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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FINANCE DEPARTEMENT VAN FINANSIES

No. R. 725

10 August 2001

PREFERENTIAL PROCUREMENT REGULATIONS, 2001 PERTAINING TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT: NO 5 OF 2000

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REGULATIONS

The Minister of Finance has, in terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000), made the regulations contained in the Schedule.

SCHEDULE

PART ONE

DEFINITIONS AND APPLICATION

Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act bears the same meaning, and-
 - (a) **"Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000);
 - (b) **"Agent"** means a person mandated by another person ("the principal") to do business for and on behalf of, or to represent in a business transaction, the principal, and thereby acquire rights for the principal against an organ of state and incur obligations binding the principal in favour of an organ of state;
 - (c) **"Comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration;
 - (d) **"Consortium or Joint Venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
 - (e) **"Contract"** means the agreement that results from the acceptance of a tender by an organ of state;
 - (f) **"Disability"** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being;

(g) **"Firm price"** is the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax which, in terms of a law or regulation is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

(h) **"Historically Disadvantaged Individual (HDI)"** means a South African citizen –

(1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) ("the Interim Constitution"); and / or

(2) who is a female; and / or

(3) who has a disability:

Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;

(i) **"Management"** in relation to an enterprise or business, means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director;

(j) **"Non-firm prices"** means all prices other than "firm" prices;

(k) **"Person"** includes reference to a juristic person;

(l) **"Rand value"** means the total estimated value of a contract in Rand denomination which is calculated at the time of tender invitations and includes all applicable taxes and excise duties;

- (m) **"Small, Medium and Micro Enterprises (SMMEs)"** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (Act No102 of 1996);
- (n) **"Sub-Contracting"** means the primary contractor's assigning or leasing or making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (o) **"Tender"** means a written offer or bid in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services or goods;
- (p) **"Trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person;
- (q) **"Trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

Application

- 2.(1) Despite anything to the contrary contained in any law, these regulations apply to organs of state as contemplated in section 1(iii) of the Act.
- (2) An organ of state contemplated in sub-regulation (1) must, unless the Minister of Finance has directed otherwise, only apply a preferential procurement system which is in accordance with the Act and these regulations.
- (3) An organ of state may deviate from the framework contemplated in section 2 of the Act in respect of a pre-determined tariff based professional appointments.

PART TWO**PREFERENCE POINT SYSTEM, EVALUATION OF TENDERS, AWARDING OF TENDERS NOT SCORING HIGHEST POINTS, CANCELLATION AND RE-INVITATION OF TENDERS****The 80/20 preference point system**

- 3.(1) The following formula must be used to calculate the points for price in respect of tenders / procurement with a Rand value equal to, or above R 30 000 and up to a Rand value of R500 000. Organs of state may, however, apply this formula for procurement with a value less than R 30 000, if and when appropriate:

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value of offer tender consideration

Pmin = Rand value of lowest acceptable tender

- (2) A maximum of 20 points may be awarded to a tenderer for being an HDI and / or subcontracting with an HDI and / or achieving any of the specified goals stipulated in regulation 17.
- (3) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- (4) Only the tender with the highest number of points scored may be selected.

The 90/10 preference point system

- 4.(1) The following formula must be used to calculate the points for price in respect of tenders / procurement with a Rand value above R500 000:

$$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Rand value of tender under consideration

P_{min} = Rand value of lowest acceptable tender

- (2) A maximum of 10 points may be awarded to a tenderer for being an HDI and / or subcontracting with an HDI and / or achieving any of the specified goals stipulated in regulation 17.
- (3) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- (4) Only the tender with the highest number of points scored may be selected.

The 80/20 preference point system for the sale and letting of assets.

- 5.(1) The following formula must be used to calculate the points for price in respect of tenders with a Rand value equal to, or above R 30 000 and up to a Rand value of R500 000 and which relate to the sale and letting of assets. Organs of State may, however, apply this formula for sales and letting of assets with a rand value less than R30 000, if and when appropriate:

$$P_s = 80 \left(1 + \frac{P_t - P_h}{P_h} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Rand value of tender under consideration

P_h = Rand value of highest acceptable tender

- (2) A maximum of 20 points may be awarded to a tenderer for being an HDI and / or subcontracting with an HDI and / or achieving any of the specified goals stipulated in regulation 17.
- (3) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- (4) Only the tender with the highest number of points scored may be selected.

