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**RECTIFICATION**

Notice is hereby given that the **regulation number** in the preamble of *Government Gazette* No. 24082 of 18 November 2002, was incorrectly published. The number should read as follows: **Regulation Gazette No. 7516.**

**PROCLAMATION**  
**by the**  
**President of the Republic of South Africa**

**No. R. 85****13 December 2002**

**FIXING OF DATE ON WHICH SECTION 51 (1) OF THE REVENUE LAWS AMENDMENT ACT, 2001  
(ACT No. 19 OF 2001), SHALL COME INTO OPERATION**

In terms of section 51 (2) of the Revenue Laws Amendment Act, 2001 (Act No. 19 of 2001), I hereby determine **13 December 2002** as the date on which section 51 (1) of the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Third day of December Two Thousand and Two.

**T. M. MBEKI****President**

By Order of the President-in-Cabinet:

**T. A. MANUEL****Minister of the Cabinet****No. R. 85****13 Desember 2002**

**BEPALING VAN DATUM WAAROP ARTIKEL 51 (1) VAN DIE WYSIGINGSWET OP INKOMSTEWETTE, 2001  
(WET No. 19 VAN 2001), IN WERKING TREE**

Kragtens artikel 51 (2) van die Wysigingswet op Inkomstewette, 2001 (Wet No. 19 van 2001), bepaal ek hierby **13 Desember 2002** as die datum waarop artikel 51 (1) van bogemelde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, hierdie Derde dag van Desember Tweeëuisend en Twee.

**T. M. MBEKI****President**

Op las van die President-in-Kabinet:

**T. A. MANUEL****Minister van die Kabinet**

## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 1560

13 December 2002

PLANT IMPROVEMENT ACT, 1976 (ACT No. 53 OF 1976)

#### SOUTH AFRICAN SEED CERTIFICATION SCHEME – AMENDMENT

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), hereby amend the South African Seed Certification Scheme published by Government Notice No. R. 2566 of 25 November 1983, as amended, to the extent set out in the Schedule.

A. T. DIDIZA,  
Minister of Agriculture.

#### SCHEDULE

##### *Definition*

1. In this Schedule "the Scheme" means the South African Seed Certification Scheme published by Government Notice No. R. 2566 of 25 November 1983, as amended by Government Notices Nos. R. 1196 of 30 May 1985, R. 1660 of 26 July 1985, R. 2352 of 14 November 1986, R. 16 of 8 January 1988, R. 1388 of 30 June 1989, R. 2093 of 29 September 1989, R. 121 of 26 January 1990, R. 2708 of 23 November 1990, R. 994 of 3 April 1992, R. 1494 of 29 May 1992, R. 2333 of 21 August 1992, R. 2230 of 26 November 1993, R. 1074 of 10 June 1994, R. 1781 of 17 November 1995, R. 1222 of 2 October 1998 and R. 1326 of 12 November 1999.

##### *Amendment of section 1 of the Scheme*

2. Section 1 of the Scheme is hereby amended by the insertion of the following definition after the definition of "piece of land":

"pre-basic seed", means the seed –

- (i) of the generations preceding 'basic seed'; and
- (ii) of the generations between 'breeder seed' and 'basic seed' if such seed have been produced in accordance with the stipulations of the Scheme and comply with the minimum requirements of 'basic seed' for the specific crop;".

##### *Amendment of section 11 of the Scheme*

3. Section 11 of the Scheme is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The seed which is used to establish plants on a unit, shall –

- (a) in the case of the intended production of pre-basic seed, be breeder seed or pre-basic seed;
- (b) in the case of the intended production of basic seed, be breeder seed or pre-basic seed; and
- (c) in the case of the intended production of certified seed, subject to the provisions of subsection (2), be basic seed."



**Amendment of section 18 of the Scheme**

4. Section 18 of the Scheme is hereby amended -

(a) by the substitution for subsection (2) of the following subsection:

"(2)(a) Each container shall be provided with a label that is obtainable on request from the authority.

(b) The amount determined by the authority for this purpose shall be payable in respect of labels thus issued.

(c) The labels for the various generations shall be identified with -

- (i) in the case of pre-basic seed, a white label with a diagonal purple band;
- (ii) in the case of basic seed, a white label; and
- (iii) in the case of certified seed, a blue label."; and

(b) by the deletion of subparagraph (viii) of paragraph (a) of subregulation (5).

**Amendment of Table 2 of the Scheme**

5. Table 2 of the Scheme is hereby amended by the insertion of the following entries in the alphabetically correct positions in the applicable columns:

Kind of plant Soort plant		Number of Annexure in which specific requirements are set out Nommer van Aanhangel waarin spesifieke vereistes uiteengesit is
Botanical name Botaniese naam	Common name Gewone naam	
1		2
" <i>Brassica napus</i> var. <i>oleifera</i> subvar. <i>annua</i>	Oil seed rape/ Oliesaadraap	55
<i>Brassica napus</i> var. <i>oleifera</i> subvar. <i>biennis</i>	Oil seed rape/ Oliesaadraap	55
<i>Brassica napus</i> var. <i>oleifera</i> subvar. <i>oleiferus</i>	Oil seed rape/ Oliesaadraap	55
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff/ Tef	54
<i>Medicago littoralis</i> Rhode ex Loisel	Strand medic/ Medicago	56
<i>Medicago polymorpha</i> L.	Burr medic/ Growwe medicago	56
<i>Medicago rugosa</i> Desr.	Gama medic/ Medicago	56
<i>Medicago scutellata</i> (L.) Mil.	Snail medic/ Medicago	56
<i>Medicago truncatula</i> (Gaertn.)	Barrel medic/ Medicago	56
<i>Raphanus sativus</i> var. <i>oleiferus</i>	Oil seed rape/ Oliesaadraap	55".

**Amendment of Annexure 2 of the Scheme**

6. Annexure 2 of the Scheme is hereby amended -

(a) by the substitution for the expression "onion variety" in paragraph 1.1 of the expression "*Allium* spp.";

(b) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land that is intended for the production of basic seed or certified seed of a particular onion variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety, has been produced thereon during the preceding growing season.";

- (c) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 and 4.2.3.1 of the expression "certified pre-basic seed or basic seed"; and
- (d) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

#### ***Amendment of Annexure 3 of the Scheme***

7. Annexure 3 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and
- (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

#### ***Amendment of Annexure 4 of the Scheme***

8. Annexure 4 of the Scheme is hereby amended -

- (a) by the substitution for the expression "groundnut variety" in paragraph 1.1 of the expression "*Arachis* spp."; and
- (b) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land that is intended for the production of basic seed or certified seed of a particular groundnut variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (c) by the substitution for the expression "basic seed" in paragraphs 4.1.1 and 4.2.1 of the expression "certified pre-basic seed or basic seed".

#### ***Amendment of Annexure 5 of the Scheme***

9. Annexure 5 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 4.1.1 and 4.2.1 of the expression "certified pre-basic seed or basic seed"; and
- (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

**Amendment of Annexure 6 of the Scheme**

10. Annexure 6 of the Scheme is hereby amended -
- (a) by the substitution for the expression "garden beet variety" in paragraph 3.2 of the expression "*Beta* spp.";
  - (b) by the insertion after paragraph 3.2.2 of the following paragraph:

"3.3 In the case of red beet, the isolation area between different red beet varieties –

    - 3.3.1 in the case of the intended production of certified pre-basic or basic seed, shall be at least 2 000 metres wide; and
    - 3.3.2 in the case of the intended production of certified seed, shall be at least 1 000 metres wide.";
  - (c) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 4.1.1 and 4.2.1 of the expression "certified pre-basic seed or basic seed"; and
  - (d) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

**Amendment of Annexure 7 of the Scheme**

11. Annexure 7 of the Scheme is hereby amended -
- (a) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and
  - (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

**Amendment of Annexure 8 of the Scheme**

12. Annexure 8 of the Scheme is hereby amended -
- (a) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and
  - (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

**Amendment of Annexure 9 of the Scheme**

13. Annexure 9 of the Scheme is hereby amended -
- (a) by the substitution for the expression "pepper variety" in paragraph 1.1 of the expression "*Capsicum* spp.";
  - (b) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular pepper variety, may also be registered as a unit, if –

    - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (c) by the substitution for the expression "basic seed" in paragraphs 4.1.1, 4.3.1, 4.4.1 and 4.5.1 of the expression "certified pre-basic seed or basic seed".

***Amendment of Annexure 10 of the Scheme***

14. Annexure 10 of the Scheme is hereby amended –

- (a) by the substitution for the expression "basic seed or certified seed" in paragraph 1.1.2 of the expression "certified pre-basic seed, basic seed or certified seed";
- (b) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular blue buffalo grass variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (c) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 11 of the Scheme***

15. Annexure 11 of the Scheme is hereby amended –

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular watermelon variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 4.1.1 and 4.2.1 of the expression "certified pre-basic seed or basic seed"; and

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 12 of the Scheme***

16. Annexure 12 of the Scheme is hereby amended –

- (a) by the substitution for paragraph 1.2 of the following paragraph:



"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular sweet melon variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

(b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and

(c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

#### ***Amendment of Annexure 13 of the Scheme***

17. Annexure 13 of the Scheme is hereby amended -

(a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular cucumber variety, may also be registered as a unit if, –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

(b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and

(c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

#### ***Amendment of Annexure 14 of the Scheme***

18. Annexure 14 of the Scheme is hereby amended -

(a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular pumpkin or squash variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

(b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and

(c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 15 of the Scheme***

19. Annexure 15 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed or certified seed" in paragraph 1.1.2 of the expression "certified pre-basic seed, basic seed or certified seed";
- (b) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular cocksfoot variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (c) by the substitution for the expression "basic seed" in paragraphs 3.1.1 and 3.2.2 of the expression "certified pre-basic seed or basic seed";
- (d) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and
- (e) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 16 of the Scheme***

20. Annexure 16 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed" in paragraphs 1.1, 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 and 4.2.3.1 of the expression "certified pre-basic seed or basic seed"; and
- (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 17 of the Scheme***

21. Annexure 17 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular Smuts finger grass variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1, 3.2.2, 4.3 and 4.4 of the expression "certified pre-basic seed or basic seed";

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and
- (d) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 18 of the Scheme***

22. Annexure 18 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular weeping love grass variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 4.3, 4.4, 6.2.1.1 and 6.2.2.1 of the expression "certified pre-basic seed or basic seed";
- (c) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 19 of the Scheme***

23. Annexure 19 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular soya bean variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraph 4.1 of the expression "certified pre-basic seed or basic seed".

***Amendment of Annexure 20 of the Scheme***

24. Annexure 20 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular cotton variety, may also be registered as a unit, if -

- 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
- 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.”;
- (b) by the substitution for the expression “basic seed” in paragraphs 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 and 4.2.3.1 of the expression “certified pre-basic seed or basic seed”; and
- (c) by the substitution for the expression “breeder seed” in paragraph 3.2.1 of the expression “certified pre-basic seed”.

***Amendment of Annexure 21 of the Scheme***

25. Annexure 21 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

“1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular sunflower variety, may also be registered as a unit, if –

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.”;
- (b) by the substitution for the expression “basic seed” in paragraphs 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1, 4.2.3.1 and 4.3.1 of the expression “certified pre-basic seed or basic seed”; and
- (c) by the substitution for the expression “breeder seed” in paragraph 3.2.1 of the expression “certified pre-basic seed”.

***Amendment of Annexure 22 of the Scheme***

26. Annexure 22 of the Scheme is hereby amended -

- (a) by the substitution for the expression “basic seed” in paragraphs 3.1.1, 3.2.2 and 4.1.1 of the expression “certified pre-basic seed or basic seed”; and
- (b) by the substitution for the expression “breeder seed” in paragraph 3.2.1 of the expression “certified pre-basic seed”.

***Amendment of Annexure 23 of the Scheme***

27. Annexure 23 of the Scheme is hereby amended -

- (a) by the substitution for the expression “basic seed” in paragraphs 1.1.1, 1.2.1, 3.1.1 and 3.2.2 of the expression “certified pre-basic seed or basic seed”;
- (b) by the substitution for the expression “breeder seed” in paragraph 3.2.1 of the expression “certified pre-basic seed”; and
- (c) by the substitution for paragraph 4.2.1 of the following paragraph:

“4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and”.



***Amendment of Annexure 24 of the Scheme***

28. Annexure 24 of the Scheme is hereby amended -

(a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular lupin variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

(b) by the substitution for the expression "basic seed" in paragraphs 1.3.1, 3.2.1, 3.3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and

(c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 25 of the Scheme***

29. Annexure 25 of the Scheme is hereby amended -

(a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular tomato variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

(b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 4.1.1, 4.2.1, 4.3.1 and 4.4.1 of the expression "certified pre-basic seed or basic seed"; and

(c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 26 of the Scheme***

30. Annexure 26 of the Scheme is hereby amended -

(a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular lucerne variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1, 3.2.2, and 4.2.1 of the expression "certified pre-basic seed or basic seed"; and
- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 27 of the Scheme***

31. Annexure 27 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular rice variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (b) by the substitution for paragraph 4 of the following paragraph:

**"4 Requirements for plants**

4.1 The number of deviating plants on a unit shall -

4.1.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and

4.1.2 in the case of the intended production of certified seed, not exceed one plant per 10 square metres."

***Amendment of Annexure 28 of the Scheme***

32. Annexure 28 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular paspalum variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1 and 3.2.2 of the expression "certified pre-basic seed or basic seed";

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and

- (d) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

**Amendment of Annexure 29 of the Scheme**

33. Annexure 29 of the Scheme is hereby amended -
- (a) by the substitution for the expression "basic seed" in paragraphs 1.1.1, 3.1.2, 3.2.2.2, 4.1.1, 4.3.1, 6.1.5 and 6.1.6 of the expression "certified pre-basic seed or basic seed"; and
  - (b) by the substitution for the expression "breeder seed" in paragraph 3.2.2.1 of the expression "certified pre-basic seed".

**Amendment of Annexure 30 of the Scheme**

34. Annexure 30 of the Scheme is hereby amended by the substitution for the expression "basic seed" in paragraphs 1.1.1, 2.3, 3.1.2, 4.1.1, 4.2.1, 4.3.1, 4.5.1, 6.1.5 and 6.1.6 of the expression "certified pre-basic seed or basic seed".

**Amendment of Annexure 31 of the Scheme**

35. Annexure 31 of the Scheme is hereby amended by the substitution for the expression "basic seed" in paragraph 4.1.1 of the expression "certified pre-basic seed or basic seed".

**Amendment of Annexure 32 of the Scheme**

36. Annexure 32 of the Scheme is hereby amended -
- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular radish variety, may also be registered as a unit, if -

    - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
    - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
  - (b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 3.3.2, 4.1.1 and 4.2.2 of the expression "certified pre-basic seed or basic seed"; and
  - (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

**Amendment of Annexure 33 of the Scheme**

37. Annexure 33 of the Scheme is hereby amended -
- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular eggfruit variety, may also be registered as a unit, if -

    - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
    - 1.2.2 in the case of certified seed; certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraph 4.1 of the expression "certified pre-basic seed or basic seed".

***Amendment of Annexure 34 of the Scheme***

38. Annexure 34 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular Columbus grass variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1 and 3.2.2 of the expression "certified pre-basic seed or basic seed";

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and

- (d) by the substitution for paragraph 4 of the following paragraph:

**"4 Requirements for plants**

4.1 The number of deviating plants on a unit shall -

4.1.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and

4.1.2 in the case of the intended production of certified seed, not exceed one plant per 10 square metres.".

***Amendment of Annexure 35 of the Scheme***

39. Annexure 35 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular grain sorghum variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 and 4.2.3.1 of the expression "certified pre-basic seed or basic seed"; and

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".



***Amendment of Annexure 36 of the Scheme***

40. Annexure 36 of the Scheme is hereby amended by the substitution for the expression "basic seed" in paragraph 4.1 of the expression "certified pre-basic seed or basic seed".

***Amendment of Annexure 37 of the Scheme***

41. Annexure 37 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular cowpea variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (b) by the substitution for the expression "basic seed" in paragraphs 4.1.1 and 4.2.1 of the expression "certified pre-basic seed or basic seed".

***Amendment of Annexure 38 of the Scheme***

42. Annexure 38 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed" in paragraphs 3.2.2, 3.4, 3.5.1, 4.1.1, 4.2, 5.3 and 6.1 of the expression "certified pre-basic seed or basic seed"; and

- (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 39 of the Scheme***

43. Annexure 39 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular sweet-corn variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2 and 4.1 of the expression "certified pre-basic seed or basic seed"; and

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 40 of the Scheme***

44. Annexure 40 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 1.2.1, 1.2.2, 3.1.1 and 3.2.2 of the expression "certified pre-basic seed or basic seed";
- (b) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and
- (c) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 41 of the Scheme***

45. Annexure 41 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular Rhodes grass variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1, 3.2.2 and 4.3 of the expression "certified pre-basic seed or basic seed";
- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and
- (d) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 42 of the Scheme***

46. Annexure 42 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular rye grass variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1 and 3.2.2 of the expression "certified pre-basic seed or basic seed";
- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and

- (d) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 43 of the Scheme***

47. Annexure 43 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular white buffalo grass variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2 and 4.3 of the expression "certified pre-basic seed or basic seed"; and

- (c) by the substitution for paragraph 4.2.1 of the following paragraph:

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

***Amendment of Annexure 44 of the Scheme***

48. Annexure 44 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular forage sorghum variety, may also be registered as a unit, if -

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";

- (b) by the substitution for the expression "basic seed" in paragraphs 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 and 4.2.3.1 of the expression "certified pre-basic seed or basic seed"; and

- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

***Amendment of Annexure 45 of the Scheme***

49. Annexure 45 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular tall fescue variety, may also be registered as a unit, if -

- 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
- 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.”;
- (b) by the substitution for the expression “basic seed” in paragraphs 1.1.2, 3.1.1 and 3.2.2 of the expression “certified pre-basic seed or basic seed”;
- (c) by the substitution for the expression “breeder seed” in paragraph 3.2.1 of the expression “certified pre-basic seed”; and
- (d) by the substitution for paragraph 4.2.1 of the following paragraph:

“4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and”.

***Amendment of Annexure 46 of the Scheme***

50. Annexure 46 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

“1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular arrow leaf clover variety, may also be registered as a unit, if –

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.”;
- (b) by the substitution for the expression “basic seed” in paragraphs 3.1.1 and 3.2.2 of the expression “certified pre-basic seed or basic seed”;
- (c) by the substitution for the expression “breeder seed” in paragraph 3.2.1 of the expression “certified pre-basic seed”; and
- (d) by the substitution for paragraph 4.2.1 of the following paragraph:

“4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and”.

***Amendment of Annexure 47 of the Scheme***

51. Annexure 47 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

“1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular bottle grass variety, may also be registered as a unit, if –

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.”;



- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1 and 3.2.2 of the expression "certified pre-basic seed or basic seed";
- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed"; and
- (d) by the substitution for paragraph 4.1.1 of the following paragraph:

"4.1.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

#### ***Amendment of Annexure 48 of the Scheme***

52. Annexure 48 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular triticales variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraphs 3.2.2 and 4.1.1 of the expression "certified pre-basic seed or basic seed"; and
- (c) by the substitution for the expression "breeder seed" in paragraph 3.2.1 of the expression "certified pre-basic seed".

#### ***Amendment of Annexure 49 of the Scheme***

53. Annexure 49 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular rye variety, may also be registered as a unit, if -

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.";
- (b) by the substitution for the expression "basic seed" in paragraphs 3.1.1 and 4.1.1 of the expression "certified pre-basic seed or basic seed"; and
- (c) by the substitution for the expression "Rye" in paragraph 3.2 of the expression "rye".

#### ***Amendment of Annexure 50 of the Scheme***

54. Annexure 50 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular perennial forage sorghum variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (b) by the substitution for the expression "basic seed" in paragraphs 1.1.2, 3.1.1, 3.2.1, 4.1.1 and 4.3.1 of the expression "certified pre-basic seed or basic seed".

**Amendment of Annexure 51 of the Scheme**

55. Annexure 51 of the Scheme is hereby amended -

- (a) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular wheat variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (b) by the substitution for the expression "basic seed" in paragraph 4.1.1 of the expression "certified pre-basic seed or basic seed".

**Amendment of Annexure 52 of the Scheme**

56. Annexure 52 of the Scheme is hereby amended -

- (a) by the substitution for the expression "oats species" in paragraph 1.1 of the expression "Avena spp.";

- (b) by the substitution for paragraph 1.2 of the following paragraph:

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular oats variety, may also be registered as a unit, if –

1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and

- (c) by the substitution for the expression "basic seed" in paragraph 4.1.1 of the expression "certified pre-basic seed or basic seed".

**Amendment of Annexure 53 of the Scheme**

57. Annexure 53 of the Scheme is hereby amended -

- (a) by the substitution for the expression "barley species" in paragraph 1.1 of the expression "*Hordeum* spp.";
- (b) by the substitution for paragraph 1.2 of the following paragraph:
 

"1.2 A piece of land which is intended for the production of basic seed or certified seed of a particular barley variety, may also be registered as a unit, if –

  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and
  - 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season."; and
- (c) by the substitution for the expression "basic seed" in paragraph 4.1.1 of the expression "certified pre-basic seed or basic seed".

#### **Amendment of Annexure 54 of the Scheme**

58. Annexure 54 of the Scheme is hereby amended -

- (a) by the substitution for the expression "basic seed" in paragraph 1.1.2 of the expression "certified pre-basic seed, basic seed or certified seed";
- (b) by the substitution for paragraph 1.2.1 of the following paragraph:
 

"1.2.1 in the case of the intended production of certified pre-basic or basic seed, not be registered as a unit for more than two consecutive growing seasons if breeder seed or certified pre-basic seed, whichever the case may be, of the same variety is annually established thereon; and"; and
- (c) by the substitution for paragraph 4.2.1 of the following paragraph:
 

"4.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed one plant per 30 square metres; and".

#### **Substitution of Annexure 55 of the Scheme**

59. The following annexure is hereby substituted for Annexure 55 of the Scheme:

#### **"ANNEXURE 55**

##### REQUIREMENTS RELATING TO OIL SEED RAPE

[*BRASSICA NAPUS* VAR. *OLEIFERA* SUBVAR. *ANNUA*; *BRASSICA NAPUS* VAR. *OLEIFERA* SUBVAR. *BIENNIS*; *BRASSICA RAPA*; *RAPHANUS SATIVUS* VAR. *OLEIFERUS*]

#### **1 Land requirements**

- 1.1 Subject to the provisions of paragraph 1.2, a piece of land may be registered as a unit only if no plants of any species of *Brassica* or *Raphanus*, as the case may be, have been established thereon for seed production or otherwise during the two years preceding the registration thereof.
- 1.2 In the case of an open-pollinated oil seed rape variety only: A piece of land which is intended for the production of basic seed or certified seed of a particular oil seed rape variety may also be registered as a unit if –
  - 1.2.1 in the case of basic seed, certified pre-basic seed of the same variety has been produced thereon during the preceding growing season; and

- 1.2.2 in the case of certified seed, certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.

