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No. 20858

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH

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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 113**11 February 2000**

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: PROVIDENT FUND COLLECTIVE AGREEMENT**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notice No. R. 652 of 8 May 1998 with effect from 21 February 2000.

M. M. S. MDLADLANA

Minister of Labour

No. R. 113**11 Februarie 2000**

WET OP ARBEIDSVERHOUDINGE, 1995

INTREKKING VAN GOEWERMENTSKENNISGEWING**METAAL- EN INGENIEURSNIWERHEDE BEDINGINGSRAAD: KOLLEKTIEWE VOORSORGFONDSOOREENKOMS**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermentskennisgewing No. R. 652 van 8 Mei 1998 in, met ingang van 21 Februarie 2000.

M. M. S. MDLADLANA

Minister van Arbeid

No. R. 114**11 February 2000**

LABOUR RELATIONS ACT, 1995

METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: EXTENSION OF PROVIDENT FUND COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Metal and Engineering Industries Bargaining Council and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 21 February 2000 and for the period ending 30 April 2001.

M. M. S. MDLADLANA

Minister of Labour

No. R. 114**11 Februarie 2000**

WET OP ARBEIDSVERHOUDINGE, 1995

METAAL- EN INGENIEURSNIWERHEDE BEDINGINGSRAAD: UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE HERBEKRAGTIGING- EN WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Metaal- en Ingenieursnywerhede Bedingingsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 21 Februarie 2000 en vir die tydperk wat op 30 April 2001 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

Nota: 'n Afrikaanse vertaling van die Ooreenkoms by die Engelse kennisgewing is beskikbaar by die Raad.

SCHEDULE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL****PROVIDENT FUND COLLECTIVE AGREEMENT FOR THE METAL INDUSTRIES**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Association of Electric Cable Manufacturers of South Africa
Border Industrial Employers' Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries' Association
Electronics and Telecommunications Industries' Association
Gate and Fence Association
Hand Tool Manufacturers' Association (HATMA)
Iron and Steel Producers' Association of South Africa
KwaZulu-Natal Engineering Industries' Association
Lift Engineering Association of South Africa
Light Engineering Industries' Association of South Africa
Materials Handling Association
Non-Ferrous Metal Industries' Association of South Africa
Plastics Manufacturers' Association of South Africa
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association
Radio, Appliance and Television Association of South Africa (RATA)
Refrigeration and Air-conditioning Manufacturers' Association of South Africa
Sheetmetal Industries' Association of South Africa
(removed: SA Association of Shipbuilders & Repairers)
S.A. Electro-Plating Industries' Association
S.A. Engineers' and Founders' Association
S.A. Fasteners Manufacturers' Association (SAFMA)
S.A. Refrigeration and Air-conditioning Contractors' Association (SARACCA)
S.A. Pump Manufacturers' Association
S.A. Reinforced Concrete Engineers' Association (SARCEA)
S.A. Tube Makers' Association
S.A. Valve and Actuator Manufacturers' Association (SAVAMA)
S.A. Wire and Wire Rope Manufacturers' Association

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

Electronic and Metal Workers' Union of South Africa
Metal and Electrical Workers' Union of South Africa
Mineworkers' Union
National Employees' Trade Union
National Union of Metalworkers of South Africa (NUMSA)
S.A. Electrical Workers' Association
S.A. Workers' Union
Steel, Engineering and Allied Workers' Union of South Africa (SEAWUSA)

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Metal and Engineering Industries Bargaining Council,

to amend the Agreement published under Government Notice No. R. 652 of 8 May 1998.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) Any reference in this Agreement to the Republic of South Africa and/or the Provinces of the Cape of Good Hope, Transvaal, Natal and the Orange Free State shall be deemed to be a reference to the Magisterial Districts of those areas and/or provinces as they existed immediately prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and except as otherwise provided in this clause, the terms of this Agreement shall apply to and be observed—

- (a) throughout the Republic of South Africa; and
- (b) by all employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.

(2) The terms of this Agreement shall not apply to an employer and his employee who are governed by and fall within the scope of application of the Engineering Industries' Pension Fund Agreement (formerly the Metal Industries Group Life and Provident Fund Agreement) in force for the time being.

(3) The terms of this Agreement shall not, subject to subclause (4) below, apply to any employee who on 1 May 1991 was or thereafter became a participant in and member of any fund providing provident and/or pension benefits, which was in existence on the said date (and in which the employer of that employee was on the said date a participant) or to the employer of that employee, during such period only as such fund continues to operate and both employer and employee are participants therein: Provided that a fund which provides solely for payment of benefits on death shall not be deemed to be a pension or provident fund for the purposes of this Agreement.

(4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subclause (3) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in clause 6 of this Agreement, a period of six weeks shall be allowed to enable compliance with this requirement subject to any amendment being retroactive to the date of coming into operation of this Agreement.

(5) Clauses 1 (1) (b), 2 and 8 of this Agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions, respectively.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, as shall remain in force until 30 April 2001.

3. SPECIAL PROVISIONS

The provisions contained in clause 8 of the Agreement published under Government Notice No. R. 652 of 8 May 1998 (hereafter referred to as the "Former Agreement") shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7 and 9 to 12 of the Former Agreement shall apply to employers and employees.

5. CLAUSE 3: DEFINITIONS

1. In the definition of "Iron, Steel, Engineering and Metallurgical Industries", substitute the expression "subject to the provisions of any demarcation determination made in terms of section 62 of the Labour Relations Act, 1995, and section 76 of the Labour Relations Act, 1956" for the expression "subject to the provisions of any demarcation determination made in terms of section 76 of the LRA, 1956".