The 90/10 preference point system for the sale and letting of assets

- 6.(1) The following formula must be used to calculate the points for price in respect of tenders with a Rand value above R500 000 and which relate to the sale and letting of assets:

$$P_s = 90 \left(1 + \frac{P_t - P_h}{P_h} \right)$$

Where

- P_s = Points scored for price of tender under consideration
 P_t = Rand value of tender under consideration
 P_h = Rand value of highest acceptable tender

- (2) A maximum of 10 points may be awarded to a tenderer for being an HDI and / or subcontracting with an HDI and / or achieving any of the specified goals stipulated in regulation 17.
- (3) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- (4) Only the tender with the highest number of points scored may be selected.

Stipulation of preference point system to be used

7. An organ of state must, in the tender documents, stipulate the preference point system which will be applied in the adjudication of tenders.

Evaluation of tenders on functionality and price

- 8.(1) An organ of state must, in the tender documents, indicate if, in respect of a particular tender invitation, tenders will be evaluated on functionality and price.
- (2) The total combined points allowed for functionality and price may, in respect of tenders with an estimated Rand value equal to, or below, R500 000, not exceed 80 points.
- (3) The total combined points allowed for functionality and price may, in respect of tenders with an estimated Rand value above R500 000, not exceed 90 points.

- (4) When evaluating the tenders contemplated in this item, the points for functionality must be calculated for each individual tenderer.
- (5) The conditions of tender may stipulate that a tenderer must score a specified minimum number of points for functionality to qualify for further adjudication.
- (6) The points for price, in respect of a tender which has scored the specified number of points contemplated in sub-regulation (5) must, subject to the application of the evaluation system for functionality and price contemplated in this regulation, be established separately and be calculated in accordance with the provisions of regulations 3 and 4.
- (7) Preferences for being an HDI and / or subcontracting with an HDI and / or achieving specified goals must be calculated separately and must be added to the points scored for functionality and price.
- (8) Only the tender with the highest number of points scored may be selected.

Award of contract to tender not scoring the highest number of points

- 9. Despite regulations 3.(4), 4.(4), 5.(4), 6.(4) and 8.(8), a contract may, on reasonable and justifiable grounds, be awarded to a tender that did not score the highest number of points.

Cancellation and re-invitation of tenders

- 10.(1) In the event that, in the application of the 80/20 preference point system as stipulated in the tender documents, all tenders received exceed the estimated Rand value of R500 000, the tender invitation must be cancelled.
- (2) In the event that, in the application of the 90/10 preference point system as stipulated in the tender documents, all tenders received are equal to, or below R500 000, the tender must be cancelled.
- (3) An organ of state which has cancelled a tender invitation as contemplated in sub-regulations (1) and (2) must re-invite tenders and must, in the tender documents, stipulate the preference point system to be applied.

- (4) An organ of state may, prior to the award of a tender, cancel a tender if-
- (a) due to changed circumstances, there is no longer need for the goods or services tendered for; or
 - (b) funds are no longer available to cover the total envisaged expenditure; or
 - (c) no acceptable tenders are received.

PART THREE

DUTY TO PLAN, GENERAL CONDITIONS, PRINCIPLES, DECLARATIONS, PENALTIES, TAX CLEARANCES AND TENDER GOALS

Duty to plan for invitation of tenders

11. An organ of state must, prior to making an invitation for tenders-
- (a) properly plan for, and, as far as possible, accurately estimate the costs of, the provision of services or goods for which an invitation for tenders is to be made;
 - (b) determine the appropriate preference point system to be utilised in the evaluation of the tenders; and
 - (c) determine the deliverables or performance indicators in terms of which a person awarded a contract will be assessed.