## 2 Planting requirements

- 2.1 Plants shall be established in rows on a unit.
- 2.2 Gap-filling in rows shall not be permissible.
- 2.3 In the case of the intended production of seed of a hybrid variety –
  - 2.3.1 the plants of the seed parent and those of the pollen parent shall be established in separate rows; and
  - 2.3.2 the rows containing the plants of the pollen parent shall be clearly marked thus.

## 3 Isolation requirements

- 3.1 Subject to the provisions of paragraph 3.3, a unit shall be surrounded by an isolation area which –
  - 3.1.1 in the case of the intended production of certified pre-basic seed or basic seed of –
    - 3.1.1.1 an open-pollinated variety, is at least 300 metres wide; and
    - 3.1.1.2 a hybrid variety, is at least 3 000 metres wide; and
  - 3.1.2 in the case of the intended production of certified seed –
    - 3.1.2.1 an open-pollinated variety, is at least 200 metres wide; and
    - 3.1.2.2 a hybrid variety, is at least 2 000 metres wide.
- 3.2 Such isolation area shall be free of plants of any *Brassica* or *Raphanus* related variety, as the case may be, which flower at the same time as the plants on the unit concerned, unless –
  - 3.2.1 in the case of the intended production of basic seed, they have been established from certified pre-basic seed of the same variety; and
  - 3.2.2 in the case of the intended production of certified seed, they have been established from certified pre-basic seed or basic seed of the same variety.
- 3.3 Plants of different seed parents of a hybrid variety may be established on adjoining units if –
  - 3.3.1 a common pollen parent is used; and
  - 3.3.2 an open space of at least five metres wide, which is free of plants of the seed parents and pollen parent concerned, is maintained between the units concerned.

## 4 Requirements for plants

- 4.1 Subject to the provisions of paragraph 4.2, the number of deviating plants on a unit shall –
  - 4.1.1 in the case of the intended production of certified pre-basic or basic seed, not exceed 0,1 per cent; and
  - 4.1.2 in the case of the intended production of certified seed, not exceed 0,3 per cent.
- 4.2 If male sterility is used in the seed parent of a hybrid variety –

- 4.2.1 the number of deviating pollen-shedding plants of the pollen parent on a unit shall -
  - 4.2.1.1 in the case of the intended production of certified pre-basic or basic seed, not exceed 0,1 per cent of the plants of the pollen parent at the stage at which 2,0 per cent or more of the plants of the seed parent have pollen-susceptible flowers; and
  - 4.2.1.2 in the case of the intended production of certified seed, not exceed 0,5 per cent of the plants of the pollen parent at the stage at which 5,0 per cent or more of the plants of the seed parent have pollen-susceptible flowers;
- 4.2.2 the number of deviating plants of the seed parent on a unit shall -
  - 4.2.2.1 in the case of the intended production of certified pre-basic or basic seed, not exceed 0,1 per cent of the plants of the seed parent; and
  - 4.2.2.2 in the case of the intended production of certified seed, not exceed 0,5 per cent of the plants of the seed parent; and
- 4.2.3 the number of pollen-shedding plants of the seed parent on a unit shall -
  - 4.2.3.1 in the case of the intended production of certified pre-basic or basic seed, not exceed 0,2 per cent of the plants of the seed parent at the stage at which 2,0 per cent or more of the plants of the seed parent have pollen-susceptible flowers: Provided that the aggregate of the number of pollen-shedding flowers found during inspections shall not exceed 0,5 per cent of the plants of the seed parent; and
  - 4.2.3.2 in the case of the intended production of certified seed, not exceed 0,5 per cent of the plants of the seed parent at the stage at which 5,0 per cent or more of the plants of the seed parent have pollen-susceptible flowers: Provided that the aggregate of the number of pollen-shedding flowers found during inspections shall not for the three inspections showing the highest incidence of such plants, exceed 1,0 per cent of the plants of the seed parent.

## **5 Inspection requirements**

- 5.1 Plants which are established on a unit shall be inspected -
  - 5.1.1 before the flowering stage thereof;
  - 5.1.2 during the flowering stage thereof;
  - 5.1.3 during the full seed stage thereof; and
  - 5.1.4 in the case of a hybrid variety, after the plants of the pollen parent have been removed.
- 5.2 If plants of a hybrid variety have been established on a unit -
  - 5.2.1 the seed grower concerned shall notify the authority at least 10 days before the date on which -
    - 5.2.1.1 the plants of the seed parent are expected to start flowering; and
    - 5.2.1.2 the pollen parents are to be removed; and
  - 5.2.2 the seed of the plants of the seed parent may not be harvested before the inspection referred to in paragraph 5.1.4 has been carried out.



**6 Physical requirements****6.1 Seed shall -**

- 6.1.1 have a germination percentage of at least 70;
- 6.1.2 be free of prohibited weed seed;
- 6.1.3 not contain more than -
  - 6.1.3.1 0,5 per cent other seed; and
  - 6.1.3.2 2,0 per cent other material;
- 6.1.4 not contain more than 0,2 per cent sclerotia of *Sclerotinia sclerotiorum*; and
- 6.1.5 have a moisture content of not more than 10 per cent."

**Addition of Annexure 56 to the Scheme**

60. Annexure 56 is hereby added to the Scheme:

**"ANNEXURE 56****REQUIREMENTS RELATING TO MEDICS**

[*MEDICAGO LITTORALIS RHODE EX LOIS*; *M. POLYMORPHA* L.; *M. RUGOSA* DESR.; *M. SCUTTELLATA* (L.) MILL.; *M. TRUNCATULA* GAERTN.]

**1. Land requirements**

1.1 Subject to the provisions of paragraph 1.2, a piece of land may be registered as a unit only if no plants of any species of *Medicago* have been established thereon for seed production or otherwise during -

- 1.1.1 in the case of the intended production of certified pre-basic or basic seed, the four growing seasons preceding the registration thereof; and
- 1.1.2 in the case of the intended production of certified seed, the three growing seasons preceding the registration thereof,

1.2 A piece of land which is intended for the production of seed of a particular medic variety may -

- 1.2.1 in the case of the intended production of certified pre-basic or basic seed, not be registered as a unit for more than three consecutive growing seasons if breeder seed or certified pre-basic seed, whichever the case may be, of the same variety is annually established thereon; and
- 1.2.2 in the case of the intended production of certified seed, may also be registered for a further three seasons as a unit if certified pre-basic seed or basic seed of the same variety has been produced thereon during the preceding growing season.

1.3 Any further registrations will only be considered with written approval by the authority.

**2 Planting requirements**

2.1 Seed shall be sown or be established in rows on a unit.

2.2 If established in rows on a unit, the area between such rows shall for a period of one year after the plants were established on a unit, be kept free of any plants.

2.3 All vegetation within a distance of three metres around a unit shall be kept short until seed has been harvested from the plants on the unit concerned.

### **3 Isolation requirements**

3.1 A unit shall be surrounded by an isolation area, that is at least five metres wide.

3.2 Such isolation area shall be free of plants of any *Medicago* spp., unless –

3.2.1 in the case of the intended production of basic seed, they have been established from certified pre-basic seed of the same variety; and

3.2.2 in the case of the intended production of certified seed, they have been established from certified pre-basic seed or basic seed of the same variety.

### **4 Requirements for plants**

4.1 Plants which are established on a unit, may only be grazed after consideration of a written request by the seed grower concerned.

4.2 The number of deviating plants on a unit shall –

4.2.1 in the case of the intended production of certified pre-basic seed or basic seed, not exceed 0,5 per cent; and

4.2.2 in the case of the intended production of certified seed, not exceed 2,0 per cent.

4.3 Methods for the determination of deviating plants are as determined by the authority.

### **5 Inspection requirements**

Plants which are established on a unit shall be inspected –

5.1 before the flowering stage thereof;

5.2 during the flowering stage thereof; and

5.3 during the full seed thereof.

### **6 Physical requirements**

Seed shall –

6.1 have a germination percentage of at least 70, excluding hard seeds;

6.2 be free of prohibited weed seed; and

6.3 not contain more than –

6.3.1 0,5 per cent other seed, but not more than 0,2 per cent weed seed;

6.3.2 3,0 per cent other material; and

6.3.3 0,5 per cent seed of deviating plants."

No. R. 1560

13 Desember 2002

## PLANTVERBETERINGSWET, 1976 (WET No. 53 VAN 1976)

## SUID-AFRIKAANSE SAADSSERTIFISERINGSKEMA – WYSIGING

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikel 23 van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976), wysig hierby die Suid-Afrikaanse Saadsertifiseringskema gepubliseer by Goewermentskennisgewing No. R. 2566 van 25 November 1983, soos gewysig, tot die mate in die Bylae uiteengesit.

A. T. DIDIZA,  
Minister van Landbou.

## BYLAE

**Woordomskrywing**

1. In hierdie Bylae beteken "die Skema" die Suid-Afrikaanse Saadsertifiseringskema gepubliseer by Goewermentskennisgewing No. R. 2566 van 25 November 1983, soos gewysig deur Goewermentskennisgewings Nos. R. 1196 van 30 Mei 1985, R. 1660 van 26 Julie 1985, R. 2352 van 14 November 1986, R. 16 van 8 Januarie 1988, R. 1388 van 30 Junie 1989, R. 2093 van 29 September 1989, R. 121 van 26 Januarie 1990, R. 2708 van 23 November 1990, R. 994 van 3 April 1992, R. 1494 van 29 Mei 1992, R. 2333 van 21 Augustus 1992, R. 2230 van 26 November 1993, R. 1074 van 10 Junie 1994, R. 1781 van 17 November 1995, R. 1222 van 2 Oktober 1998 en R. 1326 van 12 November 1999.

**Wysiging van artikel 1 van die Skema**

2. Artikel 1 van die Skema word hierby gewysig deur die volgende woordomskrywing na die woordomskrywing van "onderneming" in te voeg:

"pre-basissaad", die saad –

- (i) van generasies wat 'basissaad' voorafgaan; en
- (ii) van generasies tussen 'telersaad' en 'basissaad' indien sodanige saad volgens die bepalings van die Skema geproduseer is en ten minste aan die vereistes van 'basissaad' vir die spesifieke gewas voldoen;".

**Wysiging van artikel 11 van die Skema**

3. Artikel 11 van die Skema word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die saad wat gebruik word om plante op 'n eenheid te vestig, moet –

- (a) in die geval van die beoogde produksie van pre-basissaad, telersaad of pre-basissaad wees;
- (b) in die geval van die beoogde produksie van basissaad, telersaad of pre-basissaad wees; en
- (c) in die geval van die beoogde produksie van gesertifiseerde saad, behoudens die bepalings van subartikel (2), basissaad wees."

**Wysiging van artikel 18 van die Skema**

4. Artikel 18 van die Skema word hierby gewysig -

(a) deur subartikel (2) deur die volgende subartikel te vervang:

"(2)(a) Elke houër moet van 'n etiket voorsien wees wat op aanvraag van die gesag verkrygbaar is.

(b) Die bedrag vir dié doel deur die gesag bepaal, is betaalbaar ten opsigte van etikette wat aldus uitgereik is.

(c) Die etikette vir die verskillende generasies moet geïdentifiseer word met -

(i) in die geval van pre-basissaad, 'n wit etiket met 'n diagonale pers streep;

(ii) in die geval van basissaad, 'n wit etiket; en

(iii) in die geval van gesertifiseerde saad, 'n blou etiket."; en

(b) deur subparagraaf (viii) van paragraaf (a) van subregulasie (5) te skrap.

**Wysiging van Tabel 2 van die Skema**

5. Tabel 2 van die Skema word hierby gewysig deur die invoeging van die volgende inskrywings in die alfabeties korrekte posisies in die toepaslike kolomme:

Kind of plant Soort plant		Number of Annexure in which specific requirements are set out Nommer van Aanhangsel waarin spesifieke vereistes uiteengesit is
Botanical name Botaniese naam	Common name Gewone naam	
1		2
<i>Brassica napus</i> var. <i>oleifera</i> subvar. <i>annua</i>	Oil seed rape/ Oliesaadraap	55
<i>Brassica napus</i> var. <i>oleifera</i> subvar. <i>biennis</i>	Oil seed rape/ Oliesaadraap	55
<i>Brassica napus</i> var. <i>oleifera</i> subvar. <i>oleiferus</i>	Oil seed rape/ Oliesaadraap	55
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff/ Tef	54
<i>Medicago littoralis</i> Rhode ex Loisel	Strand medic/ Medicago	56
<i>Medicago polymorpha</i> L.	Burr medic/ Growwe medicago	56
<i>Medicago rugosa</i> Desr.	Gama medic/ Medicago	56
<i>Medicago scutellata</i> (L.) Mil.	Snail medic/ Medicago	56
<i>Medicago truncatula</i> (Gaertn.)	Barrel medic/ Medicago	56
<i>Raphanus sativus</i> var. <i>oleiferus</i>	Oil seed rape/ Oliesaadraap	55".

**Wysiging van Aanhangsel 2 van die Skema**

6. Aanhangsel 2 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking "uie-variëteit" in paragraaf 1.1 deur die uitdrukking "Allium spp.";

(b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde uie-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

(c) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 en 4.2.3.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en

(d) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.

#### **Wysiging van Aanhangsel 3 van die Skema**

7. Aanhangsel 3 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en

(b) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.

#### **Wysiging van Aanhangsel 4 van die Skema**

8. Aanhangsel 4 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking “grondboon-variëteit” in paragraaf 1.1 deur die uitdrukking “*Arachis* spp.”;

(b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

“1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde grondboon-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”; en

(c) deur die vervanging van die uitdrukking “basissaad” in paragrawe 4.1.1 en 4.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”.

#### **Wysiging van Aanhangsel 5 van die Skema**

9. Aanhangsel 5 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.1.1, 3.2.2, 4.1.1 en 4.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en

(b) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.



**Wysiging van Aanhangsel 6 van die Skema**

10. Aanhangsel 6 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "tuinbeet-variëteit" in paragraaf 3.2 deur die uitdrukking "*Beta* spp.";
- (b) deur die invoeging van die volgende paragraaf na paragraaf 3.2.2 :
  - "3.3 In die geval van rooibeet moet die isolasiegebied tussen verskillende rooibeetvariëteite –
    - 3.3.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, minstens 2 000 meter wyd wees; en
    - 3.3.2 in die geval van die beoogde produksie van gesertifiseerde saad, minstens 1 000 meter wyd wees.";
- (c) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 4.1.1 en 4.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (d) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 7 van die Skema**

11. Aanhangsel 7 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 8 van die Skema**

12. Aanhangsel 8 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 9 van die Skema**

13. Aanhangsel 9 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "rissie-variëteit" in paragraaf 1.1 deur die uitdrukking "*Capsicum* spp.";
- (b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde rissie-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

- 1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is."; en

- (c) deur die vervanging van die uitdrukking "basissaad" in paragrawe 4.1.1, 4.3.1, 4.4.1 en 4.5.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

#### **Wysiging van Aanhangsel 10 van die Skema**

14. Aanhangsel 10 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad of gesertifiseerde saad" in paragraaf 1.1.2 deur die uitdrukking "gesertifiseerde pre-basissaad, basissaad of gesertifiseerde saad";
- (b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde bloubuffelgras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is."; en

- (c) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

#### **Wysiging van Aanhangsel 11 van die Skema**

15. Aanhangsel 11 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde waatlemoen-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2, 4.1.1 en 4.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en

- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

#### **Wysiging van Aanhangsel 12 van die Skema**

16. Aanhangsel 12 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde spanspek-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en

- (c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.

#### **Wysiging van Aanhangsel 13 van die Skema**

17. Aanhangsel 13 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde komkommer-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en

- (c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.

#### **Wysiging van Aanhangsel 14 van die Skema**

18. Aanhangsel 14 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde pampoen- of skorsie-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

#### ***Wysiging van Aanhangsel 15 van die Skema***

19. Aanhangsel 15 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad of gesertifiseerde saad" in paragraaf 1.1.2 deur die uitdrukking "gesertifiseerde pre-basissaad, basissaad of gesertifiseerde saad";
- (b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde kropaargras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (c) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1 en 3.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";
- (d) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en
- (e) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

#### ***Wysiging van Aanhangsel 16 van die Skema***

20. Aanhangsel 16 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1, 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 en 4.2.3.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

#### ***Wysiging van Aanhangsel 17 van die Skema***

21. Aanhangsel 17 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde Smutsvingergras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

- 1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en
  - 1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;
- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 1.1.2, 3.1.1, 3.2.2, 4.3 en 4.4 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”;
  - (c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”; en
  - (d) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:
    - “4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en”.

#### **Wysiging van Aanhangsel 18 van die Skema**

#### **22. Aanhangsel 18 van die Skema word hierby gewysig -**

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:
  - “1.2 ‘n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van ‘n bepaalde oulandsgras-variëteit beoog word, kan ook as ‘n eenheid geregistreer word, indien –
  - 1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en
  - 1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;
- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 1.1.2, 4.3, 4.4, 6.2.1.1 en 6.2.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”;
- (c) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:
  - “4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en”.

#### **Wysiging van Aanhangsel 19 van die Skema**

#### **23. Aanhangsel 19 van die Skema word hierby gewysig -**

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:
  - “1.2 ‘n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van ‘n bepaalde sojaboon-variëteit beoog word, kan ook as ‘n eenheid geregistreer word, indien –
  - 1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en
  - 1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”; en



- (b) deur die vervanging van die uitdrukking "basissaad" in paragraaf 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

**Wysiging van Aanhangel 20 van die Skema**

24. Aanhangel 20 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde katoen-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 en 4.2.3.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangel 21 van die Skema**

25. Aanhangel 21 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde sonneblom-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1, 4.2.3.1 en 4.3.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangel 22 van die Skema**

26. Aanhangel 22 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2 en 4.1.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangel 23 van die Skema**

27. Aanhangel 23 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.1, 1.2.1, 3.1.1 en 3.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";
- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en
- (c) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

**Wysiging van Aanhangel 24 van die Skema**

28. Aanhangel 24 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde lupien-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

  - 1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en
  - 1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";
- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.3.1, 3.2.1, 3.3.2.2 en 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangel 25 van die Skema**

29. Aanhangel 25 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde tamatie-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

  - 1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en
  - 1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";
- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2, 4.1.1, 4.2.1, 4.3.1 en 4.4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 26 van die Skema**

30. Aanhangsel 26 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde lusern-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

(b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2, 3.1.1, 3.2.2, en 4.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en

(c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 27 van die Skema**

31. Aanhangsel 27 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde rys-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

(b) deur die vervanging van paragraaf 4 deur die volgende paragraaf:

"4 Vereistes vir plante

4.1 Die aantal afwykende plante op 'n eenheid mag -

4.1.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en

4.1.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie een plant per 10 vierkante meter oorskry nie.".

**Wysiging van Aanhangsel 28 van die Skema**

32. Aanhangsel 28 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde paspalum-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

(b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 1.1.2, 3.1.1 en 3.2.2 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”;

(c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”; en

(d) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

“4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en”.

#### ***Wysiging van Aangansel 29 van die Skema***

33. Aangansel 29 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking “basissaad” in paragrawe 1.1.1, 3.1.2, 3.2.2.2, 4.1.1, 4.3.1, 6.1.5 en 6.1.6 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en

(b) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.

#### ***Wysiging van Aangansel 30 van die Skema***

34. Aangansel 30 van die Skema word hierby gewysig deur die vervanging van die uitdrukking “basissaad” in paragrawe 1.1.1, 2.3, 3.1.2, 4.1.1, 4.2.1, 4.3.1, 4.5.1, 6.1.5 en 6.1.6 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”.

#### ***Wysiging van Aangansel 31 van die Skema***

35. Aangansel 31 van die Skema word hierby gewysig deur die vervanging van die uitdrukking “basissaad” in paragraaf 4.1.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”.

#### ***Wysiging van Aangansel 32 van die Skema***

36. Aangansel 32 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

“1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde radys-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2, 3.3.2, 4.1.1 en 4.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 33 van die Skema**

37. Aanhangsel 33 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde eiervrug-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is."; en

- (b) deur die vervanging van die uitdrukking "basissaad" in paragraaf 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

**Wysiging van Aanhangsel 34 van die Skema**

38. Aanhangsel 34 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde Columbusgras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2, 3.1.1 en 3.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";

- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en

- (d) deur die vervanging van paragraaf 4 deur die volgende paragraaf:

"4 **Vereistes vir plante**

4.1 Die aantal afwykende plante op 'n eenheid mag -

4.1.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en



- 4.1.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie een plant per 10 vierkante meter oorskry nie."

**Wysiging van Aanhangsel 35 van die Skema**

39. Aanhangsel 35 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde graansorghum-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 en 4.2.3.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en

- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 36 van die Skema**

40. Aanhangsel 36 van die Skema word hierby gewysig deur die vervanging van die uitdrukking "basissaad" in paragraaf 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

**Wysiging van Aanhangsel 37 van die Skema**

41. Aanhangsel 37 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde akkerboon-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 4.1.1 en 4.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

**Wysiging van Aanhangsel 38 van die Skema**

42. Aanhangsel 38 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.2.2, 3.4, 3.5.1, 4.1.1, 4.2, 5.3 en 6.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en

- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 39 van die Skema**

43. Aanhangsel 39 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde soetmielie-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2 en 4.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 40 van die Skema**

44. Aanhangsel 40 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2, 1.2.1, 1.2.2, 3.1.1 en 3.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";

- (b) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en

- (c) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

**Wysiging van Aanhangsel 41 van die Skema**

45. Aanhangsel 41 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde Rhodesgras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2, 3.1.1, 3.2.2 en 4.3 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";

- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en
- (d) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

#### **Wysiging van Aanhangsel 42 van die Skema**

46. Aanhangsel 42 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde raaigras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2, 3.1.1 en 3.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";
- (c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en
- (d) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

#### **Wysiging van Aanhangsel 43 van die Skema**

47. Aanhangsel 43 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde witbuffelsgras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

- (b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2 en 4.3 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en
- (c) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

**Wysiging van Aanhangsel 44 van die Skema**

48. Aanhangsel 44 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde voersorghum-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

(b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 3.1.1, 3.2.2, 4.1.1, 4.2.1.1, 4.2.2.1 en 4.2.3.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad"; en

(c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad".

**Wysiging van Aanhangsel 45 van die Skema**

49. Aanhangsel 45 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde langswenkgras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.";

(b) deur die vervanging van die uitdrukking "basissaad" in paragrawe 1.1.2, 3.1.1 en 3.2.2 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad";

(c) deur die vervanging van die uitdrukking "telersaad" in paragraaf 3.2.1 deur die uitdrukking "gesertifiseerde pre-basissaad"; en

(d) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

**Wysiging van Aanhangsel 46 van die Skema**

50. Aanhangsel 46 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde assegaaiklawer-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrafe 3.1.1 en 3.2.2 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”;

- (c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”; en

- (d) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

“4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en”.

#### **Wysiging van Aanhangsel 47 van die Skema**

51. Aanhangsel 47 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde borseltjiegras-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrafe 1.1.2, 3.1.1 en 3.2.2 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”;

- (c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”; en

- (d) deur die vervanging van paragraaf 4.1.1 deur die volgende paragraaf:

“4.1.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en”.