2. Substitute the following for "Region C":

"**Region C**" means the Province of Natal, and for the purposes of this particular area the address of the Regional Council shall be: Metal and Engineering Industries Bargaining Council (Natal Regional Council), P.O. Box 5900, Durban, 4000; or 11th Floor, Sangro House, 417 Smith Street, Durban, 4001;"

6. CLAUSE 6: CONTRIBUTIONS

1. Substitute the following for subclause (4):

- "(4) (a) Every employer in regions A, B, C, D, E and F shall forward the total amount payable each month in terms of subclause (2), together with a statement in such form as may be prescribed from time to time, to reach the Council at its Central Funds Collection Office (CEFCO), Second Floor, Metal Industries House, 42 Anderson Street, Johannesburg, 2001, by no later than close of business on the 15th day of the subsequent month.
- (b) The employer uses the postal service, a courier service or any other means of delivery or transfer at the employer's own risk. The relevant postal address is P.O. Box 61474, Marshalltown, 2107. A facility for direct bank-to-bank transfer of funds is also available. Enquiries may be directed to the Financial Manager, at the above address or (011) 832-2366."

7. CLAUSE 9: EXEMPTIONS

Substitute the following for clause 9:

"(1) Exemptions

- (a) Any person bound by this Agreement may apply for exemption from any provision of this Agreement.
- (b) An application for exemption shall be in writing, fully motivated, and sent to the manager of the Council's regional office for the area in which the applicant is located.
- (c) An employer applicant shall consult with the workforce through its trade union representatives (or, where there are no trade union representatives, with the workforce itself) as to the need for the exemption and its effect on the employees, and shall include in the application the views expressed by the workforce in this regard.
- (d) An application for exemption shall not be considered if the contents of the application are covered by an arbitration award binding the applicant.
- (e) The Council shall issue to every person to whom exemption has been granted an exemption licence, setting out the following:
 - (i) The full name of the person or enterprise concerned;
 - (ii) the provisions of this Agreement from which the exemptions has been granted;
 - (iii) the conditions subject to which exemption is granted;
 - (iv) the period of the exemption;
 - (v) the date from which the exemption shall operate; and
 - (vi) the area in which the exemption applies.
- (f) The Council shall ensure that—
 - (i) all exemption licences issued are numbered consecutively;
 - (ii) an original copy of each licence is retained by the Council;
 - (iii) a copy of the exemption licence is sent to the applicant.
- (g) Unless otherwise specified in the exemption licence, any exemption from this Agreement shall be valid only in the region of the Council in which the application was made.
- (h) The Council may, on good cause shown, give the holder of an exemption licence 30 days' notice of withdrawal of the exemption.

(2) Process and criteria

- (a) In considering an application for exemption, the Council shall consider the views expressed by the employer(s) and the workforce, any other representations received in relation to that application and the possible effect of the exemption on competitors.
- (b) The exemption shall not contain terms that would have an unreasonably detrimental effect in the fair, equitable and uniform application of this Agreement in the Industry.

(3) Appeals

- (a) An independent body, entitled the Independent Exemptions Appeal Board (the Board), is hereby appointed and shall consider, in accordance with the provisions of section 32 (3) (e) and (f) of the Labour Relations Act, 1995, any appeal against an exemption granted or refused by the Council, or a withdrawal of an exemption.
- (b) In considering an appeal the Board shall consider the recommendations of the Council and any further submissions by the employer and the workforce or their respective employee organisations or trade unions, and shall take into account the criteria set out above and also any other representations received in relations to the application.
- (c) The appeal shall not contain terms that would have an unreasonably detrimental effect on the fair, equitable and uniform application of this Agreement in the Industry.
- (d) Should the appeal be granted, an exemption licence shall be issued in terms of subclause (1) (e) and (f) above and shall be subject to subclauses (1) (g) and (h)."

Signed at Johannesburg, for and on behalf of the parties, this 5th day of November 1999.

W. P. COETZEE,
Vice-Chairman

D. A. CARSON
Member

D. G. LEVY
Council Secretary

No. R. 115**11 February 2000**

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICE

METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: ENGINEERING INDUSTRIES PENSION FUND COLLECTIVE AGREEMENT

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notice No. R. 654 of 8 May 1998 with effect from 21 February 2000.

M. M. S. MDLADLANA

Minister of Labour

No. R. 115**11 Februarie 2000**

WET OP ARBEIDSVERHOUDINGE, 1995

INTREKKING VAN GOEWERMENTSKENNISGEWING

METAAL- EN INGENIEURSNIWERHEDE BEDINGINGSRAAD: INGENIEURSNIWERHEDE PENSIOENFONDS KOLLEKTIEWE OOREENKOMS

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermentskennisgewing No. R. 654 van 8 Mei 1998 in, met ingang van 21 Februarie 2000.

M. M. S. MDLADLANA

Minister van Arbeid

No. R. 116**11 February 2000**

LABOUR RELATIONS ACT, 1995

METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: EXTENSION OF ENGINEERING INDUSTRIES' PENSION FUND COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Metal and Engineering Industries Bargaining Council and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 21 February 2000 and for the period ending 30 April 2001.

M. M. S. MDLADLANA

Minister of Labour

No. R. 116**11 Februarie 2000**

WET OP ARBEIDSVERHOUDINGE, 1995

METAAL- EN INGENIEURSNIWERHEDE BEDINGINGSRAAD: UITBREIDING VAN INGENIEURSNIWERHEDE PENSIOENFONDS KOLLEKTIEWE HERBEKRAGTIGINGS- EN WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Metaal- en Ingenieursnywerhede Bedingingsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 21 Februarie 2000 en vir die tydperk wat op 30 April 2001 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

Nota: 'n Afrikaanse vertaling van die Ooreenkoms by die Engelse kennisgewing is beskikbaar by die Raad.