General conditions

- 12.(1) An organ of state may, in the adjudication of tenders, give particular consideration to procuring locally manufactured products. Preferences in this regard may be accommodated within the ambit of the Act's 80/20 or 90/10 point systems. For specific industries (identified by the Department of Trade and Industry), where the award of tenders to local manufacturers are of critical importance, such tenders may be advertised with a specific tendering condition that only locally manufactured products will be considered.

- Should preference points be awarded for local manufacturing and/or content, the award of such points must be clearly specified in the tendering conditions.
- (2) Only a tenderer who has completed and signed the declaration part of the tender documentation may be considered for preference points.
 - (3) An organ of state may, before a tender is adjudicated or at any time, require a tenderer to substantiate claims it has made with regard to preference.
 - (4) An organ of state must, when calculating comparative prices, take into account any discounts which have been offered unconditionally.
 - (5) A discount which has been offered conditionally must, despite not being taken into account for evaluation purposes, be implemented when payment is effected.
 - (6) In the event that different prices are tendered for different periods of a contract, the price for each period must be regarded as a firm price if it conforms to the definition of a "firm price".
 - (7) Points scored must be rounded off to the nearest 2 decimals.
 - (8) In the event that two or more tenders have scored equal total points, the successful tender must be the one scoring the highest number of preference points for specified goals. Should two or more tenders be equal in all respects, the award shall be decided by the drawing of lots.

Principles

- 13.(1) Preference points stipulated in respect of a tender must include preference points for equity ownership by HDIs.
- (2) The equity ownership contemplated in sub-regulation (1) must be equated to the percentage of an enterprise or business owned by individuals or, in respect of a company, the percentage of a company's shares that are owned by individuals, who are actively involved in the management of the enterprise or business and exercise control over the enterprise, commensurate with their degree of ownership at the closing date of the tender.

- (3) In the event that the percentage of ownership contemplated in sub-regulation (2) changes after the closing date of the tender, the tenderer must notify the relevant organ of state and such tenderer will not be eligible for any preference points.
- (4) Preference points may not be claimed in respect of individuals who are not actively involved in the management of an enterprise or business and who do not exercise control over an enterprise or business commensurate with their degree of ownership.
- (5) Subject to sub-regulations (1), (2), (3) and (4), all claims made for equity ownership by an HDI must be considered according to the following criteria:
 - (a) Equity within private companies must be based on the percentage of equity ownership;
 - (b) Preference points may not be awarded to public companies and tertiary institutions;
 - (c) The following formula must be applied to calculate the number of points for equity ownership by an HDI:

$$NEP = NOP \times \frac{EP}{100}$$

Where

NEP = Points awarded for equity ownership by an HDI

NOP = The maximum number of points awarded for equity ownership by an HDI

EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with sub-regulations (1), (2), (3) and (4).

- (6) Equity claims for a Trust may only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the Trust.
- (7) Documentation to substantiate the validity of the credentials of the trustees contemplated in sub-regulation (6) must be submitted to the relevant organ of state.

- (e) The promotion of enterprises located in a specific province for work to be done or services to be rendered in that province;
 - (f) The promotion of enterprises located in a specific region for work to be done or services to be rendered in that region;
 - (g) The promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area;
 - (h) The promotion of enterprises located in rural areas;
 - (i) The empowerment of the work force by standardising the level of skill and knowledge of workers;
 - (j) The development of human resources, including by assisting in tertiary and other advanced training programmes, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills; and
 - (k) The upliftment of communities through, but not limited to, housing, transport, schools, infrastructure donations, and charity organisations.
- (4) Specific goals must be measurable and quantifiable and organs of state must monitor the execution of the contract for compliance with such goals.

