nywerheid vir die eerste keer intree en nog binne sy drie maande proeftydperk is;

"sierstene" edele en/of halfedele juweelstene en/of ander sierstene, hetsy geslyp en gepoleer of in 'n natuurlike vorm en van 'n natuurlike glans en/of namaaksels van sodanige stene;

"poleerder" iemand wat 'n artikel of samestellende gedeelte van 'n artikel soos in hierdie Ooreenkoms onder "Juweliersware- en Edelmetaalnywerheid" omskryf, poleer, hetsy met die hand of met 'n masjien, met inbegrip van die gebruik van rubber- of papierwiele en/of buigsame asse;

"slyper" iemand wat 'n artikel of samestellende gedeelte van 'n artikel soos in hierdie Ooreenkoms onder "Juweliersware- en Edelmetaalnywerheid" omskryf, slyp, hetsy met die hand of met 'n masjien, met inbegrip van die gebruik van rubber- of papierwiele en/of buigsame asse;

"edelmetale" die edelmetale goud, silwer, platinum en/of palladium en/of alle legerings wat genoemde edelmetale of enigeen daarvan in sodanige verhouding tot ander metale bevat dat dit die grootste gedeelte van die waarde van sodanige legering uitmaak;

"vooraf gevormde juweliersware" enige edelmetaalartikel wat in 'n spesifieke vorm of patroon gegiet of geslaan is;

"besoldiging" betaling in geld of in natura of beide in gelde en in natura, gedoen of verskuldig aan enigeen, wat enigerwyse voortspruit uit indiensneming en "besoldig" het 'n ooreenstemmende betekenis;

"steen montering in waspatrone" proses van stene monteer in waspatrone en die plasing van stene in rubbervorms met behulp van 'n lysinstrument;

"Vakvereniging" die Jewellers' and Goldsmiths' Union;

"loon" daardie gedeelte van die besoldiging wat in geld aan 'n werknemer betaalbaar is ten opsigte van die gewone werkure soos voorgeskryf in klousule 5 of dié hoër bedrag wat 'n werkgewer gereeld aan 'n werknemer betaal ten opsigte van sy/haar gewone werkure, maar uitgesonderd enige ander betaling.

6. KLOUSULE 5: GEWONE WERKURE

Vervang subklousule 1 (a) deur die volgende:

"(a) 43 in 'n week, vanaf Maandag tot en met Saterdag;"

7. KLOUSULE 6: INDELING VAN WERK EN GEWONE MINIMUM LONE VIR GEWONE WERKURE

Vervang klousule 6 met die volgende:

"6. INDELING VAN WERK EN GEWONE MINIMUM LONE VIR GEWONE WERKURE

Die minimum weeklone wat 'n werkgewer aan elkeen van ondergenoemde klasse werknemers moet betaal, is soos volg:

A. VAKMAN SE WERK

Enigeen of meer van die volgende werksaamhede ongeag die groep of groepe waaronder hulle val:

Klasse werk

**Weekloon
R**

Groep I: Monteer- en/of edelmetaalwerk:

(i) Edelmetale leger.....	480,00
(ii) Met die hand monteer, met of sonder die gebruik van handgereedskap	480,00
(iii) Metaal met die hand fatsoeneer deur dit te buig, te vou en/of te manipuleer	480,00
(iv) Vorms vir die giet van edelmetale maak en/of berei, maar uitgesonderd die bereiding van vorms vir die giet van gewone gietblokke van edelmetaal	480,00
(v) Metaal sny as 'n werk wat voortvloei uit die werk wat deur die bepaalde vakman verrig word.....	480,00
(vi) Boorwerk deur middel van handgereedskap (met inbegrip van 'n boor met 'n buigsame skag) of met 'n elektries aangedrewe handboor.....	480,00
(vii) Metaal met 'n handvyl.....	480,00
(viii) Metaal met 'n handhamer of ander handgereedskap uitklop	480,00
(ix) Draaibankwerk	480,00
(x) Metaal berei vir trekpyp of charnier (maar uitgesonderd die trek van metaal deur trekplate).....	480,00
(xi) Ponswerk met 'n handpons of ander handgereedskap of instrument.....	480,00
(xii) 'n Vervaardigde artikel of 'n gedeelte van sodanige herstel en/of verander	480,00
(xiii) Metaal met 'n figuursaag saag.....	480,00
(xiv) Metaal met die hand en met of sonder die gebruik van handgereedskap en met of sonder die gebruik van 'n blaaspyp soldeer (afgesien daarvan of sodanige blaaspyp met die mond of met lugdruk in werking gebring word)	480,00
(xv) Metaal deur middel van 'n masjienproses soldeer en/of 'n soldeermasjien bedien en/of 'n soldeeroond bedien.....	480,00
(xvi) Spinwerk.....	480,00

Opmerking: Die uitdrukkings "leger" en "edelmetale" word in klousule 3 omskryf.

Groep II: Die montering van sierstene:

(i) Sierstene met die hand, en ook met behulp van handgereedskap, monteer	480,00
(ii) Sierstene deur middel van handstempels en/of -ponse monteer	480,00
(iii) Kerf- en opsnijwerk.....	480,00

Opmerking: Die uitdrukking "sierstene" word in klousule 3 omskryf.

Groep III: Graveerwerk:

(i) Met die hand graveer, met inbegrip van die gebruik van handgereedskap.....	480,00
(ii) Met 'n masjien graveer	480,00

Opmerking: Die uitdrukking "graveerwerk" word in klousule 3 omskryf.

Groep IV: Emailjering:

(i) Handgeskilderde emailjering	480,00
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Opmerking: Die uitdrukking "emailjering" word in klousule 3 omskryf.