#### **Wysiging van Aanhangsel 48 van die Skema**

52. Aanhangsel 48 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde korog-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.2.2 en 4.1.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en
- (c) deur die vervanging van die uitdrukking “telersaad” in paragraaf 3.2.1 deur die uitdrukking “gesertifiseerde pre-basissaad”.

#### ***Wysiging van Aanhangsel 49 van die Skema***

53. Aanhangsel 49 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde rog-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”;

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 3.1.1 en 4.1.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”; en
- (c) deur die vervanging van die uitdrukking “Rog” in paragraaf 3.2 deur die uitdrukking “rog”.

#### ***Wysiging van Aanhangsel 50 van die Skema***

54. Aanhangsel 50 van die Skema word hierby gewysig -

- (a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde meerjarige voersorghum-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien –

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is.”; en

- (b) deur die vervanging van die uitdrukking “basissaad” in paragrawe 1.1.2, 3.1.1, 3.2.1, 4.1.1 en 4.3.1 deur die uitdrukking “gesertifiseerde pre-basissaad of basissaad”.



**Wysiging van Aanhangsel 51 van die Skema**

55. Aanhangsel 51 van die Skema word hierby gewysig -

(a) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde koring-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is."; en

(b) deur die vervanging van die uitdrukking "basissaad" in paragraaf 4.1.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

**Wysiging van Aanhangsel 52 van die Skema**

56. Aanhangsel 52 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking "hawerspesie" in paragraaf 1.1 deur die uitdrukking "Avena spp.";

(b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde hawer-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is."; en

(c) deur die vervanging van die uitdrukking "basissaad" in paragraaf 4.1.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

**Wysiging van Aanhangsel 53 van die Skema**

57. Aanhangsel 53 van die Skema word hierby gewysig -

(a) deur die vervanging van die uitdrukking "garsspesie" in paragraaf 1.1 deur die uitdrukking "Hordeum spp.";

(b) deur die vervanging van paragraaf 1.2 deur die volgende paragraaf:

"1.2 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde gars-variëteit beoog word, kan ook as 'n eenheid geregistreer word, indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is."; en

- (c) deur die vervanging van die uitdrukking "basissaad" in paragraaf 4.1.1 deur die uitdrukking "gesertifiseerde pre-basissaad of basissaad".

#### **Wysiging van Aanghangsel 54 van die Skema**

58. Aanghangsel 54 van die Skema word hierby gewysig -

- (a) deur die vervanging van die uitdrukking "basissaad" in paragraaf 1.1.2 deur die uitdrukking "gesertifiseerde pre-basissaad, basissaad of gesertifiseerde saad";

- (b) deur die vervanging van paragraaf 1.2.1 deur die volgende paragraaf:

"1.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, vir hoogstens twee agtereenvolgende groeiseisoene as 'n eenheid geregistreer word indien telersaad of gesertifiseerde pre-basissaad, na gelang van die geval, van dieselfde variëteit jaarliks daarop gevestig word; en"; en

- (c) deur die vervanging van paragraaf 4.2.1 deur die volgende paragraaf:

"4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie een plant per 30 vierkante meter oorskry nie; en".

#### **Vervanging van Aanghangsel 55 van die Skema**

59. Aanghangsel 55 van die Skema word hiermee deur die volgende aanghangsel vervang:

#### **"AANHANGSEL 55**

VEREISTES BETREFFENDE OLIESAAD RAAP  
[BRASSICA NAPUS VAR. OLEIFERA SUBVAR. ANNUA; BRASSICA NAPUS VAR. OLEIFERA  
SUBVAR. BIENNIS; BRASSICA RAPA; RAPHANUS SATIVUS VAR. OLEIFERUS]

#### **1 Grondvereistes**

- 1.1 Behoudens die bepalings van paragraaf 1.2, kan 'n stuk grond slegs as 'n eenheid geregistreer word indien geen plante van die spesies *Brassica* of *Raphanus*, na gelang die geval, gedurende die twee groeiseisoene wat die registrasie daarvan voorafgaan, vir saadproduksie of andersins daarop gevestig was nie.

- 1.2 Slegs in die geval van 'n oopbestuifde oliesaad raap-variëteit: 'n Stuk grond wat vir die produksie van basissaad of gesertifiseerde saad van 'n bepaalde oliesaad raap-variëteit beoog word, kan ook as 'n eenheid geregistreer word indien -

1.2.1 in die geval van basissaad, gesertifiseerde pre-basissaad van dieselfde variëteit, gedurende die voorafgaande groeiseisoen daarop geproduseer is; en

1.2.2 in die geval van gesertifiseerde saad, gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit gedurende die voorafgaande groeiseisoen daarop geproduseer is.

#### **2 Aanplantingsvereistes**

- 2.1 Saad moet in rye op 'n eenheid gevestig word.

- 2.2 Inboet in rye is nie toelaatbaar nie.

- 2.3 In die geval van die beoogde produksie van saad van 'n bastervariëteit moet -

2.3.1 die plante van die saadouers en dié van die stuifmeelouers in afsonderlike rye gevestig word; en

2.3.2 die rye wat plante van die stuifmeelouers bevat, duidelik aldus gemerk word.

### 3 Isolasiereëls

3.1 Behoudens die bepalings van paragraaf 3.3, moet 'n eenheid deur 'n isolasiegebied omring wees wat –

3.1.1 in die geval van die beoogde produksie van gesertifiseerde pre-basisaad of basisaad van –

3.1.1.1 'n oop-bestuifde variëteit, minstens 300 meter wyd is; en

3.1.1.2 'n bastervariëteit, minstens 3 000 meter wyd is; en

3.1.2 in die geval van die beoogde produksie van gesertifiseerde saad van –

3.1.2.1 'n oopbestuifde variëteit, minstens 200 meter wyd is; en

3.1.2.2 'n bastervariëteit, minstens 2 000 meter wyd is.

3.2 So 'n isolasiegebied moet vry wees van enige *Brassica* of *Raphanus* verwante variëteit, na gelang die geval, wat dieselfde tyd as die plante op die betrokke eenheid blom, tensy dit –

3.2.1 in die geval van die beoogde produksie van basisaad, van gesertifiseerde pre-basisaad van dieselfde variëteit gevestig is; en

3.2.2 in die geval van die beoogde produksie van gesertifiseerde saad, van gesertifiseerde pre-basisaad of van basisaad van dieselfde variëteit gevestig is.

3.3 Plante van verskillende saadouers van 'n bastervariëteit mag op aangrensende eenhede gevestig word, indien –

3.3.1 'n gemeenskaplike stuifmeelouers gebruik word; en

3.3.2 'n oop ruimte van minstens vyf meter wyd, wat vry van plante van die betrokke saadouers en stuifmeelouers is, tussen die betrokke eenhede gehandhaaf word.

### 4 Vereëls vir plante

4.1 Behoudens die bepalings van paragraaf 4.2, mag die aantal afwykende plante op 'n eenheid –

4.1.1 in die geval van die beoogde produksie van gesertifiseerde pre-basisaad of basisaad, nie 0,1 persent oorskry nie; en

4.1.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie 0,3 persent oorskry nie.

4.2 Indien manlike steriliteit by die saadouers van 'n bastervariëteit gebruik word –

4.2.1 mag die aantal afwykende stuifmeelstortende plante van die stuifmeelouers op 'n eenheid –

4.2.1.1 in die geval van die beoogde produksie van gesertifiseerde pre-basisaad of basisaad, nie 0,1 persent van die plante van die stuifmeelouers op die stadium waarop 2,0 persent of meer van die plante van die saadouers stuifmeelvatbare blomme het, oorskry nie; en

4.2.1.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie 0,5 persent van die plante van die stuifmeelouer op die stadium waarop 5,0 persent of meer van die plante van die saadouër stuifmeelvatbare blomme het, oorskry nie;

4.2.2 mag die aantal afwykende plante van die saadouër op 'n eenheid -

4.2.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie 0,1 persent van die plante van die saadouër oorskry nie; en

4.2.2.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie 0,5 persent van die plante van die saadouër oorskry nie; en

4.2.3 mag die aantal stuifmeelstortende plante van die saadouër op 'n eenheid -

4.2.3.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie 0,2 persent van die plante van die saadouër op die stadium waarop 2,0 persent of meer van die plante van die saadouër stuifmeelvatbare blomme het, oorskry nie: Met dien verstande dat die totale aantal plante met stuifmeelstortende blomme wat tydens inspeksies gevind word, nie 0,5 persent van die plante van die saadouër oorskry nie; en

4.2.3.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie 0,5 persent van die plante van die saadouër op die stadium waarop 5,0 persent of meer van die plante van die saadouër stuifmeelvatbare blomme het, oorskry nie: Met dien verstande dat die totale aantal plante met stuifmeelstortende blomme wat tydens inspeksies gevind word, nie vir die drie inspeksies wat die hoogste mate van voorkoms van sodanige plante toon, 1,0 persent van die plante van die saadouër oorskry nie.

## 5 Inspeksievereistes

5.1 Plante wat op 'n eenheid gevestig is, moet geïnspekteer word -

5.1.1 voor die blomstadium daarvan;

5.1.2 gedurende die blomstadium daarvan;

5.1.3 gedurende die volsaadstadium daarvan; en

5.1.4 in die geval van 'n bastervariëteit, nadat die stuifmeelouer verwyder is.

5.2 Indien plante van 'n bastervariëteit op 'n eenheid gevestig is -

5.2.1 moet die betrokke saadkweker die gesag minstens 10 dae vooraf in kennis stel van die datum waarop -

5.2.1.1 die plante van die saadouër na verwagting sal begin blom; en

5.2.1.2 die stuifmeelouer verwyder sal word; en

5.2.2 mag die saad van die plante van die saadouër nie geoes word voordat die inspeksie in paragraaf 5.1.4 bedoel, uitgevoer is nie.

## 6 Fisiese vereistes

6.1 Saad moet -

6.1.1 'n ontkiemingspersentasie van minstens 70 hê;

- 6.1.2 vry van verbode onkruidsaad wees;
- 6.1.3 hoogstens -
  - 6.1.3.1 0,5 persent ander saad; en
  - 6.1.3.2 2,0 persent ander materiaal bevat; en
- 6.1.4 hoogstens 0,2 persent sklerotia van *Sclerotinia sclerotiorum* bevat; en
- 6.1.5 'n voginhoud van hoogstens 10 persent hê."

**Byvoeging van Aanhangsel 56 by die Skema**

60. Aanhangsel 56 word hiermee by die Skema bygevoeg:

**"AANHANGSEL 56**

**VEREISTES BETREFFENDE MEDICAGO'S**

[*MEDICAGO LITTORALIS* RHODE EX LOIS; *M. POLYMORPHA* L.; *M. RUGOSA* DESR.; *M. SCUTTELLATA* (L.) MILL.; *M. TRUNCATULA* GAERTN.]

**1 Grondvereistes**

- 1.1 Behoudens die bepalings van paragraaf 1.2, kan 'n stuk grond slegs as 'n eenheid geregistreer word indien geen plante van 'n spesie van *Medicago* -
  - 1.1.1 in die geval van die beoogde produksie van pre-basissaad en basissaad, gedurende die vier groeiseisoene; en
  - 1.1.2 in die geval van die beoogde produksie van gesertifiseerde saad, gedurende die drie groeiseisoene,wat die registrasie daarvan voorafgaan, vir saadproduksie of andersins daarop gevestig was nie.
- 1.2 'n Stuk grond wat vir die produksie van saad van 'n bepaalde medicago variëteit beoog word, mag -
  - 1.2.1 in die geval van die beoogde produksie van pre-basissaad en basissaad, vir hoogstens drie agtereenvolgende groeiseisoene as 'n eenheid geregistreer word indien telersaad of gesertifiseerde pre-basissaad, na gelang van die geval, van dieselfde variëteit jaarliks daarop gevestig word; en
  - 1.2.2 in die geval van die beoogde produksie van gesertifiseerde saad, ook vir 'n verdere drie agtereenvolgende groeiseisoene as 'n eenheid geregistreer word indien gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit gedurende die voorafgaande groeiseisoen daarop geproduseer is.
- 1.3 Enige verdere registrasies sal slegs met die skriftelike goedkeuring van die gesag oorweeg word.

**2 Aanplantingsvereistes**

- 2.1 Saad kan gesaai of in rye op 'n eenheid gevestig wees.
- 2.2 Indien in rye gevestig, moet die oppervlakte tussen sodanige rye vir 'n tydperk van een jaar nadat die plante op 'n eenheid gevestig is, vry van enige plante gehou word.

- 2.3 Alle plantegroei binne 'n afstand van drie meter rondom 'n eenheid moet kort gehou word totdat saad van die plante op die betrokke eenheid geoes is.

### 3 Isolasiereëistes

- 3.1 'n Eenheid moet deur 'n isolasiegebied omring word wat minstens vyf meter wyd is.
- 3.2 So 'n isolasiegebied moet vry van plante van enige *Medicago* spp. wees, tensy dit –
- 3.2.1 in die geval van die beoogde produksie van basissaad, van gesertifiseerde pre-basissaad van dieselfde variëteit gevestig is; en
- 3.2.2 in die geval van die beoogde produksie van gesertifiseerde saad, van gesertifiseerde pre-basissaad of basissaad van dieselfde variëteit gevestig is.

### 4 Vereëistes vir plante

- 4.1 Plante wat op 'n eenheid gevestig is, mag slegs bewei word na oorweging van 'n skriftelike versoek deur die betrokke saadkweker.
- 4.2 Die aantal afwykende plante op 'n eenheid mag –
- 4.2.1 in die geval van die beoogde produksie van gesertifiseerde pre-basissaad of basissaad, nie 0,5 persent oorskry nie; en
- 4.2.2 in die geval van die beoogde produksie van gesertifiseerde saad, nie 2,0 persent oorskry nie.
- 4.3 Metodes vir die bepaling van afwykende plante is soos deur die gesag bepaal.

### 5 Inspeksiereëistes

Plante wat op die eenheid gevestig is, moet geïnspekteer word –

- 5.1 voor die blomstadium daarvan;
- 5.2 gedurende die blomstadium daarvan; en
- 5.3 gedurende die volsaadstadium daarvan.

### 6 Fisiese vereëistes

Saad moet –

- 6.1 'n ontkiemingspersentasie van minstens 70 hê, harde sade uitgesluit;
- 6.2 vry van verbode onkruidsaad wees; en
- 6.3 hoogstens –
- 6.3.1 0,5 persent ander saad, maar nie meer as 0,2 persent onkruidsaad nie;
- 6.3.2 3,0 persent ander materiaal; en
- 6.3.3 0,5 persent saad van afwykende plante, bevat."



No. 1561

13 December 2002

**NATIONAL AGRICULTURAL MARKETING COUNCIL**

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)

**REQUEST FOR THE INTRODUCTION OF STATUTORY MEASURES IN THE SOUTH AFRICAN DAIRY INDUSTRY (REGISTRATION OF DAIRY PRODUCERS AND THE SUBMISSION OF RECORDS AND RETURNS) IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)**

It is hereby made known in terms of section 11 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), that the Minister of Agriculture has received a request for a statutory measure in terms of section 10 of the said Act as set out in the Schedule hereto.

Directly affected groups are hereby invited to lodge any objection or representation regarding the proposed statutory measure with the National Agricultural Marketing Council within 14 days of the publication thereof.

Submissions should be in writing and be addressed to:

**The Chairperson**  
**National Agricultural Marketing Council**  
**Private Bag X935**  
**PRETORIA**  
**0001**  
**Fax No. (012) 341-1911**  
**Enquiries: Mr Donald Mokoena/Mr Winston Mvabaza**  
**Tel. (012) 341-1115 ext 216**

**M. G. RATHOGWA****Chairperson: National Agricultural Marketing Council****SCHEDULE****Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning and unless the context otherwise indicates—

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

“milk” means the normal secretion of the mammary glands of bovines, goats or sheep;

“dairy producer” means any person who keeps bovines, goats or sheep for the production of milk.

**Purpose and aims of statutory measure and the relation thereof to objectives of the Act**

2. The purpose of this statutory measure is to compel the dairy producers of the Republic of South Africa to register with the Milk Producers' Organisation.

The registration of dairy producers will assist the industry to liaise with them regarding matters of concern such as legislation, training courses and technology transfer. The registration of dairy producers will facilitate the maintenance of a national data base which is a prerequisite for the publication of reliable industry statistics.

In terms of international requirements, exporting countries have to comply with certain specifications. The dairy industry therefore needs to identify steps in dairy farming which is critical to ensure food safety and that adequate safety procedures are identified, implemented, maintained and reviewed. The only way to ensure that every dairy producer is informed of the required practices and to monitor those, is by means of compulsory registration.

**Administration of the measure**

3. This statutory measure will be administered by the Milk Producers' Organisation, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973). This body will also implement, administer and enforce the intervention set out in the Schedule.

**Product to which statutory measure applies**

4. This statutory measure shall apply to milk.

**Area in which statutory measure applies**

5. This statutory measure shall apply within the geographical area of the Republic of South Africa.

**Registration of parties concerned**

6. (1) The following persons shall register with the Milk Producers' Organisation in the manner set out in clause 6:

(a) All dairy producers.

(2) An application for registration in terms of subclause (1) shall be made within 30 days from the date of comment of this statutory measure and, in case of a person becoming a party in terms of subclause (1) after such date of commencement, within 30 days of becoming a party in terms of subclause (1).

(3) The parties in terms of subclause (1) shall within 30 days of ceasing to be a party in terms of subclause (1) notify the Milk Producers' Organisation in writing thereof whereupon his or her registration shall be cancelled.

#### **Application for registration**

7. (1) Application for registration in terms of clause 5 shall be made on an application form, copies of which are obtainable free of charge from the Milk Producers' Organisation.

(2) The application form shall be completed in ink and signed by a person duly authorized thereof.

(3) The application form shall be submitted—

(a) when forwarded by post, to—

The Administrator  
Milk Producers' Organisation  
P.O. Box 1284  
PRETORIA  
0001;

(b) when delivered by hand, delivered to—

The Administrator  
Milk Producers' Organisation  
90 Cycad Place  
off Watermeyer Street  
Val de Grace Extension 10  
PRETORIA  
0184

#### **Commencement and period of validity**

8. This statutory measure shall come into operation on the date of publication hereof and shall lapse on .....

No. 1562

13 December 2002

### **MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)**

#### **ESTABLISHMENT OF STATUTORY MEASURE—RECORDS AND RETURNS BY DAIRY PRODUCERS**

I, Angela Thokozile Didiza, Minister of Agriculture, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

**A. T. DIDIZA**

**Minister of Agriculture**

#### **SCHEDULE**

##### **Definitions**

1. In this Schedule, any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates—

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

“milk” means the normal secretion of the mammary glands of bovines, goats or sheep;

“dairy producer” means any person who keeps bovines, goats or sheep for the production of milk.

##### **Purpose and aims of statutory measure and the relation thereof to objectives of the Act**

2. The purpose of this statutory measure is to provide a statutory mechanism for dairy producers to keep records and furnish returns to the Milk Producers' Organisation. This is deemed necessary to ensure that continuous, timeous and accurate statistics and information relating to the dairy farming industry sector is made available to all role-players.

Record keeping of the dairy cattle population will create statistics per province and districts of the numbers of cows, bulls, heifers and breeds. It will then be possible to follow changing population trends per province in order for the industry to predict milk production trends. The monitoring of trends of herd sizes and dairy breeds as well as the location thereof will assist the industry in the steering of its educational, research, extension and health programmes.

Statutory support in terms of veterinary inspection, extension, health and quality control services has been scaled down substantially over the past some ten years. Herds that are not treated for critical diseases, pose major health risks to animals and man. Zoonosis, a disease or infection naturally transmittable between vertebrate animals and/or man, undermines the health, productivity and reproductivity of those animals on which man relies for his food and labour. Zoonosis may thus, in the long run, add to the problem of malnutrition in man and particularly in children. Annual losses in the RSA due to tuberculosis, brucellosis and rabies in cattle amount to several million rand. Once dairy producers provide the relevant information, action can be taken towards the improvement of animal health on a national basis.

Since the closure of the Dairy Board in 1993, the local research capacity has declined gradually. By means of the proposed measure relating to records and returns, producer inputs in respect of animal health, production quality, genetics and feeding can be obtained in order to pro-actively conduct research where problem areas are identified. Research projects that support efficient and effective herd management, directly correlates with an improvement in product quality.

#### **Administration of the measure**

3. This statutory measure will be administered by the Milk Producers' Organisation, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973).

Information will be made available from the returns rendered to the MPO in a manner suitable to meet the needs of the role-players in the dairy industry of South Africa. The information collated will be dealt with in such a manner to ensure compliance with the provisions of section 23 (2) of the Marketing of Agricultural Products Act, which provides as follows:

- "(2) No person shall, except in the performance of his or her functions under this Act, or unless required to do so by a court of law or in terms of any law, or with the written consent of the Minister, disclose to any other person information, pertaining to any person, institution or body of persons, collected under section 18 or otherwise acquired in the performance of functions in terms of this Act."

#### **Product to which statutory measure applies**

4. This statutory measure shall apply to milk.

#### **Area in which statutory measure applies**

5. This statutory measure shall apply within the geographical area of the Republic of South Africa.

#### **Records and returns to be kept and submitted by dairy producers**

6. (1) The following persons shall keep records and furnish returns with regard to milk in his or her possession or under his or her control:

(a) Dairy producers.

(2) The Milk Producers' Organisation shall make return forms available to facilitate the process of submittance of returns.

(3) The return shall be submitted biannually

(a) when forwarded by post to—

The Administrator  
Milk Producers' Organisation  
P.O. Box 1284  
PRETORIA  
0001

(b) when delivered by hand, delivered to—

The Administrator  
Milk Producers' Organisation  
Cotton South Africa Building  
90 Cycad Place  
off Watermeyer Street  
Val de Grace Extension 10  
PRETORIA  
0184

(4) Each dairy producer shall within 15 days after 31 October of each year, furnish an accurate return to the Milk Producers' Organisation.

(5) The records and returns shall contain information with regard to the following:

- (a) Date of completion of the return form;
- (b) producer's name and surname
- (c) producer's postal address;
- (d) name of the producer's farm;
- (e) magisterial district in which the farm resides;
- (f) contact details of the producer, namely telephone, fax, e-mail and cell phone numbers;
- (g) parlour registration number of the farmer;
- (h) milk buyer's name;
- (i) whether the producer participates in the Cattle Brucellosis Scheme;
- (j) whether the producer participates in the Cattle Tuberculosis Scheme;
- (k) number of cows in milk;
- (l) number of dry cows (not in milk);
- (m) number of pregnant heifers;

- (n) number of heifers older than 12 months but not pregnant;
- (o) number of heifers from six months to 12 months old;
- (p) number of heifers younger than six months;
- (q) number of bulls for breeding purposes;
- (r) breed of the herd;
- (s) average litres of milk sold per month (during the past six months) in the formal and informal markets;
- (t) average litres of milk for own usage/consumption.