Short title

18. These regulations are called the Preferential Procurement Regulations, 2001.

T A MANUEL, MP
MINISTER OF FINANCE

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 723

10 August 2001

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

REGULATIONS REGARDING PROCESSED FOODSTUFFS

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

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the context -

“ingredient” means any substance, whether of plant or animal origin, that is added to a foodstuff;

“processed foodstuff” means a foodstuff which was subject to any process which alters its original state and is frozen or refrigerated and vacuum-sealed or packaged in any other way to protect it from contamination due to microbial growth which may occur as a result of exposure to optimum temperature conditions or to the atmosphere;

“unsound” means unwholesome, sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever;

“the Act” means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Limitations

2. (1) No person shall use any processed foodstuff which has been exposed for sale and is unsound in any way as an ingredient in the further manufacture of such processed foodstuff for human consumption; or
 - (2) No person shall treat a processed foodstuff referred to in subregulation (1) in any way, including cleaning or repackaging, for sale as a foodstuff for human consumption.
3. The limitations stated in subregulations (1) and (2) are applicable to processed foodstuffs on the premises where they were exposed for sale or on any other premises.

Repeal

4. The Regulations published under Government Notice No. R. 2037 of 31 October 1975 are hereby repealed.

**MINISTER OF HEALTH****DATE:** 25.7.2001

No. R. 723

10 Augustus 2001

**WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGS-
MIDDELS, 1972 (WET NO. 54 VAN 1972)****REGULASIES BETREFFENDE GEPROSESSEERDE VOEDINGSMIDDELS**

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

BYLAE**Woordomskrywings**

1. In hierdie regulasies het enige uitdrukking waaraan daar in die Wet 'n betekenis geheg word, daardie betekenis en, tensy dit met die samehang strydig is, beteken –

"bederf" ongesond, siek, besoedel, geïnfekteer, gekontamineer, ontbind of verrot, of om welke ander rede ookal ongeskik vir menslike gebruik;

"bestanddeel" enige stof, hetsy van plantaardige of van dierlike oorsprong, wat by 'n voedingsmiddel bygevoeg word;

"geprosesseerde voedingsmiddel" 'n voedingsmiddel wat onderwerp is aan enige proses wat die oorspronklike toestand daarvan wysig en wat bevries of verkoel en vakuumverseël word of op enige ander wyse verpak word om dit te beskerm teen kontaminasie weens die groei van mikrobies wat as gevolg van blootstelling aan optimum temperatuurtoestande of aan die atmosfeer kan plaasvind;

"die Wet" die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972).

Beperkings

2. (1) Geen persoon mag enige geprosesseerde voedingsmiddel wat reeds te koop uitgestal is en wat op enige wyse bederf is, as 'n bestanddeel gebruik by die verdere vervaardiging van sodanige voedingsmiddel vir menslike verbruik nie; of
 - (2) Geen persoon mag enige geprosesseerde voedingsmiddel bedoel in subregulasie (1) op enige manier handel, insluitende skoonmaak of herverpakking, vir verkoop as 'n voedingsmiddel vir menslike verbruik nie.
3. Die beperkings in subregulasies (1) en (2) gemeld is van toepassing op geprosesseerde voedingsmiddels op die perseel waar hulle te koop uitgestal is of op enige ander perseel.

Herroeping

3. Die regulasies gepubliseer by Goewermentskennisgewing No. R. 2037 van 31 Oktober 1975 word hierby herroep.


MINISTER VAN GESONDHEID

DATUM: 25. 7. 2001

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 720

10 August 2001

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)**DRAFT GENERAL ADMINISTRATIVE REGULATIONS**

The Minister of Labour intends, in terms of section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), on the recommendation of the Advisory Council for Occupational Health and Safety, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director General of Labour, private Bag X117, Pretoria, 0001 (for the attention of the Chief Director: Occupational Health and Safety), within 90 days of the date of publication of this notice.

SCHEDULE**Definition**

1. In these regulations "the Act" means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

"CCMA" or "Commission for Conciliation, Mediation and Arbitration" means the Commission for Conciliation, Mediation and Arbitration established in terms of section 112 of the Labour Relations Act;

"collective agreement" for the purpose of these regulations, means the collective agreement as defined in the Labour Relations Act, (Act No 66. of 1995) and includes the items in paragraph 5(1)(a) to (e)

"Compensation Commissioner" means the Compensation Commissioner appointed under section 2 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);

"Compensation for Occupational Injuries and Diseases Act" means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).