Groep V: Die maak van modelle:

(i) Die maak van modelle vir vormafgietsels.....	480,00
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B. AMBAGSMAN SE WERK

Werk in enigeen of meer van die volgende ambagte, wanneer dit verrig word deur 'n persoon wat in die diens is van 'n werkgewer in die Juweliersware- en Edelmetaalnywerheid en wanneer dit deur die werkgewer onderneem word in verband met sy eie werksaamhede in sodanige Nywerheid:

<i>Klasse werk</i>	<i>Weekloon</i>
	R
(i) Spinwerk in verband met onedelmetale	480,00
(ii) Sierwerk met onedelmetale	480,00
(iii) Kopersmidswerk	480,00
(iv) Die maak van stempels en/of setmate en/of gereedskap en/of mate	480,00
(v) Elektrotegniese onderhoudswerk en/of installering	480,00
(vi) Monteer- en/of draaiwerk en/of masjienwerk en/of presisieslypwerk	480,00
(vii) Die maak en/of herstel van instrumente	480,00
(viii) Die opstel van masjiengereedskap	480,00
(ix) Timmermanswerk	480,00
(x) Masjiendraaiwerk	480,00
(xi) Graveer- en/of stempelsnywerk	480,00

C. WERKMAN (GRAAD A) SE WERK

Enigeen van die volgende werksaamhede:

Die vyl, saag, boor, monteer en soldeer van voorafgevormde juweliersware en van markesiet-artikels in silwer en moet die gebruik van 'n hamer insluit:

	<i>Weekloon</i>
	R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	200,00
Gedurende die tweede jaar ondervinding	220,00
Gedurende die derde jaar ondervinding	250,00
Daarna	300,00

Opmerking: Die uitdrukking "monteer" en "voorafgevormde juweliersware" word in klousule 3 omskryf.

D. WERKMAN (GRAAD B) SE WERK

Alle werksaamhede in verband met die waslaaggietproses, uitgesonderd dié genoem onder klousule 6J (Gietvormsnyers se werk), word in een kategorie saamgevat as gips- en waslaagwerksaamhede en bestaan uit die volgende:

- Klasse werk*
- (i) Gesmelte was met die hand en/of 'n masjien in vorms inspuit;
 - (ii) hoeveelhede gips afmeet en meng en dit met behulp van 'n masjien verwyder;
 - (iii) gipsmengsel in 'n vloeibare vorm met die hand en/of 'n masjien giet in kanne en/of houers waarin kerns, giet-vertakkings of gietkanale aangebring en/of geplaas is;
 - (iv) wasmodelkerns, gietvertakkings of gietkanale maak of bou en dit in kanne en/of houers in posisie plaas;
 - (v) wasmodelle uit vorms uitwerp en/of uitlig en/of uithaal;
 - (vi) "baarde", "vinne" en/of onreëlmatighede aan wasmodelle afwerk en/of verwyder;
 - (vii) bereiding, vulkanisering en droging van gietvorms:

	<i>Weekloon</i>
	R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	200,00
Gedurende die tweede jaar ondervinding	210,00
Gedurende die derde jaar ondervinding	230,00
Daarna	250,00

E. WERKMAN (GRAAD C) SE WERK

Enigeen of meer van die volgende werksaamhede:

Klasse werk

- (i) Verguld-, plateer- en skuurwerk met rubberwiele of papier, hetsy met die hand of met 'n masjien (met inbegrip van 'n buigsame as) en/of sandbestraling;
- (ii) perssnywerk, persponswerk en/of persbosseleerwerk;
- (iii) die skoonmaak en/of was van juweliersware;
- (iv) die uitgloeïing en trek van soliede draad; en/of trekpype of charniers (in teenstelling met die bereiding van metaal vir trekpype of charniers, wat binne die bestek van 'n vakman se werk val);
- (v) rollers voer en/of mate gebruik;
- (vi) onedelmetale en afval van die edelmetale opsny en dit smelt, giet en in gewone gietblokke gooi;
- (vii) die vassit en/of vul van artikels in sement, was, skellak en/of ander sementeerstof vir graveerwerk, monteer- of masjiendraaiwerk;
- (viii) die afstempeling van gehalte-, indentifikasie-, registrasienaam-, patent-, datum- en/of karaatmerke;
- (ix) die vergruïsing en maal van emalje tot 'n fyn poeier en die was van gepoeierde emalje vir die werksaamhede van graad I;
- (x) versierde stene, pêrels of ander sierwerk vaslym in of op juweliersware, sonder die gebruik van handgereedskap, in die finale produksiestadiums:

	Weekloon R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	200,00
Gedurende die tweede jaar ondervinding	210,00
Gedurende die derde jaar ondervinding	220,00
Daarna	240,00

F. HERHALINGSWERK

- (i) Panne gemonteerde artikels wat voorberei is om gesoldeer te word op die bewegende band plaas wat die soldeeroond voer en daarvan verwyder.
- (ii) Samestellende dele van vooraf gevormde juweliersware in setmate plaas en hegswais en soldeersel of soldeer pasta daarop sit voordat die artikels op die bewegende band van 'n soldeeroond geplaas word.
- (iii) Die prosesse met betrekking tot die produksie van ooringe, d.w.s. met 'n masjien boor, klink, saag en vinne verwyder:

	Weekloon R
Nuwe werknemer	150,00
Gedurende eerste jaar ondervinding	200,00
Gedurende tweede jaar ondervinding	210,00
Gedurende derde jaar ondervinding	220,00
Daarna	230,00