SCHEDULE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL****ENGINEERING INDUSTRIES' PENSION FUND COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Association of Electric Cable Manufacturers of South Africa
Border Industrial Employers' Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries' Association
Electronics and Telecommunications Industries' Association
Gate and Fence Association
Hand Tool Manufacturers' Association (HATMA)
Iron and Steel Producers' Association of South Africa
KwaZulu-Natal Engineering Industries' Association
Lift Engineering Association of South Africa
Light Engineering Industries' Association of South Africa
Materials Handling Association
Non-Ferrous Metal Industries' Association of South Africa
Plastics Manufacturers' Association of South Africa
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa (RATA)
Refrigeration and Air-Conditioning Manufacturers' Association
Sheetmetal Industries' Association of South Africa
S.A. Electro-Plating Industries' Association
S.A. Engineers' and Founders' Association
S.A. Fasteners Manufacturers' Association (SAFMA)
S.A. Refrigeration and Air-Conditioning Contractors' Association (SARACCA)
S.A. Pump Manufacturers' Association
S.A. Reinforced Concrete Engineers' Association (SARCEA)
S.A. Tube Makers' Association
S.A. Valve and Actuator Manufacturers' Association (SAVAMA)
S.A. Wire and Wire Rope Manufacturers' Association

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

Electronic and Metal Workers' Union of South Africa
Metal and Electrical Workers' Union of South Africa
Mineworkers' Union
National Employees Trade Union
National Union of Metalworkers' of South Africa (NUMSA)
S.A. Electrical Workers' Association
S.A. Workers' Union
Steel, Engineering and Allied Workers' Union of South Africa (SEAWUSA)

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Metal and Engineering Industries Bargaining Council,

to amend the Agreement published under government Notice No. R. 654 of 8 May 1998.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) Any reference in this Agreement to the Republic of South Africa and/or the provinces of the Cape of Good Hope, the Transvaal, Natal and the Orange Free State shall be deemed to be a reference to the Magisterial Districts of those areas and/or provinces as they existed immediately prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and except as otherwise provided in this clause, the terms of this Agreement shall apply to and be observed—

- (a) throughout the Republic of South Africa; and
- (b) by all employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.

(2) The terms of this Agreement shall not apply to an employer and his employee who are governed by and fall within the scope of application of the Metal Industries Provident Fund Agreement.

(3) The terms of this Agreement shall not apply to any employee who on 29 July 1957 was or thereafter became a participant in and member of any fund providing provident and/or pension benefits, which was in existence on the said date (and in which the employer of that employee was on the said date a participant) or to the employer of that employee, during such period only as such fund continues to operate and both employer and employee are participants therein: Provided that a fund which provides solely for payment of benefits on death shall not be deemed to be a pension or provident fund for the purposes of this Agreement.

(4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subclause (3) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in clause 5 of this Agreement, a period of six weeks shall be allowed to enable compliance with this requirement, subject to any such amendment being retroactive to the date of coming into operation of this Agreement.

(5) Clause 1 (1) (b) 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employers' associations and trade unions, respectively.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 30 April 2001.

3. SPECIAL PROVISIONS

The provisions contained in clause 7 of the Agreement published under Government Notice No. R. 654 of 8 May 1998 (hereinafter referred to as the "Former Agreement") shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 6 and 8 to 11 of the Former Agreement shall apply to employers and employees.

5. CLAUSE 3: DEFINITIONS

1. In the definition of "Iron, Steel, Engineering and Metallurgical Industry", substitute the expression "subject to the provisions of any demarcation determination made in terms of section 62 of the Labour Relations Act, 1995, and section 76 of the Labour Relations Act, 1956", for the expression "subject to the provisions of any demarcation determination made in terms of section 76 of the Act",.

1. Substitute the following for "Region C":

"**Region C**" means the Province of Natal, and for the purposes of this particular area the address of the Regional Council shall be: Metal and Engineering Industries Bargaining Council (Natal Regional Council), P.O. Box 5900, Durban, 4000, or 11th Floor, Sangro House, 417 Smith Street, Durban, 4001;".

6. CLAUSE 5: CONTRIBUTIONS

1. Substitute the following for subclause (4):

- "(4) (a) Every employer in regions A, B, C, D, E and F shall forward the total amount payable each month in terms of subclause (2), together with a statement in such form as may be prescribed from time to time, to reach the Council at its Central Funds Collection Office (CEFCO), Second Floor, Metal Industries House, 42 Anderson Street, Johannesburg, 2001, by no later than close of business on the 15th day of the subsequent month.
- (b) The employer uses the postal service, a courier service or any other means of delivery or transfer at the employer's own risk. The relevant postal address P.O. Box 61474, Marshalltown, 2107. A facility for direct bank-to-bank transfer of funds is also available. Enquiries may be directed to the Financial Manager, at the above address or (011) 832-2366."

7. CLAUSE 8: EXEMPTIONS

1. Substitute the following for clause 8:

(1) Exemptions

- (a) Any person bound by this Agreement may apply for exemption from any provision of this Agreement.
- (b) An application for exemption shall be in writing, fully motivated, and sent to the manager of the Council's regional office for the area in which the applicant is located.
- (c) An employer applicant shall consult with the workforce through its trade union representatives (or, where there are no trade union representatives, with the workforce itself) as to the need for the exemption and its effect on the employees, and shall include in the application the views expressed by the workforce in this regard.
- (d) An application for exemption shall not be considered if the contents of the application are covered by an arbitration award binding the applicant.
- (e) The Council shall issue to every person to whom exemption has been granted an exemption licence, setting out the following:
 - (i) The full name of the person or enterprise concerned;
 - (ii) the provisions of this Agreement from which the exemption has been granted;
 - (iii) the conditions subject to which exemption is granted;
 - (iv) the period of the exemption;
 - (v) the date from which the exemption shall operate; and
 - (vi) the area in which the exemption applies.
- (f) The Council shall ensure that—
 - (i) all exemption licences issued are numbered consecutively;
 - (ii) an original copy of each licence is retained by the Council;
 - (iii) a copy of the exemption licence is sent to the applicant.
- (g) Unless otherwise specified in the exemption licence, any exemption from this Agreement shall be valid only in the region of the Council in which the application was made.
- (h) The Council may, on good cause shown, give the holder of an exemption licence 30 days' notice of withdrawal of the exemption.

(2) Process and criteria

- (a) In considering an application for exemption, the Council shall consider the views expressed by the employer(s) and the workforce, any other representations received in relation to the application and the possible effect of the exemption on competitors.
- (b) The exemption may not contain terms that would have an unreasonably detrimental effect in the fair, equitable and uniform application of this Agreement in the Industry.