"Labour Court" means the Labour Court established by section 152 of the Labour Relations Act;

"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995);

"provincial director", in respect of the—

- (a) Province of Eastern Cape means the Provincial Director: Eastern Cape, Department of Labour, Private Bag X9005, East London, 5200;

- (b) Province of Free State means the Provincial Director: Free State, Department of Labour, P O Box 522, Bloemfontein, 9300;
- (c) Province of Gauteng the Magisterial Districts of:
Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom, means the Provincial Director: Gauteng North, Department of Labour, P O Box 393, Pretoria, 0001;
Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria, means the Provincial Director: Gauteng South, Department of Labour, P O Box 4560, Johannesburg, 2000;
- (d) Province of Kwazulu/Natal means the Provincial Director: Kwazulu/Natal, Department of Labour, P O Box 940, Durban, 4000;
- (e) Province of Mpumalanga means the Provincial Director: Mpumalanga, Department of Labour, Private Bag X7263, Witbank, 1035;
- (f) the Province of Northern Cape means the Provincial Director: Northern Cape, Department of Labour, Private Bag X5102, Kimberley, 8300;
- (g) Northern Province means the Provincial Director: Northern Province, Department of Labour, Division: Occupational Health and Safety, Private Bag X9368, Pietersburg, 0700;
- (h) Province of North-West means the Provincial Director: North-West, Department of Labour, Private Bag X1, Buhrmansdrif, 2867;
- (i) Province of Western Cape means the Provincial Director: Western Cape, Department of Labour, P O Box 872, Cape Town, 8000;

"registered trade union for a workplace" means a trade union registered in terms of the Labour Relations Act and with members in that workplace;

"WCL" means prescribed forms as published in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); and **"WCL 1"**, **"WCL 2"** and **"WCL 22"** have a corresponding meaning.

Exemption

2 A certificate of exemption issued in terms of section 40 of the Act shall be signed by the chief inspector or by an officer acting in his or her stead.

Copy of the Act

3 Every employer with five or more persons in his or her employ shall have a copy of the Act and the relevant regulations readily available at the work place: Provided that where the total number of employees is less than five, the employer shall on request of an employee make a copy of the Act available to that employee.

Health and safety committee

4 Where a health and safety committee has been established in terms of section 19 of the Act, an employer shall—

- (a) make a suitable meeting place available to a health and safety committee;
- (b) endorse the record as contemplated in section 20(2) of the Act or cause such record to be endorsed by a person designated by him or her; and
- (c) ensure that the records as contemplated in paragraph (b) are kept for a period of at least three years.

Negotiations and consultations before designation of health and safety representatives

5(1) The employer in any workplace where there must be a health and safety representative in terms of section 17(1) of the Act shall meet, within four months after the commencement of these regulations or after commencing business, with the registered trade unions of that workplace, to enter into negotiations to conclude a collective agreement concerning the—

- (a) nomination or election of health and safety representatives;
- (b) terms of office of health and safety representatives and the circumstances and the manner in which they may be removed as health and safety representatives;
- (c) manner in which vacancies are to be filled;
- (d) manner in which health and safety representatives must perform their functions in terms of the Act; and
- (e) facilities, training and assistance that must be provided to a health and safety representative in terms of section 18(3) of the Act.

Provided that where there is no registered trade union, the employer shall enter into negotiations with all employees in that workplace to conclude a collective agreement with regard to paragraph (a) to (e).

(2) A collective agreement referred to in subregulation (1) may include two or more employers as parties to the agreement.

(3) The provisions applicable to collective agreements in terms of the Labour Relations Act, read with the changes required by the context, shall apply to agreements concluded in terms of subregulation (1).

(4) A dispute shall exist if no collective agreement in terms of subregulation (1) is concluded on the arrangement and procedures for the nomination or the election of health and safety representatives at a workplace.

(5) When a dispute exists in terms of subregulation (4), any party to the dispute may refer it to the CCMA.