(6) A record system that reflects good accounting practice shall be introduced and kept by the Milk Producers' Organisation.

**Effective date**

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse on .....
-

**DEPARTMENT OF EDUCATION  
DEPARTEMENT VAN ONDERWYS**

**No. R. 1564**

**13 December 2002**

**HIGHER EDUCATION ACT, 1997 :  
REGULATIONS FOR THE REGISTRATION OF  
PRIVATE HIGHER EDUCATION INSTITUTIONS**

The Minister of Education, after consultation with the Council on Higher Education, has in terms of section 53(1)(c) read with section 69 of the Higher Education Act, 1997 (No 101 of 1997) made the Regulations, as set out in the Schedule.

**SCHEDULE****ARRANGEMENT OF REGULATIONS***Regulation***Chapter 1: Definitions****1. Definitions****Chapter 2: Application process**

- 2. Eligibility**
- 3. Application for registration**
- 4. Application for amendment**
- 5. Application for conversion**
- 6. Withdrawal of application**
- 7. Subsequent application for registration**

**Chapter 3: Requirements for registration**

- 8. Compliance with the Act**
- 9. Name of applicant**
- 10. Prohibition of discrimination**
- 11. Programmes and qualifications**
- 12. Quality assurance**
- 13. Finance**
- 14. Foreign applicants**
- 15. Monitoring and evaluation**

**Chapter 4: Registration**

- 16. Determination of an application**
- 17. Conversion of provisional registration**
- 18. Amendment of registration**
- 19. Cancellation of registration**
- 20. Publication of registration notices**

**Chapter 5: Registration certificate**

- 21. Registration name**
- 22. Certificate of registration**



## **Chapter 6: Responsibility of a registered institution**

- 23. Maintenance of registration
- 24. Display of registration status
- 25. Registered programmes
- 26. Information for students and the public
- 27. Academic records
- 28. Official documents, marketing and advertising
- 29. Information required by the registrar
- 30. Lapse or cancellation of registration

## **Chapter 7: Appeals**

- 31. Procedure

## **Chapter 8: General and transitional arrangements**

- 32. Conflict of interests
- 33. Transitional arrangements
- 34. Appendices
- 35. Short title and commencement

## **CHAPTER 1 DEFINITIONS**

### **1. Definitions**

In these regulations any word or expression to which a meaning has been assigned in the Higher Education Act, 1997 (Act No. 101 of 1997) has the same meaning and, unless the context otherwise indicates—

'accreditation' means accreditation or preliminary accreditation as determined by the HEQC;

'amendment' means an alteration in the conditions of registration or provisional registration of an institution in terms of section 61 of the Act;

'application for amendment' means an application made in terms of section 58 of the Act;

'application for conversion' means an application to convert provisional registration as contemplated in regulation 5;

'condition' means a stipulation or directive imposed by the registrar on an institution in terms of section 60 of the Act;

'conversion of provisional registration' means the action contemplated in section 54(6)(a) of the Act whereby a provisionally registered institution is registered;

'director' means the director of a company as defined in the Companies Act, 1973 (Act No. 61 of 1973);

'expiry date' means the date on which the provisional registration contemplated in section 54(4)(a) and (5) of the Act expires;

'foreign applicant' means an applicant who is a foreign juristic person as defined in the Act;

'HEQC' means the Higher Education Quality Committee of the Council on Higher Education;

'institution' means a private higher education institution that is registered or provisionally registered in terms of the Act;

'NQF' means the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

'parent institution' means a foreign higher education institution to which a foreign applicant is legally, commercially or academically subordinate or on which it is otherwise dependent;

'programme' means the sequential learning activities, associated with curriculum implementation, leading to the achievement of a qualification registered at levels 5 to 8 on the NQF;

'qualification' means a qualification registered at levels 5 to 8 on the NQF in terms of regulation 8 of the SAQA National Standards Bodies Regulations, 1998 (Regulation Gazette 452 of 28 March 1998);

'registered programme' means a programme approved by the registrar in terms of regulation 16(4) and (5) and included in a registration certificate in terms of regulation 22(1);

'registration' means the granting of an application to operate as a private higher education institution in terms of the Act, offering such programmes leading to registered qualifications on such sites as the registrar may approve in terms of these regulations;

'requirements' means the prescribed criteria contemplated in chapter 3 of these regulations or any other criteria prescribed in the Act that an applicant or institution must fulfil in order to be registered or maintain registration;

'site' means any learning site such as a campus, satellite campus or learning centre controlled and administered by an applicant or an institution;

'the Act' means the Higher Education Act, 1997 (Act No. 101 of 1997) and any regulations or policy determined in terms of or under the Act.

## **CHAPTER 2 APPLICATION PROCESS**

### **2. Eligibility**

(1) A person proposing to provide higher education as contemplated in the Act is eligible to apply for registration if-

(a) registered as a juristic person in terms of the Companies Act, 1973 (Act No. 61 of 1973); or

(b) recognised as an external company in terms of the Companies Act, 1973 (Act No. 61 of 1973).

(2) A person who purports to operate an institution is guilty of an offence in terms of section 66 of the Act, and is not eligible to apply for registration except in terms of regulation 7(4).

### **3. Application for registration**

(1) Anyone that intends to establish and maintain a private higher education institution must apply to the registrar in terms of these regulations.

(2) Sub-regulation (1) also applies to a juristic person established through a merger between institutions, with a resultant loss of the juristic personality of the old institutions and the creation of a new juristic person.

(3) An applicant for registration must-

(a) submit the application in full at least eighteen months before the institution is to start operating in the form determined by the registrar in the *Government Gazette*; and

(b) send with the application the full fee determined by the registrar by notice in the *Government Gazette*.

(4) If an applicant does not comply with sub-regulation (3)(a) and (b) the registrar must decline to process the application.

(5) The registrar may require an applicant to clarify items in the application or submit additional information before the application is determined.

(6) An applicant must promptly notify the registrar if there is any change in the information submitted in the application.

### **4. Application for amendment**

(1) Regulation 3(3) to 3(5) applies to the submission of an amendment application, except that it must be submitted at least twelve months before the proposed amendment is intended to come into effect.

(2) The registrar may for good reason permit a later submission if requested in writing by the applicant.

## **5. Application for conversion**

Regulation 3(3) to 3(5) applies to the submission of a conversion application, except that it must be submitted by the date determined by the registrar in terms of regulation 16(4)(b)(ii).

## **6. Withdrawal of application**

(1) An application made in terms of regulations 3, 4 or 5 may be withdrawn by notice in writing to the registrar, but no notice of withdrawal is valid if it is submitted after the registrar has notified the applicant in writing of the result of the application.

(2) On receipt of a valid notice of withdrawal the registrar must forthwith return the application documents to the applicant.

## **7. Subsequent application for registration**

(1) An applicant that has withdrawn an application in terms of regulation 6(1) may submit a subsequent application to the registrar not less than 12 months after the date of withdrawal.

(2) An applicant whose-

(a) application has been denied other than in terms of regulation 16(6); or

(b) provisional registration has lapsed; or

(c) registration has been cancelled

may submit a subsequent application not less than 36 months after the date of denial, lapsing or cancellation respectively.

(3) A person whose application has been denied in terms of regulation 16(6) may submit a subsequent application not less than 60 months after the notification of such denial of registration has been issued by the registrar.

(4) Despite (2) a person who has been found guilty of an offence in terms of section 66 of the Act may submit a subsequent application not less than 60 months after paying the fine or serving the term of imprisonment as the case may be.

(5) Regulation 3 applies to the submission of a subsequent application.

### **CHAPTER 3**

#### **REQUIREMENTS FOR REGISTRATION**

##### **8. Compliance with the Act**

In order to be registered an applicant must fulfil the requirements of the Act.

##### **9. Name of applicant**

An applicant must apply for registration in the same name under which it is registered or recognised in terms of the Companies Act, 1973 (Act No. 61 of 1973), and must declare the name under which the institution, if registered, will trade.

##### **10. Prohibition of discrimination**

An application must include a signed declaration by the applicant that the institution, if registered, will not discriminate on the basis of race and that it will comply with the provisions of section 9(4) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

##### **11. Programmes and qualifications**

An applicant must propose to offer only programmes leading to qualifications that are registered on the NQF.

##### **12. Quality assurance**

(1) In the application contemplated in regulations 3, 4 and 5, an applicant must submit a signed declaration that -

(a) it has applied to the HEQC for accreditation, listing the programmes for which it has applied for accreditation or preliminary accreditation;

(b) if registered, it will comply with the requirements of the HEQC as contemplated in section 53(1)(b)(ii) or 53(1)(c) of the Act.

(2) In the application contemplated in regulations 3, 4 and 5, an applicant must provide evidence that it complies with all regulations relating to the health and safety of persons on the premises.

(3) In the application contemplated in regulations 3, 4 and 5, an applicant must provide a written declaration that it -

(a) will maintain the necessary academic and support staff with appropriate academic or professional qualifications and experience to achieve the objectives of each programme;



(b) will maintain a quality management system including assessment policies and procedures appropriate to each programme;

(c) will maintain sufficient space, equipment and instructional material to provide education and training of sufficient standard to achieve the objectives of each programme;

(d) will not exceed the enrolment that the facilities and equipment can reasonably accommodate;

(e) will maintain full records of each student's admission, academic progress and assessment of learning in respect of each programme.

### **13. Finance**

(1) In the application contemplated in regulations 3, 4 and 5, an applicant must submit proof that-

(a) its income is or will be sufficient to sustain its programmes in an acceptable manner; and

(b) it has or will have a stable financial position that will enable it to maintain operational continuity.

(2) In the application contemplated in regulations, an applicant must submit proof that it has established financial surety or guarantees to ensure that the institution meets its obligations to its enrolled students.

### **14. Foreign applicants**

In the application contemplated in regulation 3, 4 and 5, a foreign applicant must submit proof that-

(a) its parent institution operates lawfully as a higher education institution and is accredited by the appropriate accrediting body in its country of origin;

(b) a qualification awarded in its name will be fully recognised by its parent institution and by the appropriate state authorities in its country of origin; and

(c) a student who is awarded its qualification will suffer no disadvantage if he or she applies to enrol for an appropriate advanced qualification in the parent institution.

## **15. Monitoring and evaluation**

In the application contemplated in regulations 3, 4 and 5, an applicant must submit a signed declaration that if registered or provisionally registered the institution will comply with-

- (a) a periodic evaluation of the institution by the registrar at intervals to be determined by the registrar;
- (b) any other reasonable process arranged by the registrar after consultation with the institution for the purpose of monitoring compliance with the requirements of the Act and the conditions of registration as imposed by the registrar in terms of section 60 of the Act.

## **CHAPTER 4 REGISTRATION**

### **16. Determination of an application**

(1) The registrar must consider and determine an application for registration-

- (a) in accordance with section 54 of the Act and these regulations;
- (b) at least six months before the applicant intends to commence operations.

(2) In determining the application of a foreign applicant, the registrar must independently verify the information contemplated in regulation 14(a).

(3) In determining an application, the registrar must consider-

- (a) all the information and declarations provided by the applicant and any other relevant information;
- (b) the advice of the HEQC on the applicant's application for accreditation;
- (c) whether, if registered, the applicant in all its higher education programmes will maintain acceptable standards that are not inferior to standards at a comparable public higher education institution;
- (d) whether, if registered, the applicant in all its higher education programmes will comply with the requirements of the HEQC in terms of section 53(1)(b)(ii) of the Act;

- (e) whether the applicant has met all other relevant requirements of the Act;
  - (f) a determination by the Minister relating to the scope and range of operations of institutions in terms of section 3(3) of the Act;
  - (g) the distinction between a foreign juristic person and a local juristic person in terms of section 54(1)(b) of the Act;
  - (h) the proposed programmes and qualifications and the respective sites where they are to be offered;
  - (i) section 54(3) and (4) of the Act concerning provisional registration;
  - (j) section 60 of the Act concerning conditions attached to registration or provisional registration;
  - (k) regulation 21 concerning the registration name;
  - (l) the rights of the general public, the students and the applicant; and
  - (m) the interests of the higher education system as a whole.
  - (n) any other requirement prescribed by the Minister in terms of section 53(1)(c) of the Act.
- (4) In the light of sub-regulation (3) the registrar must determine whether to-
- (a) register the applicant in terms of section 54(1)(c) and 54(2)(a) of the Act ;
  - (b) grant provisional registration in terms of section 54(3) and (4) of the Act, stating-
    - (i) the terms of provisional registration;
    - (ii) the date by which the registrar must receive an application for the conversion of provisional registration;
  - (c) impose conditions in terms of section 60 of the Act; or
  - (d) deny the application in terms of section 54(2)(b) of the Act.

(5) In determining to grant registration or provisional registration as contemplated in sub-regulation (4) the registrar must approve the programmes to be offered by the institution and the respective sites where they are to be offered.

(6) Despite sub-regulation (4), if an applicant is found to have knowingly submitted fraudulent, false or misleading information the registrar must deny the application and refer the matter to the South African Police Service for investigation.

#### **17. Conversion of provisional registration**

(1) The registrar must consider and determine an application for the conversion of provisional registration submitted in terms of regulation 5 in accordance with section 54(6) of the Act and regulation 16(3).

(2) The registrar must determine whether to-

(a) register the applicant in terms of section 54(6)(a) of the Act with effect from the expiry date;

(b) impose a condition in terms of section 60 of the Act, and if so state in writing what condition and the reasons why it has been imposed; or

(c) deny the application for conversion and, if denied, the provisional registration lapses in terms of section 54(6)(b) of the Act.

(3) If the registrar does not receive an application submitted in terms of regulation 5, or if registration is denied in terms of sub-regulation (2)(c), the registrar must notify the institution in writing that its provisional registration will lapse at the end of the academic year, giving reasons.

#### **18. Amendment of registration**

(1) The registrar must consider and determine an application for amendment in accordance with section 59 of the Act and regulation 16(3) at least three months before the amendment is to come into effect.

(2) The registrar must determine whether to-

(a) amend the registration or provisional registration; or

(b) impose a condition in terms of section 60 of the Act; or

(c) deny the application for amendment.

(3) In the case of sub-regulation (2)(b) or (c), the registrar must notify the institution in writing, giving reasons.

### **19. Cancellation of registration**

(1) Subject to sections 62 and 63 of the Act, the registrar must cancel the registration or provisional registration of an institution if-

(a) the institution ceases to-

- (i) provide higher education as contemplated in the Act;
- (ii) meet the criteria of eligibility contemplated in regulation 2;
- (iii) fulfil the requirements for registration contemplated in the Act and chapter 3 of these regulations;
- (iv) comply with any condition imposed by the registrar in terms of section 60 or 61 of the Act; or
- (v) operate or terminates all its programmes.

(b) the institution provides fraudulent, false or misleading information-

- (i) to the registrar; or
- (ii) in any of its public documents or advertising and marketing material;

(c) the institution is liquidated; or

(d) the owner or director(s) is convicted of an offence in terms of section 66 of the Act.

(2) If the HEQC withdraws accreditation from one or more of an institution's programmes, the registrar must review the institution's registration or provisional registration in terms of section 62(2) of the Act and determine whether reasonable grounds exist for cancellation.

(3) If the registrar proposes to cancel an institution's registration or provisional registration, the registrar must-

(a) comply with section 63 of the Act;

(b) publish the intention to cancel by notice, with reasons;

(c) consider any representation from the institution or an interested person in relation to such action;

(d) publish the final determination, with reasons.

(4) If the final determination is to cancel a registration or provisional registration, the Registrar must issue a notice in writing to the institution that its registration or provisional registration is cancelled and that the cancellation takes effect at the end of the academic year.

## **20. Publication of registration notices**

(1) The registrar must publish every decision made in terms of this chapter by notice in the Government Gazette.

(2) The registrar must keep a public record of registered or provisionally registered institutions, together with copies of the registration certificates.

(3) The institution must take reasonable steps to ensure that a notice dealing with the lapsing or cancellation of registration is brought to the attention of students enrolled at the institution.

## **CHAPTER 5 REGISTRATION CERTIFICATE**

### **21. Registration name**

(1) Subject to this regulation, if the registrar grants registration or provisional registration, the institution must be registered under its legal name, but the registrar may include in the registration certificate such translations, abbreviations, acronyms or trade names that uniquely identify the institution.

(2) Despite (1), the registrar must not register an institution-

(a) under a name that the registrar considers to be fraudulent, false or misleading; or

(b) under the same name as another institution, or include in two certificates of registration the same translation, abbreviation, acronym or trade name.

(3) In the case of sub-regulation (2)(a) or (b), the registrar must agree on an acceptable alternative with the applicant.



## **22. Certificate of registration**

(1) The certificate of registration or provisional registration must include the following-

- (a) the registered name of the institution and, where applicable, any approved translation, abbreviation, acronym or trade name;
- (b) the institution's registration number as a private higher education institution;
- (c) registered programmes;
- (d) the respective sites at which registered programmes are to be offered;
- (e) the date by which all the requirements for registration must be met, if the institution is provisionally registered in terms of section 54(3) and (4) of the Act;
- (f) any condition imposed in terms of section 60 of the Act; and
- (g) the registrar's name, signature and date of signature.

(2) If an institution's registration is amended in terms of sections 58 or 59, or a new condition is imposed or a condition amended in terms of section 61 of the Act, the registrar must issue an amended certificate of registration to the institution.

(3) On receipt of the amended certificate of registration, the institution must within 14 days return the previous certificate of registration to the registrar.

(4) A certificate of registration is not transferable from one institution to another.

## **CHAPTER 6 RESPONSIBILITY OF AN INSTITUTION**

### **23. Maintenance of registration**

In order to maintain its registration an institution must-

- (a) continue to fulfil the requirements for registration contemplated in the Act and chapter 3 of these regulations;

(b) discharge the responsibilities of a registered institution in terms of this chapter;

(c) comply with any condition imposed by the registrar in terms of section 60 or 61 of the Act;

(d) with respect to all its higher education programmes comply with the requirements of the HEQC in terms of section 53(1)(b)(ii) of the Act;

(e) notify the registrar of any change in the information submitted in terms of the Act and these regulations;

(f) undergo an evaluation by the registrar at intervals to be determined by the registrar. The registrar will determine the date of commencement of the first cycle by a notice in the *Government Gazette*;

(g) comply with any other reasonable process arranged by the registrar after consultation with the institution for the purpose of monitoring compliance with the requirements of the Act and the conditions of registration.

(h) ensure that it:

(i) maintains the necessary academic and support staff with appropriate academic or professional qualifications and experience to achieve the objectives of each programme;

(ii) maintains a quality management system including assessment policies and procedures appropriate to each programme;

(iii) maintains sufficient space, equipment and instructional material to provide education and training of sufficient standard to achieve the objectives of each programme;

(iv) does not exceed the enrolment that the facilities and equipment can reasonably accommodate;

(v) maintains full records of each student's admission, academic progress and assessment of learning in respect of each programme

(i) report immediately to the registrar :

(i) loss of any physical facility necessary for the proper conduct of a programme;

- (ii) loss of any supporting service to a programme;
- (iii) change in the site of delivery of a programme;
- (iv) any significant reduction in the financial or personnel resources needed to sustain a programme; or
- (v) the intent to acquire another entity or institution.

#### **24. Display of registration status**

Subject to section 55(1) of the Act, an institution must display-

- (a) its registration certificate or a certified copy in a prominent place accessible to the public and to all students on each of its sites;
- (b) the following statement in full on its letterhead and official documents -
  - (i) if the institution is registered, "Registered with the Department of Education as a private higher education institution under the Higher Education Act, 1997. Registration certificate no. [state number on certificate]"; or
  - (ii) if the institution is provisionally registered, "Provisionally registered with the Department of Education until [expiry date] as a private higher education institution under the Higher Education Act, 1997. Provisional registration certificate no. [state number on certificate]."

#### **25. Registered programmes**

- (1) An institution must offer only such programmes on only such sites as are approved by the registrar and included in the registration certificate.
- (2) An institution must ensure that any registered programme is continued long enough to enable any cohort of students to complete the full programme, but if unavoidable circumstances prevent this-

- (a) the registrar must be informed without delay;
- (b) the institution must make reasonable arrangements to enable the affected students to complete the programme at a comparable public or private institution; and

(c) despite (b), the institution must ensure that its students are appropriately reimbursed or compensated by utilising the financial surety or guarantee referred to in regulation 13(2).

(3) An institution must submit an application for amendment to the registrar in terms of regulation 4 if it intends to withdraw, indefinitely suspend or add a programme or site.

## **26. Information for students and the public**

An institution must publish at least once each year a calendar, prospectus or brochure for the information of students and the public containing-

- (a) registered name of the institution;
- (b) contact details for head office and each site;
- (c) the statement contemplated in regulation 24(b);
- (d) mission statement;
- (e) legal status;
- (f) name(s) of director(s), chief executive and senior management;
- (g) names and qualifications of full-time and part-time academic staff employed by the institution;
- (h) admission requirements and procedures including recognition of prior learning;
- (i) language policy;
- (j) mode of instruction;
- (k) details of each registered programme by site;
- (l) accreditation status of each registered programme;
- (m) rules relating to assessment, academic credit accumulation, progression and qualification;
- (n) fees and charges including refund(s) in the case of cancellation or withdrawal;
- (o) student financial aid;

(p) student support services;

(q) rules or code of conduct.

## **27. Academic records**

(1) An institution must keep a comprehensive record of the academic achievement of each student enrolled in a registered programme.

(2) An institution must make available to an enrolled student or past student on request a transcript of his or her academic record which shows-

(a) full name;

(b) identity number or passport number and nationality if not a South African citizen;

(c) student number;

(d) courses taken by code number and name for each year in chronological order;

(e) mark or grade for each course, with an explanatory note on the marking or grading system;

(f) qualification awarded.

(3) An institution must make available to an enrolled student or past student on request a copy of a certificate awarded to the student.

(4) An institution must submit to SAQA such information from its academic records as SAQA requires for the National Learners' Records Database.

## **28. Official documents, marketing and advertising**

(1) With respect to all its official documents, advertising and marketing material, an institution must-

(a) comply with regulation 24(b);

(b) ensure that all information about its approved programmes and accreditation status is accurate; and

(c) make no false, fraudulent or misleading statements.

(2) An institution may not display on its letterhead, official documents, marketing or advertising material-

- (a) the national coat of arms of the Republic of South Africa;
- (b) the logo of the Department of Education;
- (c) the logo of the HEQC or the CHE.

(3) An institution may advertise any programme of recreational or general public interest in the areas of its academic and professional competence provided that it does not purport to lead to a qualification registered on the NQF.

(4) An institution may not market programmes contemplated in sub-regulation (3) as being accredited or approved by the CHE or registered by the Department of Education.

## **29. Information required by the registrar**

An institution must submit such information as the registrar may reasonably require for the purpose of monitoring compliance with the Act and maintaining the higher education information management system, including but not restricted to-

(1) an annual report to be submitted on or before 30 April of each year and comprising:

- i) audited annual financial statements as contemplated in section 57(1)(b) of the Act to be submitted by a date determined by the registrar in the form specified by the Department of Education;
- ii) an annual auditor's report as contemplated in section 57(2) of the Act to be submitted by a date determined by the registrar in the form specified by the Department of Education;
- iii) a certified copy of any agreement relating to the provision of academic or administrative services or the sharing of staff or facilities between the institution and another institution.
- iv) any other annual reporting information in a form specified by the registrar.