G. POLEER

'n Poleerder beteken iemand wat 'n artikel of samestellende gedeelte van 'n artikel soos in hierdie Ooreenkoms onder "Juweliersware- en Edelmetaalnywerheid" omskryf, poleer, hetsy met die hand of met 'n masjien, met inbegrip van die gebruik van rubber- of papierwiele en/of buigsame asse:

	Weekloon R
Nuwe werknemer	150,00
Gedurende eerste jaar ondervinding	200,00
Gedurende tweede jaar ondervinding	220,00
Gedurende derde jaar ondervinding	250,00
Daarna	300,00

H. ALGEMENE WERKER

Enigeen of meer van die volgende werksaamhede:

Klasse werk	Weekloon R
(i) Persele, gerei, houers, installasie, masjinerie en/of gereedskap skoonmaak en/of was	210,00
(ii) installasie en masjinerie olie en/of smeer	210,00
(iii) goedere dra, verwyder, toedraai, verpak en/of opstapel	210,00
(iv) deure, vensters, kiste, pakke, bale en/of sakke oop- en/of toemaak	210,00
(v) tee maak en/of ander drankte berei	210,00
(vi) briewe en/of goedere aflewer en/of afhaal en/of boodskappe doen	210,00
(vii) 'n handroller draai, 'n handpers swaai, die slinger van 'n handmasjien draai en/of 'n blaser of blaasbalk bedien	210,00
(viii) oorklere en/of ander beskermende klere was en/of stryk	210,00

I. VAKLEERLINGE

Die lone soos van tyd tot tyd voorgeskryf in die vakleerlingvoorwaardes wat ooreenkomstig die Wet op Mannekragopleiding, 1981, vasgestel is.

J. GIETVORMSNYERS

'n Gietvormsnyer is 'n persoon wat die rubbergietvorm in verband met waslaaggietwerk oopsny:

	Weekloon R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	250,00
Daarna	354,00

K. MASJINIS

'n Masjini is 'n persoon wat aangestel is vir die produksie van juweliersartikels deur meganiese werksaamhede, wat die volgende insluit:

Ru-bewerking, gladmaking, afskuinsing en vorming van sodanige artikels wanneer dit gedoen word deur 'n persoon wat 'n werknemer is van 'n werkgever in die Juweliersware- en Edelmetaalnywerheid en wanneer dit onderneem word deur die werkgever in verband met sy eie werksaamhede daarin:

	Weekloon R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	200,00
Gedurende die tweede jaar ondervinding	231,00
Gedurende die derde jaar ondervinding	322,00
Daarna	450,00

L. SLYPER

Iemand wat 'n artikel of samestellende gedeelte van 'n artikel soos in hierdie ooreenkoms onder "Juweliersware- en Edelmetaalnywerheid" omskryf, slyp, hetsy met die hand of met 'n masjien, met inbegrip van die gebruik van rubber- of papierwiele en/of buigsame asse:

	Weekloon R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	200,00
Gedurende die tweede jaar ondervinding	220,00
Gedurende die derde jaar ondervinding	250,00
Daarna	300,00

M. MONTEERDER VAN STENE IN WASPATRONE

'n Persoon wat stene monteer in waspatrone en stene in rubbervorms plaas met behulp van 'n lysinstrument. Die vereiste verhouding is twee steenmonteerders teenoor een setter:

	Weekloon
	R
Nuwe werknemer	150,00
Gedurende die eerste jaar ondervinding	200,00
Gedurende die tweede jaar ondervinding	210,00
Gedurende die derde jaar ondervinding	230,00
Daarna	250,00

N. MONTEERDER VAN STENE IN VOORAF VOORBEREIDE METAALGIETVORMS

'n Persoon wat stene monteer in vooraf gesnyde metaalmonterings.

Die indiensneming van hierdie steenmonteerders sal plaasvind d.m.v. onderhandelinge met huidige setters op maatskappyvlak. Setters mag nie toestemming onredelik weerhou nie."

8. KLOUSULE 8: OORTYDWERK

Vervang klousule 8 deur die volgende:

"8. OORTYDWERK

- (1) "Oortydwerk" beteken daardie gedeelte van 'n tydperk waarin 'n werknemer vir sy werkgever gedurende 'n bepaalde week met inbegrip van Saterdag langer werk as die ure wat in klousule 5 (1) voorgeskryf word as die gewone maksimum werkure.
- (2) 'n Werkgever mag nie van 'n werknemer vereis om sonder sodanige werknemer se toestemming oortyd te werk nie.
- (3) 'n Werkgever mag nie van 'n werknemer vereis of hom toelaat om gedurende 'n bepaalde week van Maandag tot en met Saterdag langer as 10 uur oortyd te werk nie.
- (4) 'n Werkgever moet 'n werknemer ten opsigte van alle oortyd deur sodanige werknemer gewerk, besoldig teen minstens een en 'n half maal sy gewone loon.
- (5) Werklike siekte bevestig deur 'n mediese sertifikaat word as normale werksure getel en mag nie van normale ure afgetrek word met oortydberekening nie."

9. KLOUSULE 9: OPENBARE VAKANSIEDAE

Vervang klousule 9 deur die volgende:

"9. OPENBARE VAKANSIEDAE

- (1) Daar moet in die Nywerheid gehou word aan alle statutêre openbare vakansiedae, naamlik —

Nuwejaarsdag
 Menseregtedag
 Goeie Vrydag
 Gesinsdag
 Vryheidsdag
 Werkersdag
 Jeugdag
 Nasionale Vrouedag
 Erfenisdag
 Versoeningsdag
 Kersdag
 Welwillendheidsdag

Alle werknemers moet ten opsigte van elkeen van genoemde openbare vakansiedae afwesigheidsverlof toegestaan word en moet ingevolge subklousule (2) besoldig word.