(6) When a dispute is referred to the CCMA under subregulation (5), the CCMA shall attempt to resolve it through conciliation

(7) If a dispute remains unresolved, any party to the dispute may request that it be resolved through arbitration, in which case the CCMA, taking into account the objectives of the Act and the proposals of the parties, shall determine the arrangement and procedures for the nomination or the election of the health and safety representatives.

Designation of health and safety representatives

6(1) The employer shall designate in writing for a specified period, health and safety representatives for such workplace or for different sections thereof in accordance with the collective agreement; so that no health and safety representative in the case of—

- (a) shops and offices is responsible for more than 100 employees; and
- (b) workplaces other than shops and offices is responsible for more than 50 employees.

(2) The employer shall ensure that employees designated as health and safety representatives meet the following requirements:

- (a) employed in a full-time capacity in the specific workplace or section thereof;
- (b) acquainted with conditions and activities at that workplace or section thereof, and

(3) Taking into account the nature of hazards associated with the activities of the workplace or section thereof, the employer shall provide as far as is reasonable practicable health and safety training to the health and safety representatives on how to identify health and safety risks and how to conduct inspections of the workplace or section thereof.

Provided that those employees performing work at a workplace other than that where they ordinarily report for duty, shall be deemed to be working at the workplace where they so report for duty.

Reporting of incidents and occupational diseases

7 (1) Any employer or user, as the case may be, shall—

- (a) within seven days of any incident referred to in section 24(1)(a) of the Act, give notice thereof to the provincial director in the form of WCL1 or WCL2; and
- (b) where a person in consequence of such an incident dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes ill to such a degree that he or she is likely either to die or to suffer a permanent physical defect, such incident including any other incident as contemplated in section 24(1)(b) and (c) of the Act, shall forthwith also be reported to the provincial director by telephone, facsimile or similar means of communication.

(2) When an injured person dies as a result of his injuries after notice of the incident in which he was injured has been given in terms of subregulation (1), the employer or user as the case may be, shall forthwith notify the provincial director of his or her death.

(3) Whenever an incident arising out of or in connection with the activities of persons at work, occur to persons other than persons at work, the user or employer or self employed person as the case may be, shall forthwith notify the provincial director by facsimile or similar means of communication to the—

- (a) name of the injured person;
- (b) address of the injured person;
- (c) name of the user/employer;
- (d) address of the user/employer;
- (e) telephone number of the user/employer;
- (f) name of contact person;
- (g) details of incident:
 - what happened;
 - where it happened (place);
 - when it happened (date and time);
 - how it happened;
 - why it happened; and
- (h) names of witnesses.

(4) Any registered medical practitioner shall within 14 days of the examination or treatment of a person for a disease as contemplated in section 25 of the Act, give notice thereof to the Chief Inspector and the employer in the form of WCL 22.

(5) A registered nurse or any other person may in writing give notice of any disease as contemplated in subregulation (4), to the employer and Chief Inspector.

Recording and investigation of incidents

8(1) Every employer or user shall keep at a workplace or section of a workplace, as the case may be, a record in the form of annexure 2 for a period of at least three years, which shall be open for inspection by an inspector, of all incidents which he or she is required to report in terms of section 24 of the Act and also of any other incident which resulted in the person concerned having had to receive medical treatment other than first aid.

(2) An employer or user shall cause every incident which must be recorded in terms of subregulation (1) to be investigated by the employer self or a person designated by him or her or by a health and safety representative or a member of a health and safety committee within three days or within the contracted period in the case of contracted workers; and the employer or user shall cause the findings of such a person to be entered in such record.

(3) An employer shall cause such record to be examined by the health and safety committee for that workplace or section of the workplace at its next meeting and shall ensure that the chairperson of the health and safety committee endorses the record to the effect that it has been seen and that the necessary actions have been implemented and followed up: Provided that the employer shall also endorse the said record to such effects.

Witness at an inquiry

9(1) When an inspector is directed to hold a formal inquiry into an incident in terms of section 32(1) of the Act, he or she shall notify the employer or user concerned, as the case may be, of the date, time and place of such inquiry.