(2) information required in respect of the monitoring and evaluation contemplated in regulation 15; and

(3) any other information in a form specified by the registrar.



### **30. Lapse or cancellation of registration**

An institution that has been notified by the registrar that its provisional registration has lapsed in terms of regulation 17(3) or that its provisional registration or registration has been cancelled in terms of regulation 19 must-

(a) inform its students within 14 days from the date of the registrar's notice that its registration has lapsed or been cancelled and notify the students of the arrangements that will be made to safeguard their interests in terms of this regulation;

(b) issue to each enrolled student a copy of his or her academic transcript as contemplated in regulation 27(2);

(c) reimburse or compensate any enrolled student who has a lawful claim on the institution as a consequence of its ceasing to operate from funds established as contemplated in regulation 13(2);

(d) make adequate arrangements for affected students to complete their programmes at a comparable public or private institution; and

(e) cease operating before or at the end of the academic year, and any institution that fails to comply is guilty of an offence in terms of section 66 of the Act.

## **CHAPTER 7 APPEALS**

### **31. Procedure**

(1) Subject to section 64 of the Act, an interested person who appeals against a decision of the registrar must lodge the appeal in writing with the Minister within 60 days of the date of the registrar's decision.

(2) An appeal document must specify-

(a) the decision being appealed;

(b) the grounds for the appeal;

(c) the remedy being sought.

(3) The Minister must decide an appeal within 60 days of its being lodged unless there are compelling reasons for delay and the Minister has informed the appellant accordingly.

## **CHAPTER 8 GENERAL AND TRANSITIONAL ARRANGEMENTS**

### **32. Conflict of interest**

The registrar or any employee contemplated in section 50 of the Act must not-

- (a) have a financial interest in any institution or applicant for registration;
- (b) be a member of the governing body of any institution or applicant for registration;
- (c) engage as a consultant to any institution or applicant for registration.

### **33. Transitional arrangements**

- (1) Subject to the Act, institutions registered prior to these regulations must comply with the requirements for registration by 31 December 2004.
- (2) Subject to the Act, applicants that lodge an application for registration prior to these regulations and are registered or provisionally registered after 1 April 2003 and before 31 July 2003 must comply with the requirements for registration by 31 December 2004.

### **34. Appendices**

Appendices 1 to 11 will be published in the Government Gazette on or before 28 February 2003.

### **35. Short title and commencement**

These regulations are the Regulations for the Registration of Private Higher Education Institutions, 2003 and come into effect on 1 April 2003.

**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID****No. R. 1534****13 December 2002****DETERMINATION IN TERMS OF SECTION 50****BCEA 7**

The Minister of Labour, make the following determination in terms of Section 50(8)(c) of the Act:

**1. The following sections of the Act are replaced or excluded:**

Sections 10(1)(b)

**2. Extent of the variation:**

That the weekly overtime limitation of 10 hours per week be exceeded by not more than 10 hours per week.

**3. Employers or employees in respect of whom the determination applies:**

Employees involved in the making of wine employed by Cooperative Cellars and the private Wine Estates as listed in annexure A.

**4. Conditions on which determination is granted:**

- (a) Overtime is worked voluntary or as agreed collectively;
- (b) That overtime worked in excess of 10 hours per week be remunerated at 1¾ times the ordinary hourly rate; and
- (c) That the conditions stipulated in section 14 and 15 of the Act are complied with.

**5. Period for which the determination is granted:**

From 1 January 2003 until 30 April 2003.

**SIGNED** under delegated authority in terms of section 85 of the Basic Conditions of Employment Act, 1997 at Pretoria on this the 3<sup>rd</sup> day of December 2003.

**DIRECTOR GENERAL: LABOUR**

## ANNEXURE A

ADRIAN FRATER TRUST  
AKHO PROPERTY INVESTMENTS (PTY) LTD  
ALBERTINIA POORT PLASE  
ALERS J J  
ALTO WYNLANDGOED (EDMS) BPK  
AMANI VINEYARDS (PTY) LTD  
AMBELOUI WINE CELLAR  
AMSTENBERG HOUSE (PTY) LTD  
ANGLO AMERICAN FARMS LTD  
ANTHONY DE JAGER WINES  
APPELSDRIFT KOOP WYNKELDER BPK  
ASA FARMING (PTY) LTD T/A BEAU SOLEIL  
ASARA WINE ESTATE (PTY) LTD  
ASCHE P T/A CLOS DU CIEL  
ASHANTI ESTATES (PTY) LTD  
AUDACIA ESTATE (PTY) LTD  
AUSTIN WINE FARM (PTY) LTD  
AVONTUUR ESTATE (PTY) LTD  
A W EKSTEEN BOERDERY (EDMS) BPK  
BACKSBERG TRUST  
BARTHO EKSTEEN WINES  
BARTINNEY CELLARS (PTY) LTD  
BASSENBERG (EDMS) BPK H/A ORMONDE ESTATE  
BAUERMEISTER J B  
BELLIS PERENIS TRUST (ARAUNA)  
BENADE P J  
BERGSIG LANDGOED BAINSKLOOF BK  
BESTBIER JNR P J  
BEYERSKLOOF  
BEZUIDENHOUT M E J H/A DYASONSKLIP  
BIANCO L A (DE HEUVEL)  
BILTON WINES  
BLAAUWKLIPPEN AGRIC ESTATES (PTY) LTD  
BLOEMENDAL TRUST  
BLUE CREEK WINES / WYNE  
BLUE RIDGE VINEYARDS (PTY) LTD  
BOEKENHOUTSKLOOF (PTY) LTD  
BONFOI WYNLANDGOED BK  
BOPLAAS LANDGOED  
BOSCHKLOOF WINES (PTY) LTD  
BOSMAN J J (BOSMAN WINES)  
BOTH A T C JR  
BOTTELARY WYNKELDER INTERNASIONAAL (EDMS) BPK  
BOUCHARD FINLAYSON (PROPRIETARY) LIMITED

BOUMA T L T/A ANURA VINEYARDS  
BOWE VINEYARDS (STELLENBOSCH) (PTY) LTD  
BRIGIS TRUST  
BRUWER (EDMS) BPK ERNST  
BRUWER A S  
BUITENVERWACHTING FARM TRUST  
BURGER J M  
BUYS D  
CALITZ W J  
CAMERER R A  
CAPAMIS PTY LTD (DEVON HILL)  
CAPE BAY WINES (PTY) LTD  
CAPE CHAMONIX WINE FARM  
CAPE GATE (PTY) LTD  
CAPE SWISS FARMS (PTY) LTD  
CEDERBERG KELDERS (EDMS) BPK  
CHATEAU MICHEL (SHALIMAR)  
CILLIERS S H Z  
CLARIUS FARMING CC  
CLOS CABRIERE (PTY) LTD  
CLOVELLY WINES  
COLLINS A  
COLYN S W H/A KONINGSRIVIER  
COMPAGNESDRIF FARM  
CONSTANTIA UITSIG  
CORNELISSEN A J  
COWLIN WINES (PTY) LTD  
DALE VINEYARDS  
DAVID FROST WINES  
DE GOEDE SUKSES TRUST  
DE KOCK G C  
DE MEYE WINES (PTY) LTD  
DE VILLIERS G T/A MONT ROCHELLE  
DE VILLIERS P & H  
DE VILLIERS V H/A DE VILLIERS WINES  
DE WAAL JR W D H/A SCALI  
DE WETSHOF LANDGOED TRUST  
DEETLEFS J DE W  
DELAIRE WINES/QUINAN  
DELHEIM WINES (PTY) LTD  
DELLRUST WYNE (EDMS) BPK  
DENDY YOUNG J N T/A LA PETITE FERME  
DEPT VAN LANDBOU WES - KAAP  
DEPT WINGERD- EN WYNKUNDE (DIE HOOF)  
DEVONAIR FARM (PTY) LTD  
DEVON VALLEY VINEYARDS (PTY) LTD

DIAMANT TRUST  
DIE BAKEN FARMS (PTY) LTD( LINTON PARK WINES)  
DIE KRANS LANDGOED  
DIEMERSDAL BOERDERY  
DIEMERSFONTEIN WINES (PTY) LTD  
DIEU DONNE VINEYARDS  
DOMEIN DOORKRAAL( EDMS) BPK  
DONTAIR (PTY) LTD  
DORNIER WINES (PTY) LTD  
DOWLING H B  
DREYER P G V (REMHOOGTE)  
DU TOIT P G  
DU TOIT BROERS LANDGOED  
DU TOIT D J H/A TANSIEDOR EEN (EDMS) BPK  
DU TOIT I F V D M  
DU TOIT JR M P  
DUMAS ONDERNEMINGS  
DURBANVILLE HILLS  
E B R PRODUCTS H/A SEIDELBERG WYNLANDGOED  
EDUARD HAUMAN BRINK FAMILIE TRUST  
EIKEHOF WYNE BK  
EIKENDAL VINEYARDS( PTY) LTD  
ELDORADO WINES  
EMERALD GLEN VINEYARDS (PTY) LTD  
ENTHOVEN J  
ETTIENNE LE RICHE WYNE (EDMS) BPK  
EVERSON W E  
EXCELSIOUS WYNE  
EXCELSIOR BOERDERY RAWSONVILLE  
EXCELSIOR LANDGOED  
EXCELSIOR VLAKTEPLAAS  
FARMPROPS 17 (PTY) LTD  
FAURE HOULDINGS  
FERREIRA G T  
FLAGSTONE WINERY  
FORRESTER K T  
FORT SIMON (EDMS) BPK  
FRIEDMAN R  
FULLIMPUT 146 (PTY) LTD  
FULLIMPUT 1494 CC  
G R T FARMING & FINANCIAL  
GENTIS TRUST F V  
GIROSOLO  
GLEN CARLOU VINEYARDS  
GLENHURST WINE FARM (PTY) LTD  
GRACELAND VINEYARDS (PTY) LTD



GRANGEHURST WINERY (PTY) LTD  
GROENEWALD D R  
GROOT CONSTANTIA TRUST  
GROOTE POST FARMS (PTY) LTD  
GRUNDLINGH B D L  
GUNN A T/A IONA  
HAMERSMA ANDRE H/A ANATO WYNE  
HAMILTON RUSSEL VINEYARDS  
HANEKOM P J H/A NUWERUS & BERGSIG BOERDERY  
HANNES VAN NIEKERK TRUST (KNORHOEK)  
HARTENBERG FARM (PTY) LTD  
HAVANA HILLS  
HAZENDAL WYNLANDGOED (EDMS) BPK  
HIDDEN D C T/A HIDDEN VALLEY WINES  
HILDENBRAND R T/A HILDENBRAND ESTATE  
HILLCREST FARMING PARTNERSHIP  
HISTORIC WINE FARM FRAAI UITZICHT CC  
HOFFMAN J M P T/A BLOUPUNT WINES  
HOLT LEISURE PARK (PTY) LTD T/A DOOLHOF WINE FARM  
HOPEFULL TRUST T/A MONT DESTIN WINE FARM  
HOUDAMOND TRUST  
HOUGH E J LE R  
HOUWHOEK TRUST  
HUNDY P A  
INGWE WINE ESTATE (PTY) LTD  
IRENE BRUWER FAMILIE TRUST  
J H MALAN BOERDERY  
J P BREDELL WYNE  
JACKSON M  
JAN DU TOIT & SEUNS (EDMS) BPK  
JAN JOOSTE FAMILIE TRUST  
JEAN DANEEL WYNE BK  
JEAN PARKER TRUST  
JONKER J P W  
JONKERSHOEK CELLARS T/A OUDE NEKTAR WINE ESTATE  
JOOSTENBERG FARM  
JORDAAN BROERS  
JORDAAN H  
JORDAAN S A ADV  
JORDAN WINERY  
JORGENSEN J R C  
JOUBERT A P (KOELENHOF BOERDERY)  
JOUBERT J A  
KANGRA GROUP (PTY) LTD (COASTAL)  
KANGRA GROUP (PTY) LTD (MADEBA FARM)  
KANONKOP WYNLANDGOED (EDMS) BPK

KANU VINEYARDS (PTY) LTD  
KEERWEDER  
KLEIN CONSTANTIA FARM( PTY) LTD  
KLEINE UITZICHT WINES (PTY) LTD H/A DE TOREN  
KLEINE ZALZE  
KLOMPZICHT  
KLOOVENBURG PLASE (EDMS) BPK  
KLUE M  
KOCH P DE W (STONEWALL)  
KRUGER A D  
KUMQUAT (PTY) LTD  
L & M WYNKELDER  
L AVENIR FARM (PTY) LTD  
L ORMARINS (EDMS) BPK  
LA BRI  
LA MOTTE WYNLANDGOED  
LAIBACH VINEYARDS (PTY) LTD  
LAMMERSHOEK WINERY  
LANDS END WINES  
LANZERAC LANDGOED (EDMS) BPK  
LATEGAN G M M (DOMAINE BRAHMS)  
LAUBSCHER N E J  
LE BONHEUR WYNLANDGOED (EDMS) BPK  
LE GRAND CHASSEUR  
LE GRANGE J D J  
LE ROUX J G  
LEE AND JONES  
LEIDERSBURG TRUST  
LINDHORST M W (DRAAIHOOGTE)  
LNR INFRUITEC-NIETVOORBIJ ( DIE DIREKTEUR)  
LOUBSER J J H/A RUSTENBURG PLASE  
LOUIS DE WET TRUST  
LOUISVALE WINES STELLENBOSCH (PTY) LTD  
LOUW H S  
LOUW L H  
LUSHOF WINE ESTATE (PTY) LTD  
LYDDELL D R  
MAIN STREET WINERY  
MAKUNA MATATA PLASE (PTY) LTD H/A M M FARMS  
MALAN BOERDERY TRUST  
MAPUMALANGA AGRICULTURAL DEVELOPMENT CORP  
MARAIS P C  
MARAIS AND SON J L  
MARAIS HA DIE VLAKTE P  
MARSHALL CATHERINE T/A B W C  
MARTIN MEINERT TRUST T/A MEINERT WINES

MASKE E  
MASON'S HILL  
MATFLOR (EDMS) BPK  
MATZIKAMA WYNKELDER  
MC DONALD C A F  
MC NAUGHT N A C  
MEERHOF WYNKELDER  
MEERLUST LANDGOED  
MELLASAT WINE & FRUIT CC  
MEYER A H/A KLEINHOEKKLOOF WINES  
MEYER EN SEUN (EDMS) BPK C J  
MIDDELVLEI LANDGOED  
MIDDLEMOSTS  
MISCHA ESTATE  
MONT DU TOIT KELDER (EDMS) BPK  
MONTEROSSO WINE ESTATE  
MONT ROCHELLE MOUNTAIN VINEYARDS (PTY) LTD  
MOOIPLAAS TRUST  
MORAVIA BOERDERY BK  
MORGENHOF  
MORGENSTER CELLARS (PTY) LTD  
MOSSOP A R (AXHILL)  
MOSTERTSDRIFT  
MOUNTAIN M J (KERSFONTEIN)  
MOUTON EXCELSIOR WINE ESTATES  
MUISHOEK BOERDERY  
MULDERBOSCH VINEYARDS MESSRS( PTY) LTD  
MULDERSVLEI ESTATE (PTY) LTD  
MURATIE WINE FARM (PTY) LTD  
MYBURGH P R H/A MIJNBURG WYNE(KLIPDAM)  
NANNINO WINES CC  
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STELLENZIGHT  
NEIL ELLIS WYNE( EDMS) BPK MNRE  
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NELSON A J (ADV)  
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OERWOUD BOERDERY  
OEWERZICHT BOERDERY BK  
OETTL E E (DR)  
OLD VINES  
ONDERKLOOF ESTATE (PTY) LTD  
P C KELDERS (EDMS) BPK  
PARADYSKLOOF BOERDERY  
PATY A R C/O MR J J MOOLMAN

PILLMANN A H (GOEDVERTROUW)  
PLAAS 180/8 PAARL BK  
PORTION 7 KEERWEDER FARM CC  
POST HOUSE VINEYARDS CC  
PRITCHARD S A  
REMHOOGTE WINE ESTATE (PTY) LTD  
RETIEF BROERS  
RETIEF D  
REYNECKE H J  
REYNECKE TRUST JOHAN (UITZIGHT)  
RHEBOKSKLOOF FARMING AND TRADING (PTY) LTD  
RHENOSTERKOP FARMING INVESTMENTS (PTY) LTD  
RICKETY BRIDGE  
RIDON FAMILY VINEYARDS (PTY) LTD  
RIJK'S VINEYARDS (PTY) LTD  
RONDEBOSCH KELDERS (EDMS) BPK  
ROSSLO WINES  
ROSSOUW WYNKELDER BK  
ROUX PAUL  
ROUX W J Du P (SOMERSBOSCH)  
ROZENDAL FARM  
RUPERT & DE ROTHSCHILD VIGERONS (PTY) LTD  
RUSTENBERG WINES  
RUSTENHOF BOERDERY (EDMS) BPK  
RUST EN VREDE WYNLANDGOED (EDMS) BPK  
SHZ WINERY (PTY) LTD H/A BON CAP WINE ESTATE  
SAXENBURG (PTY) LTD  
SCHINDLER K K F  
SCHMIDTKE O G  
SCHMITZ & GOUWS  
SELLMEYER D  
SIMONSIG LANDGOED  
SIMONSVLEI LANDGOED  
SIYABONGA WINES  
SKUINSHUIS CELLAR  
SLALEY CELLARS (PTY) LTD  
SMIT T D H/A KRANSKOP  
SMIT (JR) W S ( LOUISENHOF)  
SMOOK A  
SMUTS R  
SPENGLER A P  
SPOOKY MOUNTAIN VINEYARDS (PTY) LTD  
SPRINGFIELD ESTATE  
SPRINGGROVE CELLAR (PTY) LTD  
STARKE TRUST J C F  
STEENBERG VINEYARDS

STEENKAMP J H J  
STELVEST BK  
STEYN BRAAM  
STEYN C P  
STEYTDAL FARMS  
STOFBERG J Du T  
STOFBERG J P J  
STONE J R  
STORMBERG TRUST  
STREICHER J J  
SWART C  
SYBRAND VAN DER SPUY BOERDERYE T/A CAPE POINT VINEYARDS  
TANBEE PROPERTIES(KLAWERVLEI)  
THE AVONDALE TRUST T/A AVONDALE WINERY  
THE BUSINESS ZONE 42 CC  
THE CLARET TRUST  
THE FAIRVIEW TRUST  
THE GLOVER FAMILY TRUST  
THE SADIE FAMILY  
THE SPICE ROUTE WINE COMPANY  
THELEMA MOUNTAIN VINEYARDS  
THERON J S  
TJUKS ROOS WYNE  
TOLEDO FRUIT (PTY) LTD  
TOPAZ WINE CC  
TRAFFORD D A  
TRAUVE ESTATE (PTY) LTD T/A AGUSTA WINES  
TROMP J H  
TURNER MORRIS HOLDINGS C/O GEEG DE BRUYN  
TURNER P (MEERRUST FARM)  
TWEЕ JONGE GEZELLEN (PTY) LTD  
UITERWYK WYNLANDGOED (EDMS) BPK  
UITKYK FARM ESTATES (PTY) LTD  
UVA MIRA VINEYARDS (PTY) LTD  
VAN DER BERG ADV H/A GROENE CLOOF WINE ESTATE  
VAN DER WALT D  
VAN NIEKERK D J (PUCK'S GLEN)  
VAN SCHAIK P J  
VAN SCHOOR BOERDERY BK H/A VOORSORG BOERDERY  
VAN VELDEN A J  
VAN ZYL G J J  
VAN ZYL J J M H/A BUITEHOF  
VAN ZYLSHOF TRUST  
VANSHA FARMS (PTY) LTD  
VELLER B W (NITIDA)  
VERGENOEGD WINE ESTATE

VERVEST N V  
VILJOEN M  
VILJOEN P  
VILJOEN W J R/-  
VILJOENSDRIFT ASSOCIATED WINERIES BK  
VIN DE PARR CC  
VINUM (PTY) LTD  
VLOK J L BOERDERY (EDMS) BPK  
VON ORTLOFF ESTATES (PTY) LTD  
VON REGEN WYNE BK  
VREDENBURGH LANDGOED (EDMS) BPK  
W S SMIT FAMILIETRUST  
WARWICK WINE ESTATE (PTY) LTD  
WATERFORD WINES (PTY) LTD  
WEBER F W  
WEIR S (EAGLEVLEI)  
WELGEMEEND WINE CC  
WELTEVREDE LANDGOED (EDMS) BPK  
WENTZEL FAMILIE TRUST JJ & EJ  
WHALEHAVEN WINES  
WILREZA KELDER BK  
WINDFALL WINE FARM CC  
WINES OF CORDOBA  
WITHOEK WYNKELDER  
WOLFSTREAM INVESTMENTS 19 CC  
WYNLAND BOERDERY BELANGE (EDMS) BPK  
YONDER HILL WINE FARMING (PTY) LTD  
YOUNG WAYS 24 (PTY) LTD  
ZANDDRIFT VINEYARDS (PTY) LTD  
ZANDVLIET ESTATES  
ZEVENWACHT WYNLANDGOED BPK  
AAN DE DOORNS KOOP WYNMAKERY BPK  
AGTERKLIPHOOGTE WYNKELDER KOOP BPK  
ASHTON KOOP WYNKELDER BPK  
AUFWAERTS KOOP WYNKELDER BPK  
BADSBERG KOOP WYNKELDER BPK  
BARRYDALE KOOP WYNMAKERY EN STOKERY BPK  
BOLAND WINGERDE INTERNASIONAAL BPK  
BOLAND WINGERDE INTERNASIONAAL BPK  
BONNIEVALE KOOP WYNKELDER BPK  
BOTHAKOOP WYNKELDER BPK  
BOVLEI KOOP WYNMAKERY BPK  
BRANDVLEI KOOP WYNKELDER BPK



CALITZDORP KOOP WYNKELDER BPK  
CITRUSDAL KOOP WYNKELDERS BPK  
DE DOORNS WYNKELDER KOOP BPK  
DE WET KOOP WYNKELDER BPK  
DU TOITSKLOOF KOOP WYNKELDER BPK  
FRANSCHHOEK WINGERDE KOOPERATIEF BPK  
GOUDINI KOOP WYNKELDER BPK  
GRIEKWALAND WES KOOPERASIE BEPERK  
GROOT EILAND KOOP WYNKELDER BPK  
HARTSWATER WYNKELDER (EDMS) BPK  
JONKHEER PLASE (KOOPERATIEF) BPK  
KANGO KOOPERASIE BPK  
KLAWER KOOP WYNKELDERS BPK  
KOELENHOF WYNKELDER BPK  
LADISMITH KOOP WYNMAKERY EN STOKERY BPK  
LANDZICHT WYNKELDER (KOOP) BPK  
LANGVERWACHT KOOP WYNMAKERY BPK  
LATEGANSKOP WYNKELDER (KOOP) BPK  
LOUWSHOEK VOORSORG KOOP WYNKELDER BPK  
LUTZVILLE WINGERDE BEPERK  
MAMREWEG PRODUSENTE (KOÖPERATIEF) BPK  
MCGREGOR KOOP WYNMAKERY BPK  
MERWESPONT KOOP WYNMAKERY BPK  
MERWIDA KOOP WYNKELDERS BPK  
MONTAGU KOOPERATIEWE WYNKELDER BPK  
NORDALE KOOP WYNKELDER BPK  
NUWEHOOP WYNKELDER KOOP BPK  
NUY WYNKELDER KOOP BPK  
ORANJERIVIERWYNKELDERS (KOOP) BPK  
ORANJERIVIERWYNKELDERS (KOOP) BPK  
ORANJERIVIERWYNKELDERS (KOOP) BPK  
ORANJERIVIERWYNKELDERS (KOOP) BPK  
ORANJERIVIERWYNKELDERS (KOOP) BPK  
ORANJERIVIERWYNKELDERS SAP DIVISIE  
OVERBERG KOOP WYNKELDER BPK  
OVERHEX VINEYARDS (PTY) LTD  
PERDEBERG WYNBOERE KOOP MPY BPK

PORTERVILLE KOOP KELDERS MY BPK  
RIEBEEK KELDER BPK  
RIETRIVIER WYNKELDER (KOOP) BPK  
ROBERTSON KOOP WYNMAKERY BPK  
ROMANSRIVIER KOOP WYNKELDER BPK  
ROODEZANDT KOOP WYNMAKERY BPK  
ROOIBERGSE KOOP WYNMAKERY BPK  
SIMONSVLEI INTERNASIONAAL BPK  
SLANGHOEK KOOP WYNKELDER BPK  
SPRUITDRIFT KOOP WYNKELDER BPK  
STETTYN WYNKELDER (KOOP) BPK  
SWARTLANDSE KOOP WYNMY BPK  
TRAWAL WYNKELDERS (KOOP) BPK  
TULBAGH KOOP WYNKELDER BPK  
UITVLUCHT KOOP WYNMAKERY BPK  
VILLIERSDORP KOOP BPK  
VLOTTENBURG WYNKELDER (KOOP) BPK  
VREDENDAL KOOP WYNKELDER BPK  
WABOOMSRIVIER KOOP WYNKELDER BPK  
WAMAKERSVALLEI KOOP WYNMAKERY BPK  
WELLINGTON KOOPERATIEWE WYNKELDER BEPERK  
WINDMEUL KOOP WYNKELDER BPK  
BENEDE BERGRIVIER KOOP

**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID**

No. R. 1531

13 December 2002

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF THE TANNING  
SECTION 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 Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council of the Leather Industry of South Africa, 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 23 December 2002, and for the period ending 30 June 2003.