- (2) As 'n werknemer nie op 'n openbare vakansiedag soos in subklousule (1) bedoel, werk nie, moet sy/haar werkgever hom/haar ten opsigte van sodanige dag sy gewone besoldiging betaal asof hy op sodanige dag sy gemiddelde gewone werkure vir daardie dag van die week gewerk het: Met dien verstande dat 'n werknemer wat van sy werk wegbly op die werkdag onmiddellik voor of na 'n statutêre openbare vakansiedag sonder om 'n mediese sertifikaat ingevolge klousule 14 voor te lê of sonder sy werkgever se toestemming vooraf, nie vir sodanige vakansiedag betaal moet word nie: Met dien verstande voorts dat sodanige vakansie op 'n werkdag soos voorgeskryf in klousule 5 (5), val.

- (3) Wanneer 'n werknemer op 'n openbare vakansiedag soos in subklousule (1) bedoel, werk, moet sy/haar werkgever hom/haar ten opsigte van die totale tydperk op sodanige dag gewerk, minstens sy gewone loon betaal, benewens die besoldiging waarop hy geregtig sou gewees het as hy/sy nie aldus gewerk het nie.

- (4) As 'n openbare vakansiedag op 'n Sondag val, word dit oorgedra na die daaropvolgende dag wat dan outomaties 'n openbare vakansiedag word.

- (5) Openbare vakansiedae is uitruilbaar by bewys van 'n stemmetal van 75% van die werknemers binne die firma. Die Sekretaris van die Nywerheidsraad moet twee weke voor die datum hiervan verwittig word. So 'n reëling mag ook Saterdag insluit."

10. KLOUSULE 14: SIEKTEVERLOF

Vervang klousule 14 deur die volgende:

"14. SIEKTEVERLOF

- (1) 'n Werkgewer moet aan 'n werknemer wat hy in diens het en wat van sy werk afwesig is weens ongeskiktheid—
 - (a) in die geval van 'n werknemer met 'n werkweek van vyf dae, altesaam minstens 30 werkdae; en
 - (b) in die geval van 'n werknemer met 'n werkweek van ses dae, altesaam minstens 36 werkdae; en
 - (c) in die geval van 'n werknemer wat 10 jaar of langer vir dieselfde werkgewer werk, altesaam minstens, in die geval van (a) hierbo, 45 werkdae, en in die geval van (b) hierbo, minstens 54 werkdae siekteverlof toestaan gedurende 'n tydperk van 36 agtereenvolgende maande diens by hom, en moet sodanige werknemer ten opsigte van die tydperk van afwesigheid ingevolge hierdie klousule 'n bedrag betaal wat nie minder is as die besoldiging wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—
 - (i) 'n werknemer in die eerste 12 agtereenvolgende maande diens nie geregtig is nie op siekteverlof met volle besoldiging teen 'n skaal van meer as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens, en in die geval van elke ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;
 - (ii) 'n werkgewer as 'n opskortende voorwaarde vir die betaling, deur hom van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van afwesigheid van sy werk gedurende 'n tydperk wat oor meer as twee agtereenvolgende dae strek of vir 'n tydperk van afwesigheid van net een dag waar sodanige dag onmiddellik voor of na 'n statutêre openbare vakansiedag val, kan vereis dat die werknemer 'n sertifikaat voorlê wat deur 'n geregistreerde mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid vermeld, en indien 'n werknemer gedurende 'n tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt weke onmiddellik na die jongste sodanige geleentheid kan vereis dat hy ten opsigte van enige afwesigheid so 'n sertifikaat voorlê.

(2) By die toepassing van hierdie klousule het "diens" dieselfde betekenis as in klousule 12 (8). "Ongeskiktheid" beteken onvermoë om te werk weens siekte of besering, behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk of vergoedingspligtige siekte waarvoor vergoeding kragtens die Ongevallewet, 1941, betaalbaar is, slegs as ongeskiktheid beskou word gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(3) **Kraamverlof:** (a) Vroulike werknemers wat meer as drie jaar ononderbroke diens by dieselfde werkgewer het, is, op aansoek, op tot drie maande onbetaalde kraamverlof geregtig. Herindiensneming vir sodanige werknemers is gewaarborg mits die werknemer onmiddellik na die verstryking van die tydperk van drie maande na haar werk terugkeer. Werknemers moet ook vier dae onbetaalde verlof gegun word voor die bevalling vir bywoning van voorgeboortelike kliniek en twee dae onbetaalde verlof na die bevalling vir bywoning van 'n nageboortelike kliniek.

(b) Sodanige tydperk van kraamverlof word as ononderbroke diens beskou. Dit sluit die betaling van vakansiegelde en siekteverlof in, maar sluit nie die betaling van siekteverlof op openbare vakansiedae wat in hierdie tydperk val, in nie.

(c) Die werkgewer word toegelaat om 'n werknemer in diens te neem op 'n dienskontrak van beperktetermyn om 'n werknemer se pos te vul terwyl sodanige werknemer met kraamverlof is. Die maksimum tydperk van so 'n kontrak is beperk tot ses maande.

(4) **Uitsonderingsverlof:** Indien 'n onmiddellike familielid te sterwe kom, moet die werkgewer elke keer 'n maksimum van drie dae onbetaalde uitsonderingsverlof aan die werknemer toestaan."