(3) Appeals

- (a) An independent body, entitled the Independent Exemptions Appeal Board (the Board), is hereby appointed and shall consider, in accordance with the provisions of section 32 (3) (e) and (f) of the Labour Relations Act, 1995, any appeal against an exemption granted or refused by the Council, or a withdrawal of an exemption.
- (b) In considering an appeal the Board shall consider the recommendations of the Council, and any further submissions by the employer and the workforce or their respective employee organisations or trade unions, and shall take into account the criteria set out above and also any other representations received in relation to the application.
- (c) The appeal shall not contain terms that would have an unreasonably detrimental effect on the fair, equitable and uniform application of this Agreement in the Industry.
- (d) Should the appeal be granted an exemption licence shall be issued in terms of subsection (1) (e) and (f) above and shall be subject to subclauses (1) (g) and (h).".

Signed at Johannesburg, for and on behalf of the parties, this 5th day of November 1999.

W. P. COETZEE

Vice-Chairman

D. A. CARSON

Member

D. G. LEVY

Council Secretary

No. R. 121

11 February 2000

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF EXEMPTIONS AND DISPUTE RESOLUTION COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Amending Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 21 February 2000 and for the period ending 29 February 2000.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY EXEMPTIONS AND DISPUTE RESOLUTION COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)**South African Transport Workers' Union****Professional Transport Workers' Union of South Africa****Transport and General Workers' Union****African Miner's and Allied Workers' Union**

and

Transport and Allied Workers' Union of South Africa

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

being the parties to the National Bargaining Council for the Road Freight Industry, to amend the agreement published under Government Notices No. R. 919 of 24 July 1998, as amended and extended by Government Notices Nos. R. 1688 of 24 December 1998, R. 212 of 19 February 1999, R. 286 of 12 March 1999, R. 318 of 19 March 1999 and R. 1279 of 29 October 1999.

1. SCOPE OF APPLICATION

- (1) The whole of the Republic of South Africa.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in the Agreements published under Government Notices Nos. R. 920 of 24 July 1998 and R. 922 of 24 July 1998, as renewed and amended from time to time, and to the employers of such employees.
- (3) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to—
 - (a) an employer while he is a new employer as defined in clause 2 of the B-Agreement published under Government Notice No. R. 920 of 24 July 1998;
 - (b) an owner who drives his own vehicle and the employees employed in connection with such a vehicle;
 - (c) an employer who operated one truck with one driver, and the employees employed by such employer; and
 - (d) to non-parties in respect of clause 2.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 29 February 2000.

3. CLAUSE 5: RESOLUTION OF DISPUTES

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

"(1) Disputes about the interpretation or application of Council's Collective Agreements (Enforcement).

Conciliation

- (a) In this clause a dispute is any dispute arising out of the interpretation or application of the Council's Collective Agreements and includes a breach or breaches of those agreements.

- (b) Any person may refer a dispute about the interpretation, application or enforcement of the Council's Collective Agreements to the Secretary of the Council who may require an agent/designated agent to investigate the dispute.
 - (c) Any agent/designated agent must investigate a dispute that comes to his attention in the course of performing his duties.
 - (d) A dispute may be conciliated by—
 - (i) an agent/designated agent in the course of or after an investigation; or
 - (ii) a duly appointed conciliator.
 - (e) If any party to a dispute objects to conciliation of the dispute by an agent/designated agent the objecting party may request conciliation by a conciliator selected from the Conciliator's Panel of the National Association of Bargaining Councils or any other independent panel providing conciliation services.
 - (f) If any party to a dispute requests conciliation by a Conciliator other than an agent, designated agent then the conciliation hearing shall be convened at the office of the Council nearest to the establishment where the dispute arose.
 - (g) Conciliation of a dispute may, with the consent of the parties, be conducted by telephone.
 - (h) If conciliation fails, the conciliator shall issue a certificate to that effect.
 - (i) Any party to a dispute may waive the right to conciliation in this Agreement, by notifying any person attempting to perform conciliation of a dispute.
 - (j) A party who refuses to participate in conciliation of a dispute shall be deemed to have frustrated the resolution of the dispute in terms of this Agreement.
 - (k) On receipt of a certificate, the Secretary of the Council may refer the dispute to arbitration in terms of clause 5 (3) (b), (c), (d), (e), (f) and (g), read with the amendments required by the context.”.
- (2) Substitute the following for the introduce paragraph of subclause (3) (a):
- “(3) **Arbitration**
- (a) If a dispute remains unresolved after conciliation in terms of subclauses (1) and (2), the Secretary of the Council shall arrange for arbitration of the dispute if—”.
- (3) Insert the following subclause (3) (d) and renumber the existing subclauses (d) to read (e) to (t), respectively:
- “(d) If any party to a dispute objects to the arbitration of the dispute by an arbitrator appointed by the Secretary of the Council, the objecting party may request arbitration by an arbitrator selected from an independent panel providing arbitration services which, where required, comply with the provisions of the Act.”.

Signed at Johannesburg, for and on behalf of the parties to the Council, this 2nd day of December 1999.

J. J. DUBE

Chairman of the Council

G. F. VAN NIEKERK

Vice Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 121

11 Februarie 2000

WET OP ARBEIDSVERHOUDINGE, 1995

**PADVRAGNYWERHEID: UITBREIDING VAN VRYSTELLINGS- EN GESKILBESLEGTINGS KOLLEKTIEWE
WYSIGINGSOOREENKOMS NA NIE-PARTYE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Wysigingsooreenkoms wat in die Bylae hiervan verskyn en wat in die Nasionale Bedingsraad vir die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 21 Februarie 2000, en vir die tydperk wat op 29 Februarie 2000 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: KOLLEKTIEWE
VRYSTELLINGS- EN GESKILBESLEGTINGSOOREENKOMS****KOLLEKTIEWE OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, gesluit deur en aangegaan tussen die

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)**South African Transport Workers' Union****Professional Transport Workers' Union of South Africa****Transport and General Workers' Union****African Miner's and Allied Workers' Union**

en

Transport and Allied Workers' Union of South Africa

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

wat die partye is by die Nasionale Bedingsraad vir die Padvragnywerheid, tot wysiging van die Ooreenkoms gepubliseer by Goewermenskennisgewing No. R. 919 van 24 Julie 1998, soos gewysig en verleng by Goewermenskennisgewing Nos. R. 1688 van 24 Desember 1998, R. 212 van 19 Februarie 1999, R. 286 van 12 Maart 1999, R. 318 van 19 Maart 1999 en R. 1279 van 29 Oktober 1999.