**M. M. S. MDLADLANA**

Minister of Labour

No. R. 1531

13 December 2002

**UMNYANGO WEZEMISEBENZI**

UMTHETHO WEZEMISEBENZI, KA 1995

**IMBONI YEZIKHUMBA YASENINGIZIMU AFRIKA: UKWELULWA KWESIVUMELWANO SIKAWONKEWONKE  
SINEZELELA KWINGXENYE YEZINTO ZESIGABA ESISHUKA ISIKHUMBA KULABO ABENGWONA AMALUNGU**

Mina, Membathisi Mphumzi Shepherd Mdladlana, uNgqongqoshe wezemisebenzi ngokwesigaba 32 (2) soMthetho wobuDiekwano kwezemisebenzi, ka 1995 (Labour Relations Act, 1995), ngiyamemezela ukuthi iSivumelwano sika Wonkewonke esinezelelwa kwiShedull yeSingisi exhunyiwe lapha, esahlangiswa emkhadlwini kaZwelonke wokuXoxisana kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesikhumba eNingizimu Afrika (National Bargaining Council of the Leather Industry of South Africa) futhi esiyisibhobo ngokwesigaba 31 soMthetho wobuDiekwano kwezemisebenzi, ka 1995 (Labour Relations Act, 1995) kulawo maqembu ahlanganisa isinezelelo sesivumelwano leso, siyababopha nabanye abaqashi nabaqashwa kulowo mkhakha wezibomi, kusekela ngomhlaka 23 December 2002, nangesikhathi sonke esiyophela mhla ziwu 30 June 2003.

**M. M. S. MDLADLANA**

Ungqongqoshe Wezemisebenzi

**Qaphela:** Amakhophi alesi sivumelwano esiZulu ayatholakala eMkhadlwini kaZwelonke wokuXoxisana ngamaHolo weziMboni zesikhumba eNingizimu Afrika uma usicela.

**SCHEDULE**

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA**

**COLLECTIVE AGREEMENT: TANNING SECTION**

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

**South African Tanning Employers' Organisation (SATEO)**

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

**Southern African Clothing and Textile Workers' Union and the National Union of Leather and Allied Workers**

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

being parties to the National Bargaining Council of the Leather Industry of South Africa, to extend and amend the Agreement published under Government Notices Nos. R. 1318 of 6 November 1998, R. 287 of 12 March 1999, R. 1017 of 27 August 1999, R. 47 of 28 January 2000, R. 555 of 9 June 2000, R. 128 of 9 February 2001, R. 389 of 18 May 2001, R. 823 of 7 September 2001, R. 1230 of 30 November 2001 and R. 693 of 17 May 2002.

**1. SCOPE OF APPLICATION OF AGREEMENT**

(1) The terms of this Agreement shall be observed in the Tanning Section of the Leather Industry—

- (a) in the Republic of South Africa, which includes the former Republic of Transkei, the former Republic of Bophuthatswana, the former Republic of Venda and the former Republic of Ciskei, as well as the former self-governing territories of KwaZulu, Qwaqwa, Lebowa, Gazankulu, KaNgwana and KwaNdebele;

- (b) 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 or employed in the said section of the Industry.

(2) The terms of this Agreement shall apply to employees for whom wages are prescribed in terms of this Agreement, and to employers of such employees.

(3) The terms of this Agreement shall not apply to non-parties in respect of clause 1 (1) (b), 2(1) and 7.

## 2. DATE AND PERIOD OF OPERATION

(1) This Agreement shall come into operation for the parties on 1 July 2002, and remain in force for the period ending 30 June 2003.

(2) This Agreement shall come into operation for non-parties on such date as the Minister of Labour extends the Agreement to them, and shall remain in force for the period ending 30 June 2003.

## 3. CLAUSE 3: DEFINITIONS

Substitute the following for clause 3:

"All expressions used in this Agreement which are defined in the Labour Relations Act, No. 66 of 1955, shall have the same meaning as in that Act; and unless the contrary intention appears, words implying the masculine shall include the feminine, and—

'**Act**' means the Labour Relations Act, No. 66 of 1995;

'**assistant splitter**' means an employee who assists in feeding the hide into the front of the splitting machine;

'**boiler attendant**' means an employee who is employed on maintaining steam pressure and water content in any boiler, and who may also be employed on the making and maintaining of fires;

'**brushing**' means the application by hand of a base coat or pigment to a pre-dyed skin;

'**buffing**' means the removal by hand or machine of the fibres from the flesh or grain leather side to obtain a smooth, even surface;

'**chemical weighing**' means weighing and pre-batching chemicals to formula specifications;

'**colour matching**' means verifying and adjusting a colour to match the requiring shade;

'**colour mixing**' means weighing/measuring, blending and mixing various colour components to specific formulas to obtain the required shade;

'**component packing**' means packing and labelling component kits to specification;

'**component splitting**' means reducing cut leather components to the required substance by machine;

'**conditioning**' means the preparation of the hide for staking or milling by a moistening process;

'**Council**' means the National Bargaining Council of the Leather Industry;

'**crust sorter**' means a person who sorts and grades hides and skins in the crust state;

'**crust coating**' means the application of a coating mixture to leather in a continuous film;

'**cutter 1**' means an employee who examines the leather, marking any defects, flaws or marks prior to cutting it;

'**cutter II**' means an employee who cuts the leather after defects, flaws and marks have been identified by the hide marker;

'**despatch clerk**' means an employee who is responsible for receiving goods into or from a store or warehouse or from departments for despatch or delivery and who is responsible for the packing and/or assembling of such goods, the checking of packages and the mass-measuring, marking or addressing thereof;

'**district Committee**' means a committee established in terms of the constitution of the Council to administer agreements in a particular area;

'**day worker**' means an employee who is required or permitted to work on such basis that the majority of his ordinary hours of work fall between the hours of 06:00 and 18:00 and daywork has a corresponding meaning;

'**drum operator**' means an employee responsible for all facets of the drum functions required in the liming, tanning and dyeing processes;

'**dry cleaning**' means softening and extracting the natural fat content from the skin by means of a chemical wash;

'**dyeing**' means converting tanned hides or skins into a specific colour with colourants by means of a process;

'**embossing/printing**' means imprinting a pattern or design by means of a pattern roller onto the leather surface;

'**emergency work**' means—

- (a) work which needs to be done without delay because of fire, accident, storm, epidemic, act of violence, looting, breakdown of plant or machinery; or
- (b) work which cannot be done within normal working time, such as overhauling or repairing plant or machinery, or handling products, which needs to be done without delay owing to the perishable nature of such products.

'**establishment**' means any place in which any operations in connection with the Industry are carried on;

'**experience**' means the total period(s) of employment which an employee has had in the industry;

- 'final inspector'** means an employee who examines cut leather components for quality, colour and substance;
- 'final sorter'** means an employee who sorts, grades and examines finished leather for quality, texture, finish, colour variation and defects;
- 'fleshing'** means the removal of all excess fat and flesh from the raw soaked hide or skin by hand or machine;
- 'flesh trimming'** means the removal of all loose hanging sections not suitable for further processing, before or after fleshing of the hide or skin;
- 'fork-lift driver'** means an employee who drives and operates a mobile hoist for the purpose of transporting, loading and unloading goods;
- 'general worker'** means an employee who is employed on unskilled, manual work including all types of cleaning, carrying, loading or unloading of vehicles, making of beverages, assisting on delivery vehicles, collection or delivery of mail and messages, marking of packages and bales, effluent disposal, feeding hides or skins on to conveyors or transporters, and the physical handling of hides and skins in all departments;
- 'glazing'** means producing a bright, glossy or glasslike finish on the grain surface of the leather;
- 'half-day'** means half the ordinary working period at an establishment;
- 'hand cutting'** means cutting components from patterns by hand;
- 'hand spraying'** means the application of a finishing colour coat to the leather surface by means of a spray gun;
- 'hadyman'** means an employee who effects minor repairs to machinery and equipment, and carries out maintenance to buildings;
- 'hand drying'** means the reduction of the moisture content of semi-processed leather by a drying process;
- 'hide marker'** means an employee who examines the finished leather for quality, substance, defects and colour variation, marking defects, flaws and marks for efficient component cutting;
- 'hide stamping'** means imprinting or stamping an identification code on the hide by hand or machine;
- 'hourly rate'** means the rate prescribed in terms of this Agreement, excluding overtime, incentives or allowances, but where an employee earns a premium rate, it means the higher rate;
- 'hydraulic press operator'** means an employee who embosses a pattern on to a leather surface with a heated plate;
- 'industry'** means the Tanning Section of the Leather industry;
- 'laminating'** means attaching a foam, fabric or film backer to the leather component by means of a heating process;
- 'lay-out'** means measuring the cut component against the master template to verify cutting accuracy;
- 'learner'** means an employee who is employed to learn one or more operations in the Industry;
- 'leather industry'** or **'industry'** means the industry in which employers and their employees are associated for one or more of the following:
- (1) manufacture of—
    - (a) footwear, excluding bespoke footwear;
    - (b) travel goods and requisites, including suitcases, trunks, travelling bags, folding bags, sling bags, shopping bags, knitting bags and school bags, satchels, rucksacks, attache, brief and vanity cases, and other similar containers;
    - (c) harnesses, saddlery, bridles, saddle bags, girths, leggings, stirrup straps and other similar equipment, wallets, purses, tobacco pouches, cases and boxes for jewellery, musical instruments, binoculars, arms, footwear, bottles, cigarettes, cigars and pipes, dog collars and leads, watch straps, rug straps, belts, braces, suspenders, garters, armlets, (excluding belts, braces, suspenders, garters and armlets manufactured from cloth) and other similar articles designed and substitutes;
    - (d) handbags and other bags, and containers designed to hold ladies' and gentlemen's personal effects;
    - (e) footballs, punch balls, netball balls and boxing gloves;
    - (f) hockey and cricket balls;
  - (2) (a) for the tanning, dressing and fellmongering of hides and skins; and
    - (b) (i) preparation for cured or uncured hides and/or skins for tanning; and for the purpose hereof preparation of hides and/or skins for tanning without detracting from its ordinary or technical meaning, includes any of the following:



Washing, soaking, fleshing, deburring, liming, unhairing, dewooling, removing scales, deliming, batting and pickling; and

- (ii) the tanning of cured or uncured hides and/or skins; and/or
- (iii) the retanning and/or deying and/or drying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating of leather and/or the combing and/or shearing and/or ironing of hides and/or skins with the wool or hair on; and
- (iv) the cutting of upholstery panels from leather: Provided that, for the purposes of subparagraphs (i) to (ii) hides and skins, including the following:

Pelts with or without the fur on; sheep skins with or without the wool on; game and goat skins with or without the hair on; all types of reptile skins, and bird skins, with or without the feathers attached:

Provided further that the activities listed under subparagraphs (1) (b) and (c) shall not include—

- (aa) the manufacture of metal components and/or attachments;
- (bb) the manufacture of canvas bank bags, canvas kit bags, canvas rucksacks, canvas haversacks, canvas sampling bags and canvas explosives bags;
- (cc) the manufacture of any article from rubber;
- (dd) the manufacture of any article or the practice of any trade or occupation covered by the Printing Industry which, without in any way limiting the generally accepted meaning of the term, means the industry or undertaking in which employers and employees are associated for the production of printed matter of any nature whatsoever;
- (ee) the manufacture of any article from metal or any kind of container (with or without metal parts) from fibre and/or cardboard (corrugated or otherwise) and/or paper or any compound of paper, and/or any like material, a constituent part of which is fibre and/or cardboard and/or paper and/or any constituent of paper and/or plastic, but excluding the manufacture wholly or mainly from fibres or plastic sheeting material of trunks, attache cases, bags and all similar containers designed to hold personal effects, musical instruments and sporting kit, and or the purposes hereof the word plastic as contained in the above paragraph means any of the group of materials which consist of or contain as an essential ingredient, an organic substance of a large molecular mass, and which, while solid in the finished state, at some stage in its manufacture has been or can be forced, i.e. cast, calendered, extruded or moulded into various shapes by flow, usually through the application singularly or together of heat and pressure;

**'liming'** means de-hairing and plumping the raw hide by means of a chemical process;

**'measuring'** means the calculation of the area of the hide, skin or finished leather by means of an electronic device or any other type of measuring equipment;

**'milling'** means softening the semi-finished or finished hide or skin by pummelling in a revolving drum;

**'motor vehicle driver'** means an employee who drives a motor vehicle, and for the purposes of this definition, the expression driving a motor vehicle includes all periods of driving, any time spent by the driver on work connected with the vehicle or load, and all periods during which he is obliged to remain at his post in readiness to drive, and for the purposes of this Agreement, a motor vehicle driver shall be classified as follows:

- (a) Motor vehicle delivery driver means a driver of a vehicle who requires a code 10 licence or higher; and
- (b) motor vehicle general driver means a driver of a vehicle who requires a code 9 licence or lower;

**'night allowance'** means the allowance payable to an employee employed on night work based on 42 ordinary hours per week.

**'night worker'** means an employee who is required or permitted to work on such a basis that the majority of his ordinary hours of work fall between the hours of 18:00 and 06:00 and "nightwork" has a corresponding meaning;

**'nylon replacer'** means an employee who replaces damaged nylon transporting runners on conveyors or transporters;

**'pasting'** means the positioning of leather on a pre-sprayed pasted plate for the purpose of flattening, stretching and correcting moisture by a controlled drying process;

**'perforating'** means perforating or pin punching leather components;

**'piece-work'** means work which is remunerated according to quantity or output of work done;

**'pilot plant operator'** means an employee who is engaged in the production of leather samples;



- 'polishing'** means acquiring the required sheen on the leather surface by means of a high-speed polishing roller;
- 'premium'** means the difference between an employee's actual wage (excluding overtime, incentives and shift allowances) and the prescribed wage;
- 'qualified employee'** means an employee who is by competency entitled to receive the full wage for the operation in which is is employed;
- 'roller coating'** means applying coating mixtures to the leather surface by means of a revolving roller;
- 'rotor pressing'** means glazing, ironing or embossing the leather surface by means of a smooth or engraved heated roller;
- 'rotor spraying'** means the application of various mixtures and finishes to the leather by means of spray guns attached to a rotating carousel;
- 'rounding'** means cutting by hand untanned hides into bends, bellies, shoulders or backs;
- 'sammying'** means the removal of excess moisture from the fibres of the hides and skins;
- 'Secretary of the Council'** means the General Secretary of the Council or anyone appointed to act in his place;
- 'security guard'** means an employee engaged in guarding, protecting or patrolling premises, including searching vehicles and persons;
- 'setting'** means flattening, stretching and smoothing the grain of the leather by squeezing out excess moisture;
- 'shaving'** means removing any loose flesh fibres and reducing the hide to a specific substance;
- 'shift allowance'** means the allowance payable to employees employed to work shifts of less than 42 ordinary hours per week and shift has a corresponding meaning;
- 'sole rolling'** means compressing loose fibres of the bend to the required density, flattening the grain and creating a gloss/sheen;
- 'split sorter'** means an employee who sorts and grades flesh splits for quality;
- 'splitting'** means the splitting of limited or tanned hides into two layers, i.e. grain and flesh split;
- 'spray gun mechanic'** means an employee who repairs and maintains spraying equipment in working condition;
- 'staking'** means softening the leather by flexing the fibres and flattening the creases by pummelling with vibrating staking pins;
- 'stamping/piece marking'** means embossing or imprinting identification codes or details on components;
- 'storeman and/or warehouseman'** means an employee who is in general charge of stores and whose responsibilities and duties include receiving goods into store, storing and handling such goods, delivery thereof to departments or for transit and/or (un)packing within the store;
- 'stores assistant and/or warehouse assistant'** means an employee who mainly performs one or more of the operations referred to in the definition of "storeman and/or warehouseman" under the supervision of a storeman and/or warehouseman;
- 'tanning'** means the processing of a dehaired, limed raw hide into a permanent non-putrefying wet blue, wet white or vegetable tanned hide by means of a chemical process;
- 'Tanning Section'** means that part of the Leather Industry in which employers and employees are associated—
- (a) for the tanning, dressing and fellmongering of hides and skins; and for—
  - (b) (i) the preparation of cured or uncured hides and/or skins for tanning, and for the purposes hereof preparation of hides and/or skins for tanning without detracting from its ordinary or technical meaning, includes any of the following: Washing, soaking, fleshing, deburring, liming, unhairing, dewooling, removing scales, deliming, batting and pickling; and
  - (ii) the tanning of cured or uncured hides and/or skins; and/or
  - (iii) the retanning and/or dyeing and/or dying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating of leather and/or the combing and/or shearing and/or ironing of hides and/or skins with the wool or hair on; and
  - (iv) the cutting of upholstery panels from leather: Provided that, for the purpose of sub-paragraphs (i) to (iii), hides and skins include the following: Pelts with or without the fur on; sheep skins with or without the wool on; game and goat skins with or without the wool on; game and goat skins with or without the hair on; all types of reptile skins and bird skins with or without the feathers attached;
- 'template controller'** means an employee who controls and co-ordinates the issuing of press knives or patterns for cutting component parts;
- 'toggling'** means stretching and clamping the hide or skin on a frame for the purpose of removing stretch and drying;
- 'tractor driver'** means an employee who is engaged in driving a motor vehicle designed for drawing other vehicles and not carrying any load;

'trimming after shaving' means the removal of all loose hangings and fibres around the perimeter of the hide or skin by hand;

'vacuum drying' means flattening, stretching and correcting moisture content by means of a heat and vacuum process;

'wage' means the actual hourly rate that the employee receives (excluding overtime, bonus and incentives) and includes a premium where the employee is paid a premium;

'weekly wage' means the hourly rate prescribed in terms of this Agreement multiplied by the ordinary hours which an employee works in terms of this Agreement;

'wet blue sorter' means an employee who sorts and grades the wet blue hides for quality;

'wool-skin processing' means the processing of skins with the wool on"

#### 4. CLAUSE 5: HOURS OF WORK

1. Substitute the following for clauses 5.1 (1) and (2) — ordinary hours of work:

"(1) An employer may not require or permit an employee to work more than 42 ordinary hours per week.

(2) An employer and his employees may, however, negotiate at plant level to extent the 45 ordinary-hour working week to a 45 ordinary-hour working week."

2. In clause 5.5 (3) "Short-Time" substitute the expression "security guard" for the expression "night watchman".

#### 5. CLAUSE 6: LEAVE

Delete paragraphs (9), (10), (11) and (12) of clause 6.1. Renumber paragraphs (13), (14), (15), (16) and (17) to read (9), (10), (11), (12) and (13). In paragraph (12), amend the figure "(15) (c)" to read "(11) (c)".