11. KLOUSULE 20: LEDEGELD VAN VAKVERENIGING

Vervang subklousule 1 deur die volgende:

"20. LEDEGELD VAN VAKVERENIGING

(1) Elke werkgewer moet van die werkloon of maandelikse salaris van elke werknemer die bedrag van die ledegeld wat deur sodanige werknemer aan die vakvereniging betaalbaar is, aftrek en die bedrag aldus afgetrek maand vir maand aan die Sekretaris van die Nywerheidsraad vir die Juweliers- en Edelmetaalnywerheid (Kaap), Posbus 204, Kaapstad, 8000, stuur en wel voor of op die 10de dag van die daaropvolgende maand. Die Sekretaris van die Raad moet die bedrag wat aldus ontvang word, daarna aan die Sekretaris van die Jewellers' and Goldsmiths' Union stuur."

12. KLOUSULE 22: BESKERMENDE KLERE

Vervang klousule 22 deur die volgende:

"22. BESKERMENDE KLERE

Die werkgewer, okkupeerder of gebruiker van 'n fabriek of plek waar masjinerie gebruik word, moet twee stofjasse per jaar aan poleerders en een stofjas en een volle voorskoot aan alle ander werknemers en, waar nodig, pette, stofbrille, handskoene, skoeisel of beskermende salf verskaf aan elke persoon wat in die fabriek of in 'n plek waar masjinerie gebruik word, werksaam is en wat blootgestel word aan 'n nat of stowwerige proses, aan hitte of aan 'n giftige invretende of ander skadelike stof wat besering of siekte by die persoon kan veroorsaak of klere kan beskadig. Sodanige beskermende klere bly die eiendom van die werkgewer maar moet deur die werknemer in 'n goeie toestand gehou word."

13: KLOUSULE 25: VERTONING VAN OOREENKOMS EN OPPLAK VAN KENNISGEWINGS

Vervang klousule 25 deur die volgende:

"25. VERTONING VAN OOREENKOMS EN OPPLAK VAN KENNISGEWINGS

Elke werkgewer vir wie hierdie Ooreenkoms bindend is, moet ondergenoemde dokumente, wat in leesbare letters en in Afrikaans en Engels gedruk moet wees, opplak en opgeplak hou op 'n opvallende plek op sy perseel wat gereedlik toeganklik is:

- (a) 'n kopie van hierdie Ooreenkoms;
- (b) 'n opsomming van dié artikels van die Wet op Arbeidsverhoudinge, soos voorgeskryf by artikel 58 (1) van die Wet op Arbeidsverhoudinge, 1956;
- (c) 'n kennisgewing in die vorm voorgeskryf by die regulasies wat kragtens die Wet uitgevaardig is, waarin die dag van die week of maand, na gelang van die geval, en die tyd waarop en die plek gemeld word waar lonce elke week of elke maand, na gelang van die geval, betaal sal word;
- (d) 'n kennisgewing wat die amptelike adres bevat van die Afdelingsinspekteur van Arbeid en van die Sekretaris van die Raad in wie se regsgebied die werkgewer sy/haar sake-onderneming dryf.

14. KLOUSULE 31: FONDSE VAN DIE RAAD

Vervang subklousule (6) deur die volgende:

"31. FONDSE VAN DIE RAAD

"(6) *Versending van bydraes:* Elke werkgewer moet die totale bedrag van die bydraes wat gedurende elke kalendermaand ingevolge subklousules (2) en (3) ingevorder is, tesame met 'n staat wat hy behoorlik ingevul en onderteken het, teen die 10de dag van die daaropvolgende maand aan die Sekretaris van die Raad, Posbus 204, Kaapstad, stuur."

15. KLOUSULE 37: PENSIOENFONDS

Vervang subklousules (4) en (5) deur die volgende:

37. PENSIOENFONDS

(4) Die bydraes in subklousule (3) voorgeskryf, moet voor of op die sewende dag van elke maand wat daarop volg aan die Sekretaris van die Nywerheidsraad, Posbus 204, Kaapstad, 8000, gestuur word, saam met 'n gedetailleerde staat ooreenkomstig Aanhangsel G van hierdie Ooreenkoms.

(5) Die bydraes ooreenkomstig subklousule (4) ontvang, moet deur die Sekretaris van die Raad vir en ten behoeve van elke lid aan Fedlife, Kaapstad, gestuur word om sodanige lid vir pensioen, lewensversekerings- en ongeskiktheidsbystand te dek soos bepaal in die groeppolis en die reëls van die Fonds en onderworpe aan die voorwaardes daarin bepaal. 'n Eksemplaar van die groeppolis en van genoemde reëls moet aan die Direkteur-generaal van Arbeid, Pretoria, gestuur word.

Geteken te Kaapstad op hede die 17de dag van Oktober, 1995.

I. KURGAN

Voorsitter

K. A. MARTIN

Sekretaris

IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for LEGAL NOTICES 1996 GOVERNMENT NOTICES 1996

The closing time is 15:00 sharp on the following days:

- ▶ **14 March**, Thursday, for the issue of Friday **22 March**
- ▶ **28 March**, Thursday, for the issue of Thursday **4 April**
- ▶ **3 April**, Wednesday, for the issue of Friday **12 April**
- ▶ **25 April**, Thursday, for the issue of Friday **3 May**
- ▶ **13 June**, Thursday, for the issue of Friday **21 June**
- ▶ **1 August**, Thursday, for the issue of Thursday **8 August**
- ▶ **19 September**, Thursday, for the issue of Friday **27 September**
- ▶ **12 December**, Thursday, for the issue of Friday **20 December**
- ▶ **17 December**, Wednesday, for the issue of Friday **27 December**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