1. TOEPASSINGSBESTEK

(1) Die hele Republiek van Suid-Afrika.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms slegs van toepassing op werknemers vir wie minimum lone voorgeskryf word in die Ooreenkomste gepubliseer by Goewermenskennisgewings Nos. R. 920 van 24 Julie 1998 en R. 922 van 24 Julie 1998, soos van tyd tot tyd hernieu en gewysig, en op die werkgewers van sodanige werknemers.

(3) Ondanks subklousule (1) is hierdie Ooreenkoms nie van toepassing nie op—

- (a) 'n werkgewer solank as wat hy 'n nuwe werkgewer is soos in klousule 2 van die B-Ooreenkoms gepubliseer by Goewermenskennisgewing No. R. 920 van 24 Julie 1998 omskryf;
- (b) 'n eienaar wat sy eie voertuig dryf en die werknemers wat in verband met sodanige voertuig in kennis is;
- (c) 'n werkgewer wat een vragmotor met een drywer bedryf, en die werknemers in diens van sodanige werkgewer; en
- (d) nie-partye met betrekking tot klousule 2.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel en bly van krag tot 29 Februarie 2000.

3. KLOUSULE 5: GESKILBESLEGTING

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

"(1) Geskille oor die interpretasie of toepassing van die Raad se Kollektiewe Ooreenkomste (Afdwinging).

Versoening

- (a) In hierdie klousule is 'n geskil enige geskil wat kan ontstaan as gevolg van die interpretasie of toepassing van die Raad se Kollektiewe Ooreenkoms en omvat dit 'n verbreking of verbrekings van daardie ooreenkomste.
- (b) Enige persoon kan 'n geskil oor die interpretasie, toepassing of afdwinging van die Raad se Kollektiewe Ooreenkomste na die Sekretaris van die Raad verwys wat 'n agent/aangewese agent kan verplig om die geskil te ondersoek.
- (c) 'n Agent/aangewese agent moet 'n geskil ondersoek wat onder sy aandag gebring word in die uitvoering van sy pligte.
- (d) 'n Geskil kan deur versoening besleg word deur—
 - (i) 'n agent/aangewese agent in die loop van, of na 'n ondersoek; of
 - (ii) 'n behoorlik aangewese versoeningsbeampte.

- (e) Indien 'n party by 'n geskil beswaar aanteken ten opsigte van die beslegting daarvan deur middel van versoening deur 'n agent/aangewese agent, kan die party wat beswaar maak, versoek dat beslegting deur versoening gedoen word deur 'n bemiddelaar verkies uit die Paneel Versoeningsbeampies van die Nasionale Assosiasie van Bedingingsrade of enige ander onafhanklike paneel wat versoeningsdienste verskaf.
 - (f) Indien enige party by 'n geskil versoek dat bemiddeling geskied deur 'n ander Versoeningsbeampte as 'n agent/aangewese agent moet die versoeningsverhoor gehou word by die Raadskantoor naaste aan die bedryfsinrigting waar die geskil ontstaan het.
 - (g) Beslegting van 'n geskil deur versoening kan, met die toestemming van die partye, per telefoon gedoen word.
 - (h) Indien die beslegting deur versoening onsuksesvol is, moet die bemiddelaar 'n sertifikaat dienooreenkomstig uitreik.
 - (i) Enige partye by 'n geskil kan afstand doen van sy reg tot beslegting deur versoening ingevolge hierdie Ooreenkoms, deur die persoon wat die geskil probeer besleg dienooreenkomstig in kennis stel.
 - (j) Indien 'n party weier om deel te neem aan die beslegting van 'n geskil deur versoening, word dit geag verdeling van die oplossing vir die geskil te wees ingevolge hierdie Ooreenkoms.
 - (k) By ontvangs van 'n sertifikaat kan die Sekretaris van die Raad die geskil verwys na arbitrasie ingevolge klousule 5 (3) (b), (c), (d), (e), (f) en (g), saamgelees met die wysigings vereis in die verband."
- (2) Vervang inleidende paragraaf van subklousule (3) deur die volgende:

"(3) Arbitrasie

- (a) Indien 'n geskil na beslegting deur versoening onbesleg bly ingevolge subklousule (1) en (2), moet die Sekretaris van die Raad reël vir die arbitrasie van die geskil indien—"
- (3) Voeg die volgende subklousule (3) (d) in en hernommer die bestaande subklousules (d) tot (s) om onderskeidelik te lui (e) tot (t):
- "(d) Indien enige party tot 'n geskil beswaar aanteken dat die arbitrasie van die geskil gedoen word deur 'n arbiter aangestel deur die Sekretaris van die Raad kan die party wat beswaar maak versoek dat die arbitrasie onderneem word deur 'n arbiter gekies vanaf 'n onafhanklike paneel wat arbitrasiedienste verskaf en wat waar nodig voldoen aan die voorwaardes gestel deur die Wet."

Vir en namens die partye by die Raad, op hede die 2de dag van Desember 1999 te Johannesburg onderteken.

J. J. DUBE

Voorsitter van die Raad

G. F. VAN NIEKERK

Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

No. R. 122

11 February 2000

LABOUR RELATIONS ACT, 1995

**ROAD FREIGHT INDUSTRY: EXTENSION OF PROVIDENT FUND COLLECTIVE
AMENDING AGREEMENT TO NON-PARTIES**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Amending Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 21 February 2000 and for the period ending 29 February 2000.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY

COLLECTIVE PROVIDENT FUND AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)
South African Transport Workers' Union
Professional Transport Workers' Union of South Africa
Transport and General Workers' Union
African Miners' and Allied Workers' Union

and the

Transport and Allied Workers' Union

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

being the parties to the National Bargaining Council for the Road Freight Industry,

to amend the Agreement published under Government Notice No. R. 921 of 24 July 1998, as amended and extended by Government Notices Nos. R. 210 of 19 February 1999, R. 317 of 19 March 1999, R. 450 of 16 April 1999 and R. 1009 of 27 August 1999.