#### 6. CLAUSE 7: REMUNERATION

1. Substitute the following for clause 7.1 (1):

"(1) An employer shall pay an employee at least the wages prescribed in terms of this clause for the operation performed by the employee—

#### WAGE AND WAGE RATES

	Rate per hour
<b>A. The following wage rates shall be paid to qualified employees in the Lime/Tan Yard, Shaving, Splitting, Dyeing, Drying and Finishing Sections:</b>	
Band A1 employees engaged in—	
SPLITTING .....	18,07
ROUNDING .....	14,55
Band A2 employees engaged in—	
SHAVING.....	15,49
Band B employees engaged in—	
HAND SPRAYING AND PILOT PLANT OPERATING .....	14,42
COLOUR MATCHING, GLAZING, HAND TIPPING AND POLISHING .....	13,59
Band C employees engaged in—	
ASSISTING SPLITTER, BRUSHING, BUFFING, CHEMICAL WEIGHING, COLOUR MIXING, CURTAIN COATING, EMBOSsing/PRINTING, FLESHING (HAND OR MACHINE), HYDRAULIC PRESS, MEASURING, PASTING, PADDING, ROLLER COATING, ROTOR PRESS, ROTAR SPRAYING, SAMMYING, SETTING, SOLE ROLLING, STAKING AND VACUUM DRYING....	13,45
HIDE STAMPING .....	12,65
CONDITIONING, DRUM OPERATING, INCLUDING DRY CLEANING MACHINE AND TRIMMING AFTER SHAVING .....	12,51
Band D employees engaged in—	
FLESH TRIMMING, HANG DRYING, MILLING, TOGGLING AND GENERAL WORKERS ON OPERATIONS AS DEFINED IN DEFINITION OF "GENERAL WORKER" .....	12,39
Learners employed on operations specified in Bands A1, A2 and B and C shall be paid on the following basis:	
FIRST SIX MONTHS OF EXPERIENCE .....	80% of prescribed wage
SECOND SIX MONTHS OF EXPERIENCE .....	90% of prescribed wage

	Rate per hour
<b>B. The following wage rates shall be paid to qualified employees engaged in examining and/or sorting for quality:</b>	
Crust Sorter—Band B .....	13,59
Final Sorter—Band A.1 .....	14,55
Split Sorter—Band C .....	13,45
Wet Blue Sorter—Band A.1 .....	14,55
<b>C. The following wage rates shall be paid to qualified employees engaged in Wool-Skin Processing and on Operations not elsewhere specified:</b>	
Combing—Band C .....	12,80
Ironing—Band C .....	12,80
Shearing—Band C .....	12,80
Carding—Band C .....	12,80
Cutting to Patterns—Band C .....	12,60
Stitching by Machine—Band C .....	13,04
<b>D. The following wage rates shall be paid to qualified employees in the—</b>	
Component Cutting Section:	
Band A1 employees engaged in—	
CUTTER .....	15,66
FINAL INSPECTING .....	14,55
Band A2 employees engaged in—	
HAND CUTTING .....	14,55
Band B employees engaged in—	
CUTTER II AND HIDE MARKING .....	14,42
COMPONENT SPLITTING .....	13,22
Band C employees engaged in—	
COMPONENT PACKING, LAMINATING, LAYING OUT, PERFORATING, STAMPING (PIECE MARKING) AND TEMPLATE CONTROL .....	12,65
Band D employees engaged in—	
General Workers on operations as defined in the definition of 'General Worker' .....	12,39
Learners employed on operations specified in Bands A1, A2, B and C shall be paid on the following basis:	
First six months of experience .....	80% of prescribed wage
Second six months of experience .....	90% of prescribed wage
<b>The following wage rates shall be paid to employees other than those referred to in A, B and C:</b>	
<b>E. Drivers:</b>	
Motor Vehicle Delivery Driver: Band A2 .....	14,35
(Code 10 licence or higher)	
Motor Vehicle General Driver: Band B .....	13,42
(Code 9 licence or lower)	
Forklift Driver Band C .....	13,45
Tractor Driver Band B .....	13,42
<b>F. Boiler Attendant Band C .....</b>	12,65
<b>G. Security Guard Band C .....</b>	12,65
<b>H. Storeman and/or Warehouseman Band B .....</b>	13,11
Store Assistant and/or Warehouseman Assistant Band C .....	12,65
<b>I. Despatch Clerk Band B .....</b>	13,11
<b>J. Handyman Band B .....</b>	12,87
<b>K. Nylon replacer Band D .....</b>	12,39
<b>L. Spray Gun Mechanic Band B .....</b>	14,42"

2. Substitute the following for clause 7.1 (2):

"(2) The prescribed wages shall be payable for a working week of 42 ordinary hours, except in the case where an employer and his employees have negotiated a 45 ordinary-hour working week, or where employees are engaged on shift-work as prescribed."

3. Substitute the following for clause 7.1 (5), 'Payment of Wages':

"(5) Payment of Wages—

Wages shall be paid in cash weekly during ordinary business hours and not later than Friday. An employer and his employees may negotiate at plant level to pay wages fortnightly, and/or agree to a different method of payment. Where employees are paid in cash, wages shall be placed in a sealed envelope with the following details appearing on the outside in indelible writing:

Employee .....  
 Hourly rate .....  
 Pay for work on Sundays .....  
 Hours worked:  
     (i) Ordinary hours .....  
     (ii) Overtime .....  
 Amount due .....  
 Deductions:  
 PAYE .....  
 Unemployment Insurance Fund .....  
 Provident Fund .....  
 Insurance or Pension Fund .....  
 Trade union subscriptions .....  
 Council levies .....  
 Net earnings .....  
 Employer .....  
 Date .....

4. Delete the words "excluding a night watchman" from clause 7.2 (1), "Overtime Rates".  
 5. Delete paragraph (2) in clause 7.2 "Overtime Rates".  
 6. Renumber paragraph (3) to read (2) in clause 7.2, "Overtime Rates".

#### **7. CLAUSE 8: ORGANISATIONAL RIGHTS**

Substitute the following for paragraph (4) in clause 8.2, "Shop Stewards".

"(4) Paid time off—

Shop stewards elected in terms of paragraph (1) are entitled to eight (8) days' paid leave per year for the purpose of attending training courses or Council meetings. In addition, shop stewards who are elected office bearers at regional or national level are entitled to an additional two (2) days' paid leave to attend to their union organisational duties."

#### **8. CLAUSE 10: GENERAL**

Substitute sub-clause 10.3 for the following:

"As per clause 5 of the Administrative Expenses Collective Agreement published under Government Notice No. R. 1320 of 6 November 1998, as amended by Government Notice No. R. 1335 of 8 December 2000 and R. 145 of 8 February 2002, every employer shall, on each pay day, deduct from the wages of his employees an amount equal to 0,3% of the employee's wage (as defined)."

Signed by the parties at Port Elizabeth on this the 25th day of July 2002.

**J. HENRY**

Member of the Council

**W. VAN DER RHEEDE**

Member of the Council

**M. PAULSEN**

Member of the Council

**L. VAN LOGGERENBERG**

General Secretary of the Council



No. R. 1532

13 December 2002

## LABOUR RELATIONS ACT, 1995

**HAIRDRESSING TRADE, CAPE PENINSULA: EXTENSION OF MAIN COLLECTIVE 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 Bargaining Council for the Hairdressing Trade, Cape Peninsula, 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 Trade, with effect from 23 December 2002, and for the period ending 31 March 2004.

**M. M. S. MDLADLANA**

Minister of Labour

No. R. 1532

13 Desember 2002

## WET OP ARBEIDSVERHOUDINGE, 1995

**HAARKAPPERSBEDRYF, KAAPSE SKIEREILAND: UITBREIDING VAN KOLLEKTIEWE HOOFOOREENKOMS 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 hierby verskyn en wat in die Bediningsraad vir die Haarkappersbedryf, Kaapse Skiereiland 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 Bedryf, met ingang van 23 Desember 2002, en vir die tydperk wat op 31 Maart 2004 eindig.

**M. M. S. MDLADLANA**

Minister van Arbeid

**SCHEDULE****BARGAINING COUNCIL FOR THE HAIRDRESSING TRADE CAPE PENINSULA****COLLECTIVE AGREEMENT**

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

**Employers' Organisation for Hairdressing, Cosmetology and Beauty**

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

**United Association of South Africa, Personal Care Sector**

(hereinafter referred to as the "employees" or the "trade union"), of the other part, being the parties to the Bargaining Council for the Hairdressing Trade, Cape Peninsula.

**1. SCOPE OF APPLICATION**

1. The terms of this Agreement shall be observed in the Hairdressing Trade—

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
- (b) in the Magisterial Districts of The Cape, Wynberg, Simon's Town, Goodwood and Bellville, in those portions of the Magisterial Districts of Malmesbury and Stellenbosch which, prior to the publication of Government Notices No. 171 of 8 February 1957 and 283 of 2 March 1962, respectively, fell within the Magisterial District of Bellville, in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 661 of 19 April 1974, fell within the Magisterial District of Stellenbosch but which, prior to 2 March 1962, fell within the Magisterial District of Bellville in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Somerset West which, prior to 9 March 1973 (Government Notice No. 173 of 9 February 1973), fell within the Magisterial District of Wynberg.

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

- (a) apply only to employees for whom wages are specified in this Agreement and to the employers of such employees;
- (b) apply to learners only in so far as they are not inconsistent with the provisions of the Skills Development Act, 1998, or any contract entered into or any condition fixed thereunder.

## 2. PERIOD OF OPERATION

1. This Agreement shall come into operation—
  - (a) in respect of the parties on 1 April 2002;
  - (b) in respect of non-parties, on such date as determined by the Minister.
2. This Agreement shall remain in force until 31 March 2004.

## 3. EXCEPTIONS

The provisions of this Agreement do not apply to non-parties in respect of clause 1 (1) (a); clause 2; clause 14 (4) (a); clause 29; clause 30; clause 31 (1); clause 35; clause 36; clause 37 (2); clause 37 (3); and clause 38.

## 4. WAGES

1. Every employer must pay each employee a wage that is not less than the minimum wage specified for that employee's relevant job category and experience.

### WAGE SCHEDULE

Job category		Rand per week	Rand per month
(a)	Hairdresser—Master's Certificate.....	737,64	3 194,00
(b)	Hairdresser, qualified, experienced.....	569,98	2 468,00
(c)	Hairdresser, qualified.....	402,77	1 744,00
(d)	Hairdresser, effluxion of time.....	349,88	1 515,00
(e)	Operator.....	391,22	1 694,00
(f)	Cleaner.....	278,75	1 207,00
(g)	Receptionist, first year.....	344,57	1 492,00
	Receptionist, experienced.....	448,73	1 943,00
(h)	Casual employee	Hourly wage as per job category hourly wage = weekly wage ÷ 45	
Learner		Per week	Per month
(i)	Starting wage.....	244,80	1 060,00
(j)	Module 1.....	255,20	1 105,00
(k)	Module 2.....	272,06	1 178,00
(l)	Module 3.....	289,15	1 252,00
(m)	Module 4.....	306,70	1 328,00
(n)	Module 5.....	323,56	1 401,00
(o)	Module 6.....	340,88	1 476,00

2. Nothing contained in this clause may permit a reduction in the wage an employee was receiving at the date this Agreement comes into operation while the employee remains in the employ of the same employer.

3. Operators may only be employed in the following ratios: One operator for one to two hairdressers; two operators for three hairdressers and thereafter one additional operator for every additional two hairdressers over and above three.

## 5. COMMISSION

1. An employer may agree with his employee to pay in addition to the employee's specified wage, commission on sales and services carried out by the employee.

2. The commission agreement must be in writing and state—

- (a) the rate/s of the commission and the conditions of entitlement;
- (b) the rate/s of stock deductions and service fees;
- (c) the day of the week or month when commission earned is payable;
- (d) the period of notice the employer must give the employee to cancel or negotiate an alteration to the commission agreement.

3. Commission must be entered in the wage book in the same manner as wage payable.

4. Where, by agreement, an employee works on a commission only basis, the employer must grant the employee all other benefits contained in this Agreement. Payment for annual leave and sick leave must be calculated according to the basic wage specified for the employee's job category.



## 6. PAYMENT OF WAGES AND AUTHORISED DEDUCTIONS

1. Wages must be paid daily, weekly or monthly, as the case may be, unless the employee's contract of service is terminated before the usual payday, when wages must be paid within seven days of the date of termination of service.
2. Payment must be accompanied by a payslip stating the employee's full name, the period for which the payment is made, any deductions made in terms of this Agreement, and the amount contained in the envelope.
3. Payment must be made—
  - (a) in respect of monthly paid employees, during working hours on the last working day of the month;
  - (b) in respect of weekly paid employees, before 12:00 on Saturday of every week;
  - (c) in respect of casual employees, at the end of each period of employment.
4. An employer may not deduct any amount from an employee's wage except an amount—
  - (a) required by law; or
  - (b) required or permitted by this Agreement.
5. An employee may authorise the employer to deduct an amount from the employee's wage for a registered medical aid, registered medical insurance plan, pension or provident fund.
6. The authorisation referred to in clause 6 (5) does not apply to any fund or scheme established by the Council.

## 7. HOURS OF WORK

1. The maximum ordinary hours of work that an employer may require an employee to work are 45 ordinary hours per week of six working days, as follows:

Mondays to Fridays: Hours of work not to exceed nine per day between the hours of 07:00 and 19:00.

Saturdays: Hours of work not to exceed nine per day between the hours of 07:00 and 18:00.

2. Ordinary hours of work are consecutive.
3. Ordinary hours of work are exclusive of meal intervals.

## 8. OVERTIME

1. An employer may not require an employee to work more than 10 hours overtime per week.
2. An employer must pay an employee at least double the employee's basic wage for overtime worked or grant an employee at least 120 minutes paid time off for each hour of unpaid overtime worked.

## 9. MEAL INTERVAL

1. An employer must grant an employee who works continuously for more than five hours—
  - (a) a daily meal interval of at least one continuous hour; or
  - (b) a daily meal interval of at least 30 minutes and a half-day off per week.
3. No work may be performed during a meal interval.
4. The meal interval is not part of the ordinary or overtime hours.

## 10. SHORT TIME

1. An employer who intends to work short time must notify in writing all employees concerned and give—
  - (a) in the case of weekly paid employees, at least one week's notice;
  - (b) in the case of monthly paid employees, at least two week's notice.
2. An employee who is not given the specified notice is entitled to full payment of wages in lieu of notice.

## 11. PUBLIC HOLIDAYS

1. An employer may not require or permit employees to work on a public holiday or Easter Saturday except in accordance with an agreement.
2. If an employee works on a public holiday or Easter Saturday the employer must pay the employee double that employee's basic wage or grant the employee paid time off.
3. In the event of a public holiday or Easter Saturday falling on an employee's day off, the employee forfeits the right to the day off.
4. In the event of a public holiday or Easter Saturday falling on a day other than the employee's day off, the employer—
  - (a) must grant the employee the public holiday or Easter Saturday and the day-off if a written contract of service specifically states that the day-off is a right the employee is entitled to;
  - (b) may revoke the day-off in exchange for granting the employee additional time off on a daily basis during that week.

## 12. SUNDAYS

1. An employer may not require an employee to work on a Sunday except in accordance with an agreement.
2. Hours worked on a Sunday forms part of the employee's ordinary hours.

3. If an employee works on a Sunday the employer must pay the employee double that employee's basic wage or grant the employee paid time off.

### 13. ANNUAL LEAVE

1. "Annual leave cycle" means the period of 12 month's continuous employment with the same employer immediately following an employee's commencement of employment or the completion of that employee's prior leave cycle.

2. Every employee is entitled to and must be granted leave on full pay, calculated on the basic wage received during the week immediately before taking leave, as follows:

(a) An employee in the first to fifth years of service: three consecutive weeks' leave;

(b) an employee from the sixth year of service: four consecutive weeks' leave.

3. If a public holiday or Easter Saturday falls within the leave period, an additional day must be added as a further period of leave on full pay.

4. An employer must grant an employee after ten year's service with the establishment, irrespective of any transfer of ownership, a once off, additional week's leave in recognition of long service. The additional week's leave must be taken during the eleventh year of service or is forfeited.

5. Annual leave must be taken within six months after the end of the annual leave cycle in accordance with an agreement between the employer and employee or if there is no agreement, at a time determined by the employer.

6. When the service of an employee who has been in employment for longer than four months is terminated, the employer must pay the employee a pro rata amount for leave due at the same time the final payment of wages is made.

7. Leave pay must be calculated on the employee's current basic wage.

### 14. SICK LEAVE

1. "Sick leave cycle" means the period of 36 months' employment with the same employer and/or the same establishment immediately following—

(a) an employee's commencement of employment;

(b) the completion of that employee's previous sick leave cycle.

2. An employee who falls sick, may be absent from work for up to 36 working days during a period of 36 consecutive months. However, during the first six months of employment, an employee may only take one day's sick leave for every completed month worked.

3. An employer must pay an employee the employee's basic daily wage for each day that the employee is entitled to paid sick leave.

4. An employer is not required to pay sick leave—

(a) to an employee if they are both contributing to the Hairdressing Trade Sick Pay Fund referred to in clause 36;

(b) to an employee who has been absent from work for longer than two days and has not produced a medical certificate stating the nature and duration of the sickness;

(c) to a casual employee.

### 15. MATERNITY LEAVE

1. An employee is entitled to at least four consecutive months' maternity leave.

2. An employee may commence maternity leave—

(a) at any time from four weeks before the expected date of birth unless otherwise agreed; or

(b) on a date from which a medical practitioner or midwife certified that it is necessary for the employee's health or that of the unborn child.

3. No employee may work for six weeks after the birth of her child unless a medical practitioner or midwife certifies that she is fit to do so.

4. An employee who has a miscarriage during the third trimester of pregnancy or bears a still-born child is entitled to maternity leave for six weeks after the miscarriage or still-birth whether or not the employee had commenced maternity leave at the time of the miscarriage or still-birth.

5. An employee must notify an employer in writing, unless the employee is unable to do so, of the date on which the employee intends to—

(a) commence maternity leave; and

(b) return to work after maternity leave.

6. Notification in terms of clause 15 (5) must be given at least four weeks before the employee intends to commence maternity leave or if it is not reasonably practicable to do so, as soon as is reasonably practicable.

7. The employee on confinement must, before or on the expiry date of the four-month period, notify her employer whether or not she will recommence employment.

8. Proof of confinement must be submitted to the employer upon the employee's return to work in the form of a birth certificate or death certificate, in the case of a still-birth, or a medical certificate in the case of miscarriage.

9. The employer may extend the four-month period upon receipt of a valid medical certificate from a registered medical practitioner advising the employee not to return to work for medical reasons.

10. The employer must be permitted to employ a temporary employee in the same category as the employee who has been granted maternity leave on a temporary contract for period of maternity leave.

11. During the period referred to in clause 15 (1), all the provisions of the agreements administered by the Council must apply to the temporary employee.

12. During the contract period the employer may for any reason recognised in law terminate the contract of temporary employment.

#### **16. FAMILY RESPONSIBILITY LEAVE**

1. An employer must grant an employee during each annual leave cycle, at the employee's request, five days' paid family responsibility leave which the employee is entitled to take—

- (a) when the employee's child is born;
- (b) when the employee's child is sick; or
- (c) in the event of the death of the employee's spouse or life partner, parent, adopted parent, grandparent, child, adopted child, grandchild or sibling.

2. Family responsibility leave applies only to an employee who has been in employment for longer than four months and who works for at least four days a week.

3. An employee may take family responsibility leave in respect of the whole or part of a day.

4. An employer must pay an employee the employee's basic daily wage for each day that the employee is entitled to paid family responsibility leave, on the employee's usual payday.

5. Before paying an employee for family responsibility leave, an employer may require reasonable proof of an event for which the leave was required.

#### **17. TERMINATION OF SERVICE**

1. An employer or employee, other than a casual employee, who wants to terminate the contract of service must give—

- (a) not less than one week's notice during the first six months of employment;
- (b) not less than two week's notice if employed longer than six months.

2. An employer or employee may terminate the contract without notice by paying, in lieu of such notice—

- (a) in the case of one week's notice, the weekly wage the employee is receiving at the time of such termination;
- (b) in the case of two weeks' notice, double the weekly wage the employee is receiving at the time of such termination.

3. Notice of termination must be given—

- (a) in writing;
- (b) outside any period of leave.

4. Nothing in this clause affects the right of an employer or an employee to terminate a contract of service without notice for any justified cause recognised by law.

5. An employer may terminate an employee's contract of service if an employee is absent from work without permission for a period of five or more consecutive days and the employer has proof that a reasonable attempt has been made to contact the employee. The employee has the right to appeal on the grounds of a medical or other acceptable reason.

#### **18. SEVERANCE PAY**

1. For the purposes of this clause "operational requirements" means requirements based on the economic, technological, structural or similar needs of an employer.

2. An employer must pay an employee who is dismissed for reasons based on the employer's operational requirements severance pay equal to at least one week of the employee's basic wage for each completed year of service with the establishment.

3. An employee who unreasonably refuses to accept the employer's offer of alternative employment with that employer or any other employer is not entitled to severance pay.

#### **19. TRANSFER OF CONTRACT OF SERVICE**

1. A contract of service may not be transferred from one employer (referred to as "the old employer") to another employer (referred to as "the new employer") without the employee's consent unless the whole or any part of the business is transferred as a going concern.

2. If a business is transferred as a going concern—

- (a) all the rights and obligations between the old employer and each employee at the time of the transfer continue in force as rights and obligations between the new employer and each employee;
- (b) the employee's continuity of service is not interrupted.

## 20. CERTIFICATE OF SERVICE

Upon termination of the contract of service the employer must provide the employee with a certificate of service stating the employee's name, identity number, job category and commencement and termination dates of service.

## 21. OUTWORK

An employee may not—

- (a) solicit or take orders for or undertake work in the Hairdressing Trade; or
- (b) engage in trading in toilet requisites for the sale, gain or reward; or
- (c) render any toilet services, whether for gain, reward or any other consideration whatsoever;

on his own account or on behalf of, or from any person other than his employer whilst such employee is in the employ of an employer engaged in the Hairdressing Trade.

## 22. EXEMPTION AND APPEAL CRITERIA

1. In terms of section 32 of the Act, No 127 of 1998, the Council hereby establishes an Independent Appeal Board consisting of three persons appointed by the Council to hear and decide any appeals brought against the Council's—

- (a) refusal of a non-parties application for exemption; and
- (b) withdrawal of an exemption granted by the Council.

2. Any establishment falling within the Council's registered scope may apply to the Council for exemption from any or all of the provisions of this Agreement, in the specified form.

3. All applications for exemption must be in writing, addressed to the Secretary of the Council and be supported by any relevant documentation. The application must contain the following information—

- (a) the period for which the exemption is sought;
- (b) the number of employees affected and their names;
- (c) the clauses of this Agreement from which the exemption is requested;
- (d) satisfactory proof that the exemption applied for has been discussed between the employer, the employees affected and/or their respective representatives, including the response resulting from such discussions either in support of or in opposition to the application.

4. The Secretary must place the application for exemption on the agenda of the next Council meeting for consideration.

5. The Council must consider the application and may grant an exemption to an employer or an employee if—

- (a) it is fair to both the employer, its employees and other employees in the Hairdressing Trade;
- (b) it does not undermine this Agreement;
- (c) it will make a material difference to the viability of the establishment;
- (d) it will assist with unexpected economic hardships occurring during the currency of the Agreement and will save unnecessary job losses; and
- (e) it has a limited lifespan.

6. Once the Council has decided to grant an exemption it must issue a certificate and advise the applicant(s) within seven days of the date of its decision.

7. If the Council decides to refuse an exemption it must—

- (a) advise the applicant within seven days of the date of its decision;
- (b) provide the applicant with the reason(s) for not granting an exemption;
- (c) advise the applicant of the right to appeal against the decision of the Council.

8. The Council may, if it deems fit, withdraw any exemption granted to an applicant on one week's notice, whether or not the time period of the exemption has expired. The Council must advise the applicant of the right to appeal against the decision of the Council to withdraw the exemption.

9. Appeals must be addressed to the Secretary of the Council in writing within five working days from the date of notification of the Council's decision on the application for exemption.

10. The Secretary must within seven days from the date of the appeal application convene a meeting of the Independent Appeal Board to consider the appeal. The board must apply the same criteria specified in clause 22 (5) when considering an appeal.

11. The Independent Appeal Board must conduct its proceedings in a manner that it considers appropriate in order to determine the application fairly and quickly, but must deal with the substantial merits of the application with the minimum of legal formalities.

12. Subject to the discretion of the Independent Appeal Board as to the appropriate form of the proceedings, the applicant, the Council and any representative of the parties may give evidence, call witnesses, question witnesses of any other party and address arguments to the Board.



13. Within 14 days of the conclusion of the proceedings, the Independent Appeal Board must issue a decision, with reasons, which will have the same effect as an arbitration award.