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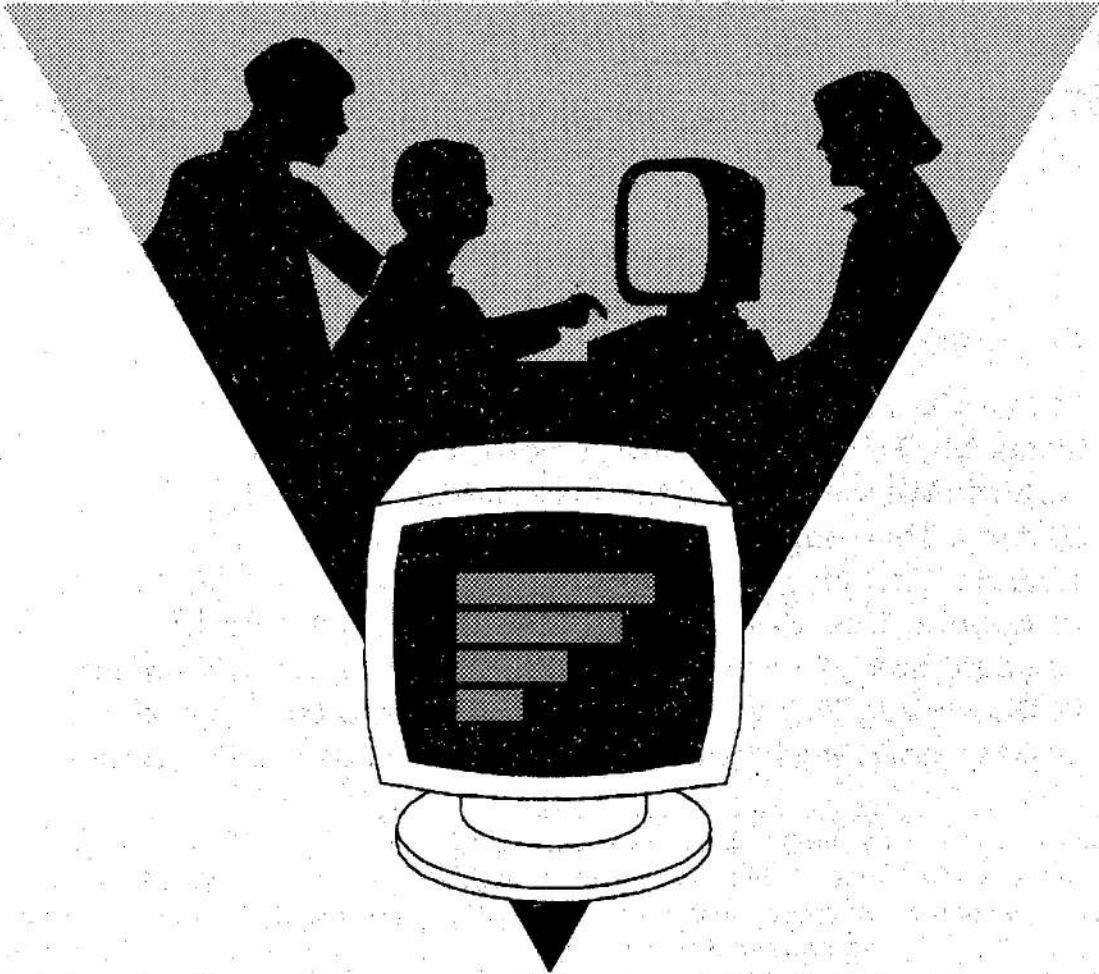
Sluitingstye **VOOR VAKANSIEDAE** vir WETLIKE KENNISGEWINGS 1996 GOEWERMENSKENNISGEWINGS 1996

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **14 Maart**, Donderdag, vir die uitgawe van Vrydag **22 Maart**
- ▶ **28 Maart**, Donderdag, vir die uitgawe van Donderdag **4 April**
- ▶ **3 April**, Woensdag, vir die uitgawe van Vrydag **12 April**
- ▶ **25 April**, Donderdag, vir die uitgawe van Vrydag **3 Mei**
- ▶ **13 Junie**, Donderdag, vir die uitgawe van Vrydag **21 Junie**
- ▶ **1 Augustus**, Donderdag, vir die uitgawe van Donderdag **8 Augustus**
- ▶ **19 September**, Donderdag, vir die uitgawe van Vrydag **27 September**
- ▶ **12 Desember**, Donderdag, vir die uitgawe van Vrydag **20 Desember**
- ▶ **17 Desember**, Woensdag, vir die uitgawe van Vrydag **27 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