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Road Freight Industry—
 - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed in the said Industry, respectively;
 - (b) in the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan [excluding those portions of the Magisterial Districts of Boksburg and Brakpan which, prior to the publication of Government Notice No. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices Nos. 498 and 871 of 1 April 1966 and 26 May 1972, respectively), fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. 556 and 1618 of 29 March 1956 and 2 October 1970, respectively), fell within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. 1105 and 872 of 26 July 1963 and 26 May 1972, respectively), fell within the Magisterial District of Krugersdorp], Oberholzer (excluding that portion of the Magisterial District of Oberholzer which, prior to the publication of Government Notice No. 1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. 2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. 1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadoons 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria.
 - (c) In the Republic of South Africa, excluding the magisterial districts detailed in subclause (1) (b) above.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in the Main Agreement and to the employers of such employees.
- (3) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to—
 - (a) an owner who drives his own vehicle and the employees employed in connection with such a vehicle;
 - (b) an employer who operates one vehicle with one driver and the employees employed by such employer;
 - (c) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (b) above and who, at the time of publication of Government Notice No. R. 3146 of 20 December 1991, had an existing pension or provident fund registered with the Registrar of Pension Funds, covering employees for whom minimum wages are prescribed in the Main Agreement, and the employees of such an employer;
 - (d) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (b) above, who prior to the publication of Government Notice No. R. 3146 of 20 December 1991, did not have an existing pension or provident fund registered with the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, but who, before 1 January 1991, commenced negotiations for the establishment of a pension or provident fund for employees covered by the Main Agreement.
 - (e) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (c) above and who, at the time of publication of Government Notice No. R. 450 of 16 April 1999, had an existing pension or provident fund registered with the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, and the employees of such an employer;

- (f) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (c) above and who, prior to the publication of Government Notice No. R. 450 of 16 April 1999, did not have an existing pension or provident fund registered with the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, but who, before 1 March 1999, commenced negotiations for the establishment of a pension or provident fund for employees covered by the Main Agreement.

(4) The provisions of clauses 1 (1) (a), 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation or trade unions that entered into this Agreement.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 29 February 2000.

3. CLAUSE 7: CONTRIBUTIONS

Substitute the following for subclause 2 (a):

- "(1) Subject to the provisions of paragraph (b), the employer shall pay monthly the total contribution referred to in subclause (1) at the Head Office of the Council on the Fifth Floor, Road Freight House, 31 De Korte Street, Braamfontein, Johannesburg, and shall also submit to the Secretary of the Council at the same address, by not later than the Seventh day of the month following the month in which the members' deductions were required to be made, a monthly return, with the particulars in the form specified by the Council for this purpose (including each member's full names, surname, date of birth and identification number)."

Signed at Johannesburg, for and on behalf of the parties to the Council, this 2nd day of December 1999.

J. J. DUBE

Chairman of the Council

G. F. VAN NIEKERK

Vice-Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 122

11 Februarie 2000

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Wysigingsooreenkoms wat in die Bylae hiervan verskyn en wat in die Nasionale Bedingingsraad vir die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 21 Februarie 2000, en vir die tydperk wat op 29 Februarie 2000 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE

NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID

KOLLEKTIEWE VOORSORGFONDSOOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, No. 66 van 1995, gesluit deur en aangegaan tussen die

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)

South African Transport Workers' Union

Professional Transport Workers' Union of South Africa

Transport and General Workers' Union

African Miners' and Allied Workers' Union

en die

Transport and Allied Workers' Union

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

wat die partye is by die Nasionale Bedingsraad vir die Padvragnerwerheid,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 921 van 24 Julie 1998, soos gewysig en verleng by Goewermentskennisgewings Nos. R. 210 van 19 Februarie 1999, R. 317 van 19 Maart 1999, R. 450 van 16 April 1999 en R. 1009 van 27 Augustus 1999.