(2) The employer or user shall forthwith advise in writing those persons who witnessed the incident and any other person specified by the inspector, of such date, time and place, and that their presence shall be required at the inquiry.

(3) The employer or user concerned, as the case may be, shall ascertain which of the persons he or she has advised in terms of subregulation (1) are likely to refuse to attend the inquiry, and shall forthwith advise the inspector of the names and addresses of such persons in order that the inspector can subpoena such persons.

(4) The subpoena issued in terms of section 32(2) of the Act shall be in the form of Annexure 1: Provided that when a subpoena is served personally on a person, the service of such notice may be effected by any person authorised thereto by the inspector who has signed it.

Returns

10 An employer or a user, as the case may be, shall on demand furnish the inspector with such returns as may be required for the purpose of the administration of the Act.

Offences and penalties

11 Any person who-

- (a) contravenes or fails to comply with any provision of regulation 3, 4, 5(1), 6(1), 6(2), 6(3), 7(1), 7(2), 7(3), 8(1), 8(2), 8(3), 9(2), 9(3),
- (b) fails to furnish a return required in terms of regulation 10,

Shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues or to additional imprisonment of one day for each day on which the offence continues. Provided that the period of such additional imprisonment shall in no case exceed 90 days.

Repeal of regulations

12 The General Administrative Regulations, published under Government Notice No R1449 of 6 September 1996, are hereby repealed.

Short title

13 These regulations shall be called the General Administrative Regulations, 2001.

ANNEXURE 1

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
(ACT NO 85 OF 1993)

REGULATION 9 OF THE GENERAL ADMINISTRATIVE REGULATIONS:

ANNEXURE 1

SUBPOENA TO ATTEND INQUIRY

To
.....(Name and address of witness)
.....

In terms of section 32(2) of the Occupational Health and Safety Act, 1993, you are
hereby subpoenaed to appear before me in person at

..... (address)
on (Date) at the hour of (time) to
give evidence regarding

.....
and to bring with you and there and then produce to me those books, writing and/or
things specified hereunder:

1.....
.....

2.
.....
.....

3.
.....
.....

.....

Office Stamp

Signature of inspector

Warning: Failure to obey this subpoena renders you liable to prosecution.

FOR OFFICIAL PURPOSES ONLY

I, the undersigned, certify that I have served this subpoena upon the within named person by-

(a) delivering a true copy to him/her PERSONALLY

(b) delivering as he/she could not be found, a true copy

to.....

a person apparently over the age of 16 years and apparently residing or employed at the witness's place of RESIDENCE/EMPLOYMENT/BUSINESS;

atTime

..... Day..... Month

200.....

Place Signature of empowered officer.....

Signature of receipt.....Full

name.....

Full

name.....Capacity.....

Capacity/relationship to the

witness.....

ANNEXURE 2**OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
(ACT NO 85 OF 1993)****REGULATION 8 OF THE GENERAL ADMINISTRATIVE REGULATIONS****RECORDING AND INVESTIGATION OF INCIDENTS****A. RECORDING OF INCIDENT**

1. Name of employer

.....

2. Name of affected
person.....

.....

3. Identity number of affected
person.....

.....

4. Date of incident 4. Time of
incident

5. Part of body affected

Head or Neck	Eye	Trunk	Finger	Hand
Arm	Foot	Leg	Internal	Multiple

6. Effect on person

Sprains or strains	Contusion or wounds	Fractures	Burns	Amputatio n
Electric shock	Asphyxiati on	Unconscio usness	Poisoning	Occupat. Disease

7. Expected period of
disablement

0-13 days	2-4 weeks	>4-16 weeks	>16-52 weeks	>52 weeks or permane nt disablem ent	Killed
--------------	--------------	----------------	-----------------	--	--------

8. Description of Occupational
disease.....

.....

9. Machine/process involved/type of work performed/exposure**

.....
.....
.....
.....

10. Was the incident reported to the Compensation Commissioner or Provincial Director?

Yes No

11. Was the incident reported to the police?

Yes No

12. SAPS office and reference number

.....
.....

*to be completed in case of a fatal incident.