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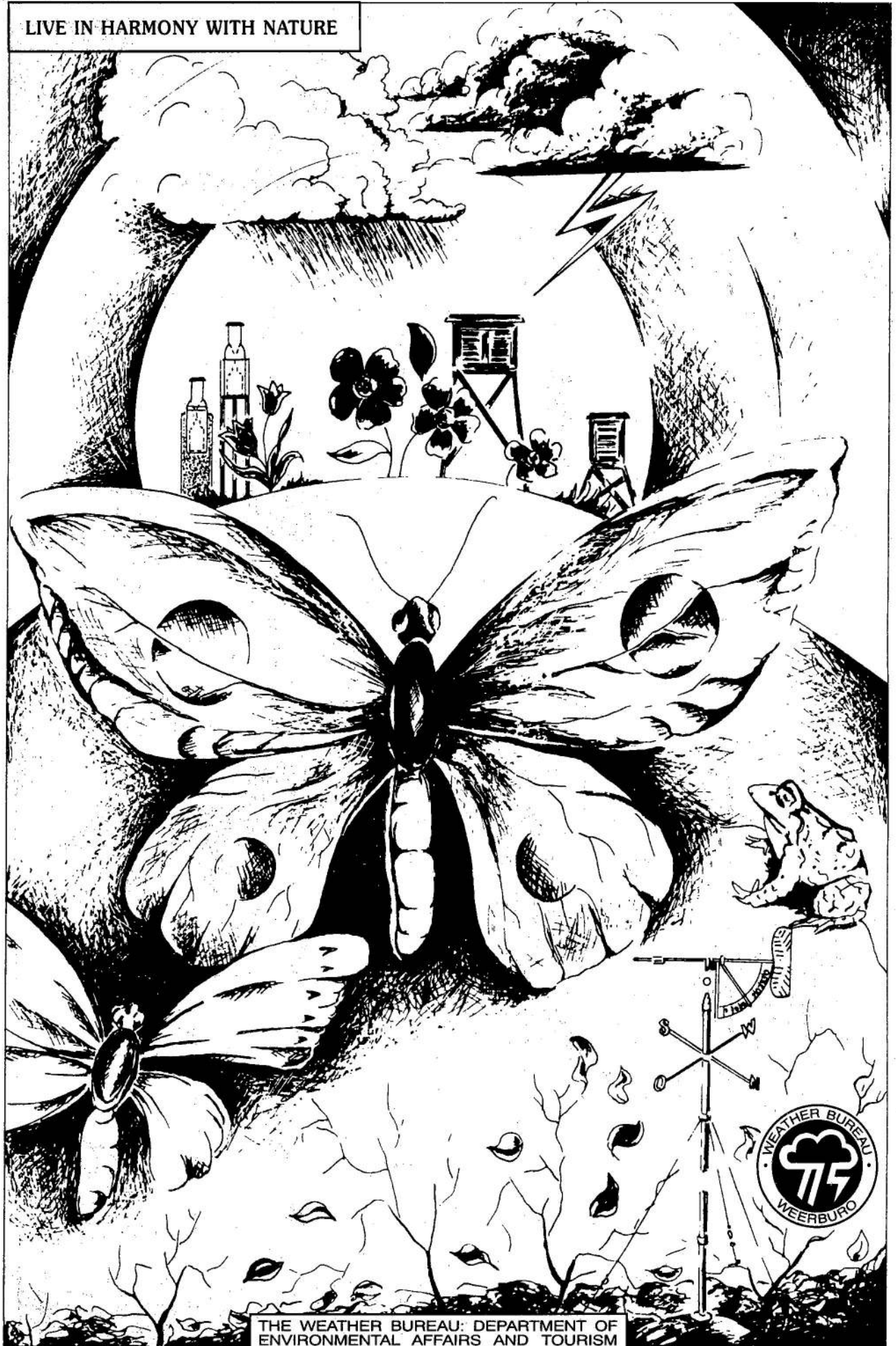