1. TOEPASSINGSBESTEK

- (1) Hierdie Ooreenkoms moet in die Padvragnerwerheid nagekom word—
 - (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakbonde is, en wat onderskeidelik by genoemde Nywerheid betrokke en daarin werksaam is;
 - (b) in die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan [uitgesonderd die gedeeltes van die landdrosdistrikte Boksburg en Brakpan wat voor die publikasie van Goewermentskennisgewing No. 1779 van 6 November 1964 binne die landdrosdistrik Heidelberg geval het, en uitgesonderd die gedeeltes van die landdrosdistrik Brakpan wat voor 1 April 1966 en 1 Julie 1972 (Goewermentskennisgewing Nos. 498 en 871 van onderskeidelik 1 April 1966 en 26 Mei 1972) binne die landdrosdistrik Nigel geval het], Delmas, Germiston, Johannesburg, Kempton Park [uitgesonderd die gedeeltes wat voor 29 Maart 1956 en 1 November 1970 (Goewermentskennisgewings Nos. 556 en 1618 van onderskeidelik 29 Maart 1956 en 2 Oktober 1970) binne die landdrosdistrik Pretoria geval het], Krugersdorp [met inbegrip van die gedeeltes van die landdrosdistrikte Koster en Brits wat onderskeidelik voor 26 Julie 1963 en 1 Junie 1972 (Goewermentskennisgewings Nos. 1105 van 26 Julie 1963 en 872 van 26 Mei 1972) binne die landdrosdistrik Krugersdorp geval het], Oberholzer [uitgesonderd die gedeelte van die landdrosdistrik Oberholzer wat voor die publikasie van Goewermentskennisgewing No. 1745 van 1 September 1978 binne die landdrosdistrik Potchefstroom geval het], Randburg [uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. 2152 van 22 November 1974 binne die landdrosdistrik Pretoria geval het], Randfontein [met inbegrip van die landdrosdistrik Koster wat voor die publikasie van Goewermentskennisgewing No. 1105 van 26 Julie 1963 binne die landdrosdistrik Randfontein geval het, maar uitgesonderd die plase Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 en Rietfontein 48], Roodepoort, Springs, Vanderbijlpark, Vereeniging, en Westonaria.
 - (c) In die Republiek van Suid-Afrika, uitgesonderd die landdrosdistrikte soos vervat in subklousule 1 (b) hierbo.
- (2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing slegs op werknemers vir wie minimum lone in die Hoofooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers.
- (3) Ondanks subklousule (1) is hierdie Ooreenkoms nie van toepassing nie op—
 - (a) 'n eienaar wat sy eie voertuig dryf en die werknemers wat in verband met so 'n voertuig in diens is;
 - (b) 'n werkgewer wat een voertuig met een drywer bedryf en die werknemers in diens van sodanige werkgewer;
 - (c) 'n werkgewer wie se bedryfsinrigting binne die Landdrosdistrikte val, soos in subklousule (1) (b) hierbo uiteengesit en wat, ten tyde van die afkondiging van Goewermentskennisgewing No. R. 3146 van 20 Desember 1991, oor 'n bestaande pensioen- of voorsorgfonds beskik het wat by die Registrateur van Pensioenfondse geregistreer is en werknemers dek vir wie minimum lone in die Hoofooreenkoms voorgeskryf word, en op die werknemers van so 'n werkgewer;
 - (d) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (b) hierbo uiteengesit, wat, met die afkondiging van Goewermentskennisgewing No. R. 3146 van 20 Desember 1991, nie oor 'n bestaande pensioen- of voorsorgfonds beskik het nie wat by die Registrateur van Pensioenfondse geregistreer is en werknemers dek vir wie minimum lone in die Hoofooreenkoms voorgeskryf word, maar welke werkgewer voor 1 Januarie 1991 begin het met onderhandelings vir die instelling van 'n pensioen- of voorsorgfonds vir werknemers wat deur die Hoofooreenkoms gedek word.
 - (e) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (c) hierbo uiteengesit, wat met die afkondiging van Goewermentskennisgewing No. R. 450 gedateer 16 April 1999, oor 'n bestaande pensioen- of voorsorgfonds beskik het wat by die Registrateur van Pensioenfondse geregistreer is en werknemers dek vir wie minimum lone in die Hoofooreenkoms voorgeskryf word, en op die werknemers van so 'n werkgewer;
 - (f) 'n werkgewer wie se bedryfsinrigting binne die Landdrosdistrikte val, soos in subklousule (1) (c) hierbo uiteengesit en wat, voor die afkondiging van Goewermentskennisgewing No. R. 450 gedateer 16 April 1999, nie oor 'n bestaande pensioen- of voorsorgfonds beskik het nie wat by die Registrateur van Pensioenfondse geregistreer is en wat werknemers dek vir wie minimum lone in die Hoofooreenkoms voorgeskryf word, maar welke werkgewer voor 1 Maart 1999 begin het met onderhandelings vir die instelling van 'n pensioen- of voorsorgfonds vir werknemers wat deur die Hoofooreenkoms gedek word.

(4) Die bepalings van klousules 1 (1) (a), en 2 van hierdie Ooreenkoms is nie van toepassing op werkgewers en werknemers wat nie lede is van die werkgewersorganisasie of die vakbonde wat die Ooreenkoms aangegaan het nie.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel en bly van krag tot 29 Februarie 2000.

3. KLOUSULE 7: BYDRAES

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

- “(a) Behoudens die voorwaardes van paragraaf (b) moet die werkgewer die totale bydraes in subklousule (1) bedoel, maandeliks betaal by die Raad, op die Vyfde Verdieping, Road Freight House, De Kortestraat 31, Braamfontein, Johannesburg en moet daar ook by die Sekretaris van die Raad by dieselfde adres en, nie later nie as die Sewende dag van die maand wat volg op die maand waarin die aftrekking van die lede se bydraes gemaak moet word, 'n maandelikse opgawe ingedien word met die besonderhede in die vorm soos deur die Raad vir die doel gespesifiseer wat insluit die volle naam en van, datum van geboorte en identifikasienommer van elke lid.”.

Vir en namens die partye by die Raad op hede die 2de dag van Desember 1999, te Johannesburg onderteken.

J. J. DUBE

Voorsitter van die Raad

G. F. VAN NIEKERK

Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 110

11 February 2000

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/451)

Under section 75 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 3 to the said Act is hereby amended, **with retrospective effects to 14 April 1999**, to the extent set out in the Schedule hereto.

M. MPAHLWA

Deputy Minister of Finance

SCHEDULE

Rebate Item	Tariff Heading	Rebate Code	C. D.	Description	Extent of Rebate	Anno-tations
304.05				By the substitution for rebate item 304.05 of the following:		
"304.05				Industry: Preparations of cereals, flour, starch or milk, and pastrycooks' products:		
	1103.11	01.06	60	Semolina of wheat, for the manufacture of pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagna, gnocchi, ravioli and cannelloni, and couscous, whether or not prepared, of heading No. 19.02	Full duty	
	1108.11	01.06	62	Wheat starch, for the manufacture of biscuits of subheadings Nos. 1905.30 and 1905.90	Full duty	
	1517.90	01.06	65	Edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils, for the manufacture of pastry of subheading No. 1905.90	Full duty"	

No. R. 110

11 Februarie 2000

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/451)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 14 April 1999, in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

Adjunk-minister van Finansies

BYLAE

Korting= item	Tarief= pos	Korting= kode	T. S.	Beskrywing	Mate van korting	Anno= tasies
304.05				Deur kortingitem 304.05 deur die volgende te vervang:		
"304.05				Nywerheid: Bereidinge van graansoorte, meelblom, stysel of melk, en soetgebak		
	1103.11	01.06	60	Semolina van koring, vir die vervaardiging van pasta, hetsy gekook of gestop (met vleis of ander stowwe) of andersins berei, soos spaghetti, macaroni, noedels, lasagna, gnocchi, ravioli en cannelloni, en van koeskoes, hetsy berei al dan nie, van tariefpos No. 19.02	Volle reg	
	1108.11	01.06	62	Koringstysel, vir die vervaardiging van beskuitjies van subposte Nos. 1905.30 en 1905.90	Volle reg	
	1517.90	01.06	65	Eetbare mengsels of preparate van dierlike of plantaardige vette of olies of van fraksies van verskillende vette of olies, vir die vervaardiging van soetgebak van subpos No. 1905.90	Volle reg"	

No. R. 111

11 February 2000

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 4 (No. 4/230)

Under section 57 of the Customs and Excise Act, 1964, Schedule No. 4 to the said Act is hereby amended, with retrospective effect to 1 January 2000, to the extent set out in the Schedule hereto.