** in case of a hazardous chemical substance, indicate substance exposed to

B. INVESTIGATION OF THE ABOVE INCIDENT BY A PERSON DESIGNATED THERETO

1. Name of investigator 2.
Date of investigation

3. Designation of investigator

.....
.....

4. Short description of incident

.....
.....

5. Suspected cause of incident

.....
.....
.....

6. Recommended steps to prevent a recurrence

.....
.....
.....

Signature of investigatorDate

.....

C. ACTION TAKEN BY EMPLOYER TO PREVENT THE RECURRENCE OF A SIMILAR INCIDENT

.....
.....
.....
.....

Signature of employer

.....Date
.....

D. REMARKS BY HEALTH AND SAFETY COMMITTEE

Remarks

.....
.....
.....
.....

Signature of chairman of health and safety
committee.....

.....

Changed 27/06/2001

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS****No. R. 724****10 August 2001****CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 3 (No. 3/495)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

M. MPAHLWA
DEPUTY MINISTER OF FINANCE

SCHEDULE

I		II			III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Annota= tions
317.06	"39.01	01.04	46	By the substitution for tariff heading No. 39.01 of the following: Polymers of ethylene of a relative density of 0,94 or more, in primary forms, for the manufacture of fuel tanks	Full duty"	

No. R. 724

10 Augustus 2001

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (No.3/495)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

ADJUNKMINISTER VAN FINANSIES

BYLAE

I	II				III	
Korting= item	Tarief= pos	Korting= kode	C D	Beskrywing	Mate van Korting	Annota= sies
317.06				Deur tariefpos No. 39.01 deur die volgende te vervang:		
	"39.01	01.04	46	Polimere van etileen met 'n relatiewe digtheid van 0,94 of meer, in primêre vorms, vir die vervaardiging van brandstoffenke	Volle reg"	

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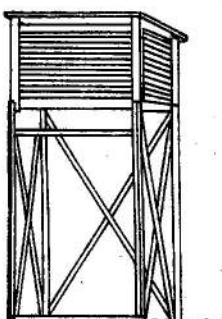
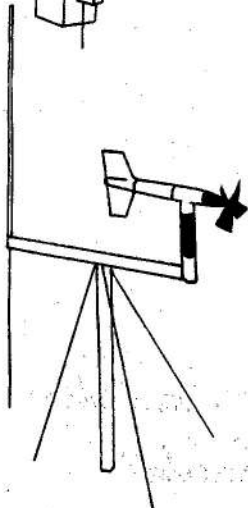
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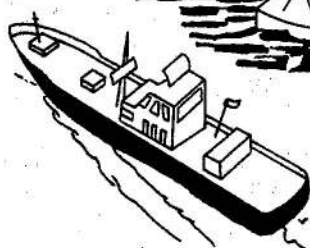
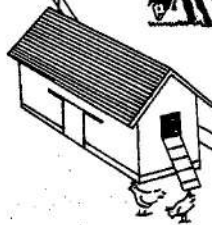
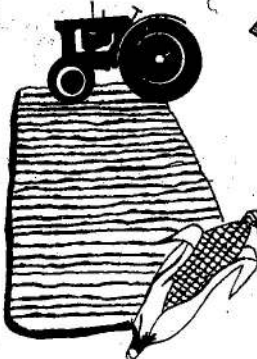
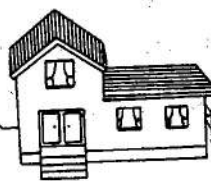
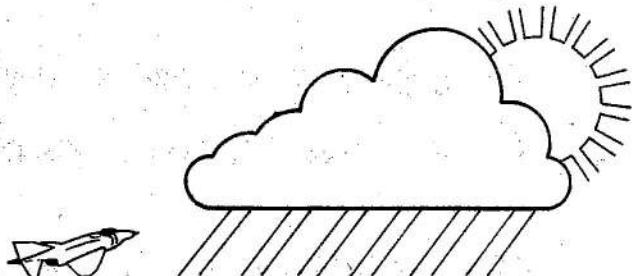
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