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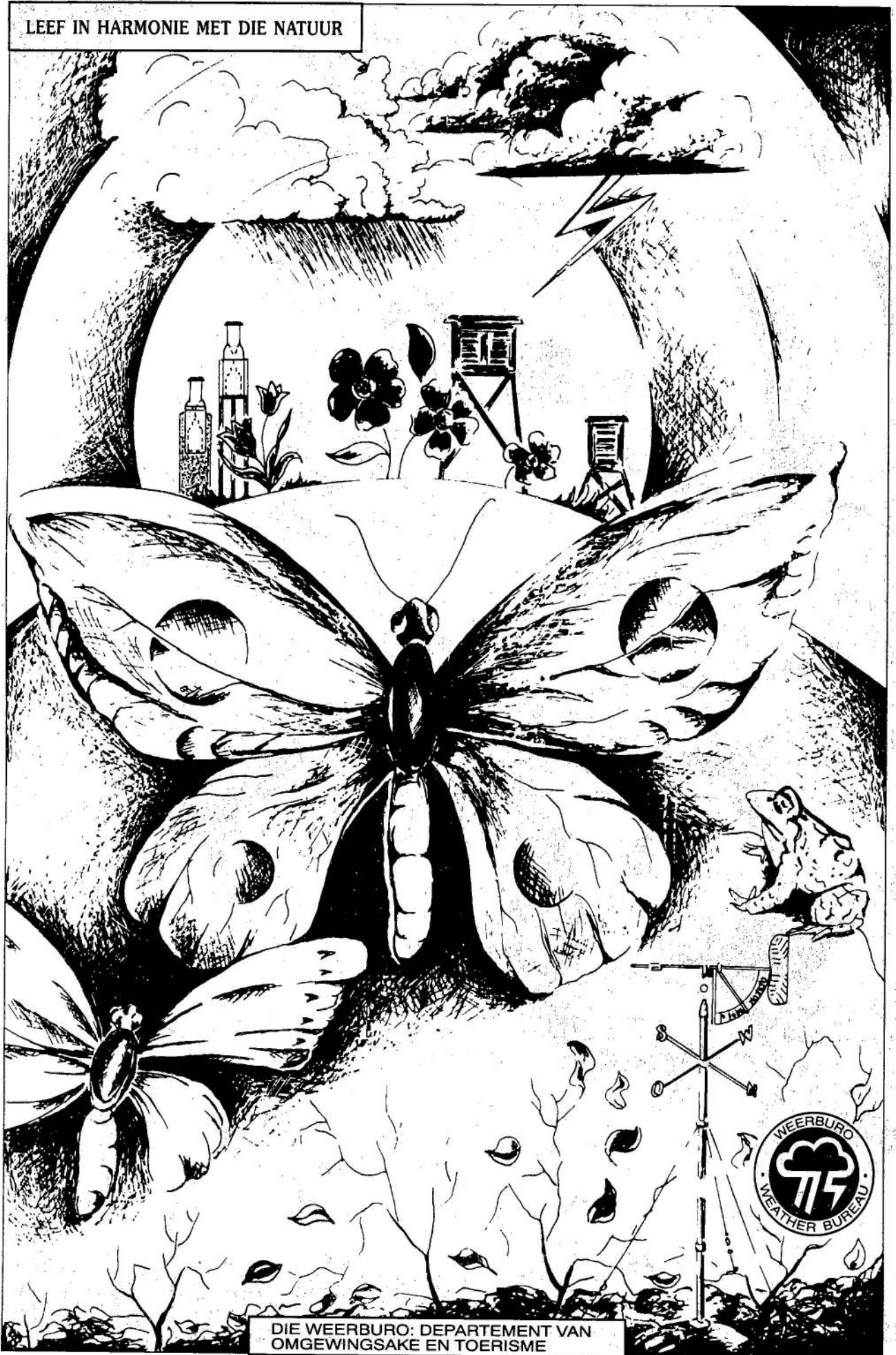
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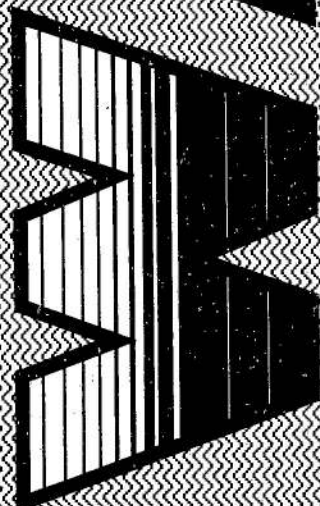
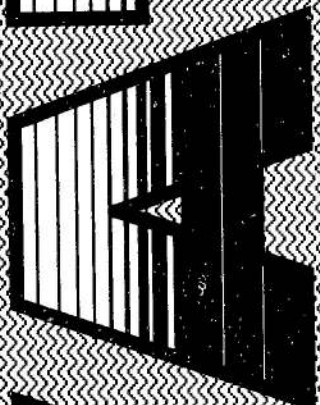
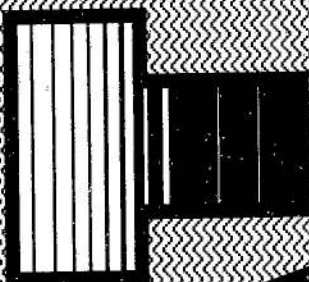
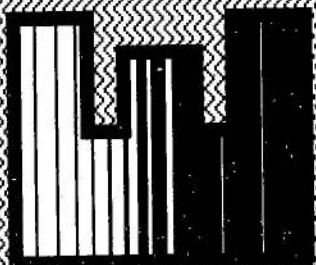
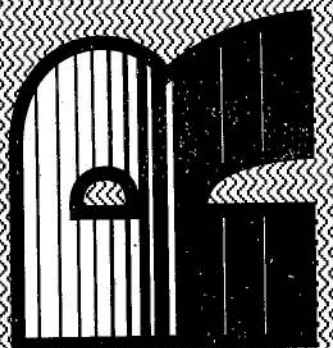


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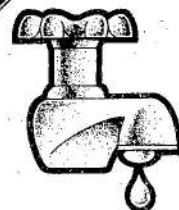
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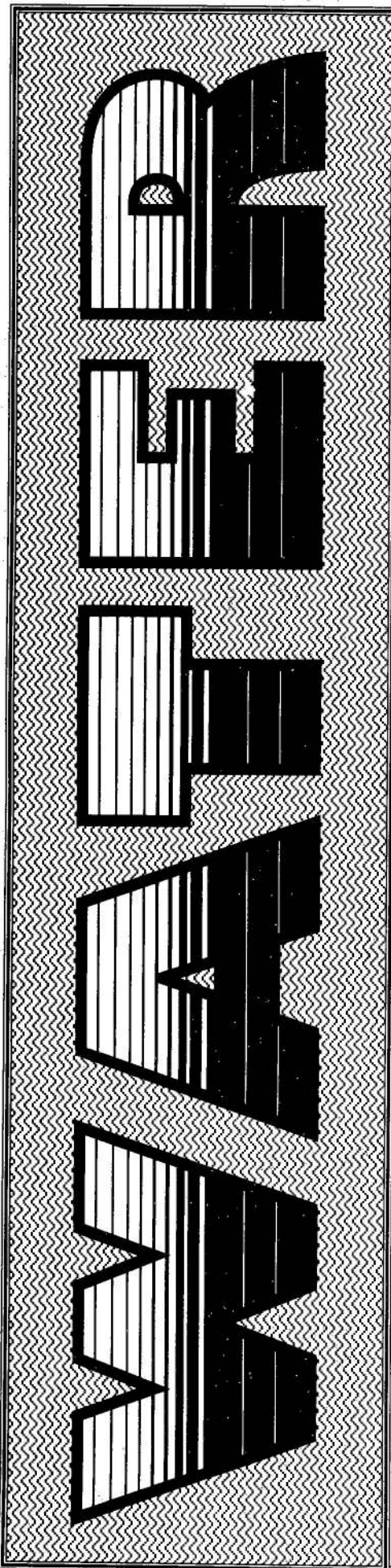


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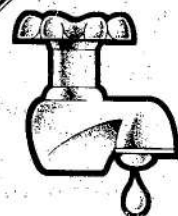




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