M. MPAHLWA

Deputy Minister of Finance

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Anno- tations
	Tariff Heading	Rebate Code	C D	Description		
405.04		"06.00	09	By the substitution for rebate code 06.00 to tariff heading No. 00.00 of the following: Goods (excluding foodstuffs) forwarded free, as a donation, to any educational organisation, hospital (including clinics), welfare organisation, religious organisation or sporting organisation, recommended by the Board on Tariffs and Trade, cleared on or before 30 April 2000, in such quantities and such conditions as the Director-General: Trade and Industry, on the recommendation of the Board on Tariffs and Trade may allow by specific permit and he is being satisfied that the issuing of such permit will not have a detrimental effect on local industry within the common customs area, provided that the applicant and anybody responsible for the distribution have furnished an undertaking that - (a) such goods are for use of the organisation or for free distribution; (b) such goods will not be sold, leased, hired or otherwise disposed of for gain without the prior approval of the Board on Tariffs and Trade and without the duty which has been rebated paid to the Commissioner; and (c) that no donation or other counter performance may not be accepted by anybody in respect of such goods	Full duty"	

No. R. 111

11 Februarie 2000

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 4 (No. 4/230)

Kragtens artikel 57 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Januarie 2000, in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

Adjunkminister van Finansies

BYLAE

I Korting Item	II				III Mate van Korting	Anno- tasies
	Tarief= pos	Korting= kode	T S	Beskrywing		
405.04		"06.00	09	Deur kortingkode 06.00 by tariefpos No. 00.00 deur die volgende te vervang: Goedere (uitgesonderd voedingstowwe) wat gratis versend word as 'n donasie aan enige opvoedkundige organisasie, hospitaal (met inbegrip van klinieke), welsynsorganisasie, godsdienstige organisasie of sportorganisasie, deur die Raad op Tariewe en Handel aanbeveel, geklaar voor of op 30 April 2000, in die hoeveelhede en onderhewig aan die voorwaardes wat die Direkteur-generaal: Handel en Nywerheid, op aanbeveling van die Raad op Tariewe en Handel, by bepaalde permit toelaat en dat hy tevrede gestel is dat die uitreiking van sodanige permit nie 'n negatiewe uitwerking op die plaaslike nywerheid binne die gemeenskaplike doeane-gebied sal hê nie, op voorwaarde dat die applikant en enige iemand verantwoordelik vir verspreiding 'n onderneming gegee het dat (a) sodanige goedere vir gebruik deur die organisasie of vir gratis verspreiding is; (b) sodanige goedere nie verkoop, verhuur, geleen of andersins vervreem sal word nie vir wins sonder die vooraf goedkeuring van die Raad op Tariewe en Handel en sonder dat die gekorte reg aan die Kommissaris betaal word; en (c) dat geen donasie of ander teenprestasie deur enigiemand aanvaar mag word nie ten opsigte van sodanige goedere	Volle reg"	

No. R. 112**11 February 2000**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF RULES (No. DAR 19)

Under section 120 of the Customs and Excise Act, 1964, the rules published in Government Notice No. R. 1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto.

P. GORDHAN**Commissioner for the South African Revenue Service****SCHEDULE**

By the substitution for the existing form DA 163 in the Second Schedule for the attached new form.

Note: The form has been re-designed and certain additional fields have been added.



APPLICATION for a CUSTOMS CODE NUMBER

DA 163

South African Revenue Service
Suid-Afrikaanse Inkomstediens
Uphiko wezimali Ezingenayo eNingizimu Afrika
Tirelomatlotlo ya Afrika-Borwa

The Commissioner for the South African Revenue Service
 Private Bag X 923
 PRETORIA, 0001
 Tel: (012) 422-4000

Bronkhorst Street 299
 Nieuw Muckleneuk, 0181

For Official Use

New Application for a CUSTOMS CODE NUMBER
Notice of change of Name or Address
Cancellation of Customs Code

- Notes:
1. A separate application should be submitted for each branch that imports and or Exports independently.
 2. Please complete section(s) A and/or B or C and attach certified copies of:
 - (a) Registration certificate of business.
 - (b) Identity document(s) and Income Tax number(s) as follows:
 - Individual - Identity document and Income Tax number
 - Partnership and Close Corporation - Identity documents and Income Tax numbers of 5 major members/partners. An annexure should be attached which reflects the ID and Income Tax numbers.
 - Company - Identity documents and Income Tax number of the Managing Director
 - (c) Passport in the case of non-residents.
 3. Additional applications for the under-mentioned provisions must be lodged with the Controller.
 Clearing Agent, Rebate Registrant, Owner of a Warehouse, Special Storage Warehouse, Manufacturing Warehouse, Special Manufacturing Warehouse and Ad-Valorem Warehouse

A. NEW APPLICATION AS: (mark with an "X")

Importer ☐ Exporter ☐ Clearing Agent ☐ Rebate Registrant ☐ Licensee ☐ Other (specify)

REGISTRATION PARTICULARS

Registered name of undertaking	
Trade name of undertaking	
Postal Address	
	Postal Code :
Street or Premises Address	
	Street Code :
Magisterial District :	Telephone No. :
Fax No. :	
ID number (see note 2(b))	
Passport number (see note 2(c))	
VAT Registration number	
Income Tax number (see note 2(b))	
Company/CC/Partnership Reg. number	

B. CHANGE OF: (mark with an "X")Name ☐ Address ☐

If change of name and/or address, please insert previous particulars in B and new particulars in appropriate fields in section A.

Customs Code Number	
Previous name of undertaking	
Previous trade name of undertaking	
Previous postal address	
	Postal Code :
Previous Street or premises address	
	Street Code :
Previous Telephone Details	Tel No : Fax No :

C. CANCELLATION:

Customs Code Number	
Name and Trade Name (If Applicable)	

I hereby declare that the particulars herein are true and correct and undertake to comply with the provisions of the Customs and Excise Act. No 91 of 1964 and the Rules thereto.

Name (in print)

Signature

Designation

Date

* Fax Applications will not be accepted