### **23. ADMINISTRATION**

1. The Council is responsible for the administration of this Agreement.
2. The Council may issue guidelines to employers and employees regarding the implementation of this Agreement.

### **24. DESIGNATED AGENTS AND ENFORCEMENT OF COLLECTIVE AGREEMENT**

1. The Council must appoint one or more specified persons as agents to monitor and enforce the provisions of this Agreement.
2. The Council must, in terms of section 33 of the Act, request the Minister of Labour to confer on the Council's designated agent(s) the powers—
  - (a) of a commissioner set out in section 142 of the Act, except the powers conferred by section 142 (1) (c) and (d) of the Act;
  - (b) of a labour inspector set out in clauses 66 and 65 of the Basic Conditions of Employment Act of 1997.
3. In order to monitor and enforce compliance with this Agreement, the designated agent may—
  - (a) without warrant or notice, at any reasonable time, enter any establishment and inspect premises, examine records and question the employer or any employee;
  - (b) issue a compliance order requiring any person bound by this Agreement to comply with the collective agreement within a specified period of time.
4. The council may refer any unresolved dispute concerning compliance with any provision of this Agreement to arbitration by an arbitrator appointed by the council. If a party to an arbitration in terms of this clause, that is not a party to the council, objects to the appointment of an arbitrator, the secretary of the council, must request the Commission for Conciliation Mediation and Arbitration to appoint an arbitrator.
5. An arbitrator conducting an arbitration in terms of this clause has all the powers of a commissioner in terms of section 142 of the Act.
6. Section 138 of the Act applies to any arbitration conducted in terms of this clause.
7. An arbitrator acting in terms of this clause may determine any dispute concerning the interpretation or application of this collective agreement.
8. An arbitrator conducting an arbitration in terms of this clause may make an appropriate award, including—
  - (a) ordering any person to pay any amount owing in terms of this Agreement;
  - (b) imposing a fine for a failure to comply with this Agreement in accordance with the schedule of maximum fines published by the Minister of Labour;
  - (c) charging a party an arbitration fee;
  - (d) ordering a party to pay the costs of the arbitration;
  - (e) confirming, varying or setting aside a compliance order issued by a designated agent;
  - (f) any award contemplated in section 138 (9) of the Act.
9. An award in an arbitration conducted in terms of this clause is final and binding and may be enforced as if it were an order of the Labour Court in terms of section 143 of the Act.

### **25. COUNCIL LEVIES**

1. For the purpose of meeting the expenses of the Council every employer must deduct per month R15,00 from the wages of each employee and add to the total amount so deducted a like amount.
2. Every employer must pay the amounts referred to in clause 25 (1) to the Council before the seventh day of the next month.
3. In addition to the above, every employer must pay a contingency levy calculated on 2,5 percent of each employees' basic wage specified in clause 4. The contingency levy is not payable in respect of learners and employees belonging to the Hairdressing Trade Provident Fund referred to in clause 38.

### **26. FAILURE TO MAKE PAYMENTS TO THE COUNCIL**

1. Interest on any amount that a person is obliged to pay in terms of any clause of this Agreement accrues from the date on which the amount was due and payable at the rate prescribed in the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975).
2. The employer is liable for any legal costs incurred by the Council for recovery of the outstanding amounts due.

### **27. REGISTRATION OF EMPLOYERS AND EMPLOYEES**

1. Every employer entering the Hairdressing Trade must, within one month from commencing business, register with the Council by submitting the following particulars to the Secretary of the Council:
  - (a) The employer's name and address;

- (b) the establishment's name and address;
- (c) the date of commencing business.

2. Every employer who has not already done so must, within one month from the date on which this Agreement comes into operation, send the particulars specified in clauses 27 (1) to the Secretary of the Council.

### **28. EXHIBITION OF AGREEMENT**

Every employer must make this collective agreement available to employees in the workplace.

### **29. MEMBERSHIP**

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

2. No membership subscription or levy deducted, may be—

- (a) paid to a political party as an affiliation fee;
- (b) contributed in cash or kind to a political party or a person standing for election to any political office; or
- (c) used for an expenditure that does not advance or protect the socio-economic interests of employees.

3. The provisions of this clause do not apply—

- (a) in respect of an immigrant during the first year after the date of his entry into the Republic of South Africa: If any immigrant has at any time after the first 90 days of commencement of his employment in the Trade refused any invitation from the trade union to become a member the provisions of this clause must immediately come into operation;
- (b) to persons who are not eligible for membership in terms of the trade union's constitution or who have been refused membership of, or expelled from the trade union.

### **30. TRADE UNION REPRESENTATIVES ON THE COUNCIL**

Every employer must give employees who are representatives or alternates on the Council 15 days leave per year, of which eight days must be paid, to attend to their duties arising from their work on the Council.

### **31. COLLECTION OF MEMBERSHIP FEES FOR TRADE UNION AND EMPLOYERS' ORGANISATION**

1. Every employer must, by authority of this Agreement, deduct from the wage of his employees, other than learners, the amount of subscriptions payable to the Trade Union.

2. Every employer who is a member of the Employer's Organisation for Hairdressing, Cosmetology and Beauty must forward the monthly fees payable by him or her to the Organisation, to the Secretary of the Council.

3. Every employer must pay the amounts referred to in clauses 31 (1) and 31 (2) to the Council before the seventh day of the next month.

### **32. CONTROL OF PREMISES**

1. No employer may carry on the Hairdressing Trade in premises—

- (a) which are not adequately lighted, ventilated and provided with an adequate supply of cold and hot running water;
- (b) which are not fitted with glazed washbasins with waste pipes and a system for the innocuous disposal of wastewater;
- (c) the walls and floors of which are not constructed of material, which will permit of it being kept clean;
- (d) any part of which is used as a sleeping apartment or a place for storage or preparation of food, unless the portion used for carrying on the Hairdressing Trade is separated from such apartment or place by a wall or walls having no doors, windows, apertures or other means of communication therein.

### **33. PROVISION OF EQUIPMENT**

1. An employer must provide, for the use of every hairdresser, all tools and equipment necessary for the carrying out of his work except, curling tongs, scissors, combs, clippers (not electric), nail files, cuticle scissors, cuticle clippers, blow dryers, rollers, pins, hairclips, razors, blades, neck-brush combs and strop.

2. An employer must provide each hairdresser with—

- (a) at least one sterilizing cabinet containing at all times a solution of at least 40 per cent formalin for the purpose of sterilizing all tools, other than shaving brushes; or a sterilizing cabinet operation with ultraviolet rays for the same purposes;
- (b) an antiseptic bath containing a solution of formalin in the proportion of 2,25 litres of water to 56 millilitres of formalin for the purpose of sterilizing shaving brushes;



- (c) at least two shaving brushes so as to allow for one brush, not in use, to be kept in the antiseptic bath;
- (d) a freshly laundered towel for the use of the employee with each customer;
- (e) a liquid, powdered or tube soap or shaving cream;
- (f) a supply of clean paper to wipe the tools and in particular the razor after each stropping operation;
- (g) a styptic in the form of powder or liquid to be used as a spray or on a fresh clean piece of cotton wool.
- (h) a covered receptacle for the purpose of receiving all soiled paper and cotton wool and hair after each operation.

#### 34. RENT-A-CHAIR

1. If any portion of a salon is sublet on a rent-a-chair basis—
  - (a) the salon owner must notify the Council of any rent-a-chair agreement(s) within one month of concluding such agreement(s); and
  - (b) the hairdresser renting-a-chair must register with the Council as a separate establishment within one month of starting business.
2. The rent-a-chair agreement must be in writing.
3. In this Agreement a hairdresser renting-a-chair is considered an independent contractor.

#### 35. SICK BENEFIT FUND

1. The Fund known as the "Hairdressing Trade Sick Benefit Fund" (hereinafter referred to as the "Fund") established in terms of clause 23 of the Agreement published under Government Notice No. 2455 of 14 December 1945, is hereby continued.

2. The object of the Fund is the provision of medical sickness benefits to employees, working employers, the dependants of employees and working employers and continuation members hereinafter referred to as "members of the Fund" to whom this clause applies, in the event of illness or meeting with an accident.

3. In this clause the term—

**"combined contribution"** means the sum total of the employee and employer contributions payable in respect of a particular job category;

**"continuation member"** means a person who was an employee or working employer in the Hairdressing Trade and who retired from the Hairdressing Trade after 15 years of continuous membership of the Hairdressing Trade Sick Benefit Fund;

**"dependant"** means the spouse, life partner or child, adopted child or family financially dependant on an employee or working employer in the Hairdressing Trade;

**"medical practitioner"** means a general practitioner, specialist, physiotherapist, psychologist, radiologist or pathologist;

**"principal member"** means an employee, continuation member or working employer in the Hairdressing Trade in respect of whom the Fund receives a combined contribution.

#### 4. Contributions:

- (a) Every employee must contribute per month the employee contribution specified in the Sick Benefit Fund Contribution Schedule;
- (b) Every employer must deduct per month from the wages of each employee the amount referred to in clause 35 (4) (a) and (d) and contribute per month the employer contribution specified in the Sick Benefit Fund Contribution Schedule;
- (c) Every working employer who is a member of the Fund must pay R160,00 per month to receive benefits;
- (d) Every dependant must pay R50,00 per month. No employer contribution is payable in respect of dependants;
- (e) A continuation member must pay the combined contribution to the Fund as is payable by the category of employee (or employer, as the case may be) in which the continuation member was employed immediately prior to retiring from the Hairdressing Trade.
- (f) Every employer must pay the amounts referred to in clause 35 (4) (a), (b), (c) and (d) to the Council before the seventh day of the next month.

#### SICK BENEFIT FUND CONTRIBUTION SCHEDULE

Job category	Employee contribution Rand per month	Employer contribution Rand per month
Hairdresser, Master Certificate .....	120,00	80,00
Hairdresser, qualified and experienced .....	100,00	60,00
Hairdresser, effluxion of time, operator and experienced receptionist .....	80,00	55,00
Cleaner, receptionist and learner .....	60,00	40,00

**6. Benefits:**

- (a) A member must contribute towards the Fund for a continuous period of 13 weeks to receive the following benefits—
- (i) Hospital and Nursing Home Fees: A maximum of R200,00 per day is paid at medical aid rates. Covers all in-hospital expenses including, attention by a medical practitioner, including the cost of x-ray examinations, operations, injections, specialists' investigations anaesthetic fees, physiotherapy and/or human diathermy treatment, maxillofacial and oral surgical treatment. A medical practitioner must approve all treatment.
  - (ii) Theatre Fees: 80% of medical aid rates per claim.
  - (iii) Medicines: 75% per claim subject to a maximum benefit of R500,00 per year. Includes supplies on authority of a prescription signed by a general practitioner or specialists for medicines, drugs, ointments, bandages and lotions.
  - (iv) Self-medication: R35,00 per prescription (excluding VAT), for all treatments except for vaginal treatments where the limit is R45,00 (excluding VAT) per prescription. The facility provides for self-medication of a specified range of ailments, with the professional guidance of a pharmacist. Only one ailment may be treated at a time and no ongoing treatment is allowed. The maximum medical aid price (mmap) and standard scheme exclusions apply to all self-medication prescriptions. Self-medication claims do not attract any levy. Medicines are supplied on request for a specific ailment and the facility may not be used for household stocks of the member.
  - (v) Spectacles: R350,00 including one pair of lenses every two years, one pair of frames every four years and examination fees of an optometrist paid at 80% of medical aid rates per claim, subject to a 12-month waiting-period.
  - (vi) Dentistry: 75% of medical aid rates per claim subject to a maximum benefit of R500,00 per year for basic dentistry and R1 000,00 per year for special dentistry.
  - (vii) General Practitioners, specialists, physiotherapy, psychology, radiology and pathology: Unlimited visits paid at medical aid rates, subject to Fund's annual maximum overall benefit limit.
- (b) The maximum overall benefit limit for a principal member of the Fund is R6 000,00 for every continuous period of 12 months calculated from the date on which contributions were received for a continuous period of 13 weeks.
- (c) The maximum overall benefit limit for a principal member of the Fund is increased by an amount of R3 000,00 for each dependant, subject to no individual member being entitled to benefits in excess of R6 000,00 for every continuous period of 12 months calculated from the date on which contributions were received for a continuous period of 13 weeks.
- (d) In cases of accidents, the Fund will only pay benefits not due for compensation under the Compensation for Occupational Injuries and Diseases Act, 1993, or Multilateral Motor Vehicle Accident Fund Act, 1989.
- (e) A member of the Fund, who received the total amounts of benefits, is not entitled to receive any further benefits whatsoever from the Fund until the current continuous period of 12 months has expired.
- (f) A member must produce a certificate from a medical practitioner when claiming benefits.

7. A member's right to claim benefits is not affected by the employer's failure to forward the specified contributions.

8. A member of the Fund who becomes temporarily unemployed for a period not exceeding four months may continue as a member of the Fund and must pay the combined contribution payable by the category of employee in which the member was employed immediately prior to becoming unemployed.

9. Every new member must complete the specified medical questionnaire to the satisfaction of the Management Board to be accepted as a member of the Fund.

10. The Management Board has absolute and entire discretion, without having to assign a reason therefore, to refuse any person as a member or continuation member of the Fund, to accept any person as a member of the Fund subject to the exclusion of certain benefits in respect of any illnesses determined by the Management Board or at any time to exclude any person from being a member of the Fund.

11. An employee or working employer will not be entitled to any benefits until accepted as a member of the Fund.

12. An employee or working employer who ceases, not due to unemployment, to be engaged in the Hairdressing Trade immediately ceases to be a member of the Fund.

13. A member of the Fund may at any time be requested by the Management Board to undergo an examination by a medical practitioner nominated by the Fund. If a member fails or refuses to comply with the request after seven days' written notice, the Management Board has the right to exclude the member from the Fund.

14. A member of the Fund, whilst in the Republic of South Africa but outside the magisterial districts covered by the Council, is entitled in the event of illness or meeting with an accident to be reimbursed by the Fund (on production of proof of payments thereof) in respect of costs incurred in receiving benefits to which members are entitled to from the Fund.

15. A member of the Fund is not entitled to receive any benefits as set out in this clause in the event of illness or meeting with an accident whilst outside the Republic of South Africa.

16. An employee who is a dependent of a member of any other registered medical aid scheme is not required to contribute to the Fund.

**17. Finances and Administration:**

- (a) A Management Board, consisting of three employee representatives and three employer representatives appointed by the Council, must administer the Fund.
- (b) The administration of the Fund must be in accordance with the provisions set out in this clause.
- (c) Disbursements from the Fund must cease whenever the amount standing to the credit of the Funds falls below R60 000,00 and the payment of further benefits must not recommence until the amount to the credit of the Fund has again reached the figure of R120 000,00, when claims must be considered in the order in which they were received.
- (d) All monies paid into the Fund must be deposited in a special banking account opened at a bank or an institution approved by the Council.
- (e) All cheques drawn on the Fund's account must be signed by the chairman or vice-chairman and secretary of the Management Board, appointed by the Council.
- (f) Surplus money in the Fund may be placed on deposit with an approved building society or bank or may be invested. However, sufficient money must be kept in liquid form to enable the Management Board to meet any claims on the Fund immediately it is called upon to do so.
- (g) All costs and expenses incurred in connection with the administration and liquidation of the Fund must be regarded as and form a charge against the Fund.
- (h) A public accountant must be appointed annually by the Council. The public accountant must audit the accounts of the Fund at least annually and not later than 28 February in each year prepare a set-of financial statements for every period of 12 months ending 31 December. True copies of the financial statements, which must be countersigned by the chairman or vice-chairman of the Management Board must be available for inspection at the Council. Certified copies of the financial statements must be sent to the Director-General of the Department of Labour.
- (i) In the event of the expiry of this agreement by the effluxion of time or cessation for any other cause, the Fund must continue to be administered by the Management Board until it is either liquidated or transferred by the Council to any other fund constituted for the same purpose as that for which the original Fund was created or continued by a subsequent agreement. The Fund must be liquidated unless continued or transferred as aforesaid by an agreement entered into in terms of the Act within 12 months of the date of expiry of this Agreement.
- (j) In the event of the dissolution of the Council or in the event of its ceasing to function during any period in which this Agreement is binding in terms of the Act, the Management Board must, subject to the approval of the Registrar of Labour Relations, continue to administer the Fund. The members of the Board existing at the date on which the Council ceases to function or is dissolved will be deemed to be members thereof for such purposes. However, any vacancy occurring on the Board may be filled by the Registrar from employers or employees in the trade, as the case may be, to ensure equality of employer and employee representatives and of alternates in the membership of the Board.  
In the event of the Board being unable or unwilling to discharge its duties or a deadlock arising which renders the administration of the Fund impracticable or undesirable in the opinion of the Registrar, the Registrar may appoint a trustee or trustees to carry out the duties of the Board, and such trustee or trustees will possess all the powers of the Board for such purposes.
- (k) If the Council is not in existence upon the expiry of this Agreement, the Fund must be liquidated by the Board functioning at the time or the trustee or trustees, as the case may be, in the specified manner. If upon the expiry of the Agreement the affairs of the Council have already been wound up and its assets distributed, the balance of the Fund must be distributed as provided for in the Act as if it formed part of the general funds of the Council.
- (l) Upon liquidation of the Fund the moneys remaining to the credit of the Fund after the payment of all claims against the Fund, including administration and liquidation expenses, must be paid into the general funds of the Council.

**36. SICK PAY FUND**

- 1. The Fund known as the "Hairdressing Trade Sick Pay Fund" hereinafter referred to as the "Fund" is hereby continued.
- 2. The object of the Fund is the provision of sick pay benefits to employees and working employers hereinafter referred to as "members of the Fund" to whom this clause applies during periods of absence from work through sickness.
- 3. Contributions must be calculated on the employee or working employer's actual monthly wage:
  - (a) Every employee must contribute per month the employee contribution specified in the Sick Pay Fund Contribution Schedule;
  - (b) every employer must deduct per month from the wages of each employee the amount referred to in clause 36 (3) (a) and contribute per month the employer contribution specified in the Sick Pay Fund Contribution Schedule;



- (c) every working employer who is a member of the Fund must pay per month, according to wage band, both the specified employee and employer contribution;
- (d) every employer must pay the amounts referred to in clause 36 (3) (a), 36 (3) (b) and 36 (3) (c) to the Council before the seventh day of the next month.

#### SICK PAY FUND CONTRIBUTION SCHEDULE

Wage band	Employee contribution Rand per month	Employer contribution Rand per month
0-1 500.....	27,00	16,50
1 501-2 000.....	31,00	20,00
2 001-3 000.....	35,50	22,00
3 001-4 000.....	44,00	30,50
4 001-5 000.....	49,50	36,50
5 001 and more .....	56,00	42,00

4. The Fund must pay a member who has been absent from work due to accident or sickness, 36 days sick pay within a continuous period of 18 months. However, during the first six months of membership the member is only entitled to two days sick pay in respect of each completed month of membership.

5. To receive sick pay benefits a member must verify all absences from work in the form of—

- (a) a certificate signed by a medical practitioner stating the nature and duration of the members' incapacity to work due to accident or sickness; or
- (b) in the case of a single day's absence, written notification counter signed by the employer.

6. Sick pay due to a member is calculated on the member's actual daily wage.

7. A member who is absent from work due to a sickness related to pregnancy, is only entitled to sick pay benefits for two days per month for each month absent from work.

8. A member who has paid contributions for a continuous period of 12 months is entitled to a confinement benefit of a maximum of four monthly payments of 25% of the member's monthly salary.

9. Clause 35 (17) of this Agreement applies mutatis mutandis to the Fund.

#### 37. MEDICAL AID SCHEME AND MEDICAL INSURANCE PLAN

1. The Council, having resolved that employers and employees in the Hairdressing Trade may participate in a registered Medical Aid Scheme and Medical Insurance Plan, authorises for the purpose of implementing the objectives set out in the rules thereof, the collection of contributions—

- (a) every employee must contribute per month, an amount equivalent to two thirds of the contribution specified in the rules of the Medical Aid Scheme or Medical Insurance Plan;
- (b) every employer must deduct per month from the wage of each employee the amount referred to in clause 37 (1) (a) and must contribute an amount equivalent to one third of the contribution specified in the rules of the Medical Aid Scheme or Medical Insurance Plan;
- (c) every employer must pay the amounts referred to in clauses 37 (1) (a) and (b) to the Council before the seventh day of the next month;
- (d) The Council will collate all such payments and remit the total amounts due to the administrators of the Medical Aid Scheme and Medical Insurance Plan by the 26th day of every month.

2. An employee may choose the Medical Aid Scheme referred to in clause 37 (1) as an alternative to membership of the Hairdressing Trade Sick Benefit Fund referred to in clause 35.

3. An employee who is a member of the Hairdressing Trade Sick Benefit Fund referred to in clause 35 may also participate in the Medical Insurance Plan and the employer must pay the specified employer contributions for both the Hairdressing Trade Sick Benefit Fund and Medical Insurance Plan.

#### 38. PROVIDENT FUND

The Council having resolved that employers and employees in the Hairdressing Trade may participate in the registered Provident Fund known as the "Bargaining Council for the Hairdressing Trade, Cape Peninsula Provident Fund" (hereinafter referred to as the "Fund"), authorises for the purpose of implementing the objectives set out in the rules scheme, the collection of contributions:

- 1 Every employee must contribute per month, an amount equivalent to six percent of the employee's basic wage.
- 2. Every employer must deduct per month from the wage of each employee the amount referred to in clause 38 (1) and contribute an amount equivalent to six percent of the employee's basic wage.
- 3. Every employer must pay the amounts referred to in clause 38 (1) and 38 (2) to the Council before the seventh day of the next month.

4. The Council will collate all such payments and remit the total amount due to the administrator of the Fund by the 26th day of every month.

### 39. RESOLUTION OF DISPUTES

1. The Council hereby establishes a panel of conciliators and arbitrators appointed by the Council to whom matters may be allocated at the discretion of the Secretary of the Council.
2. Any party to a dispute about an unfair dismissal, unfair labour practice or matter of mutual interest must refer the dispute to the Council. All dispute referrals must be in writing setting out the nature of the dispute and the outcome sought. The party referring the dispute must satisfy the Council that a copy of the referral has been served on the other party/parties to the dispute. The Council must attempt to resolve the dispute through conciliation within 30 days from the date of the Council receiving a written referral of the dispute. If the conciliation has failed, or at the end of the 30-day period the Council must issue a certificate stating that the dispute remains unresolved. The referring party may refer the dispute to be resolved through arbitration, except a dispute which relates to an unfair dismissal for which the Act permits the dispute to be referred to the Labour Court for adjudication.
3. All types of dismissals set out in section 191 (5) (a) of the Act and all unfair labour practices, except where an employee alleges that he has been subjected to an occupational detriment as a result of having made a protected disclosure may be subject to the con-arb process unless one of the parties objects. The con-arb process is overriding in disputes about an alleged unfair labour practice or unfair dismissal of a probationary employee.
4. A dispute about the interpretation or application of this Agreement may be lodged with or referred to the Secretary of the Council by any person, for resolution in terms of this clause.

### 40. WRITTEN PARTICULARS OF EMPLOYMENT

1. An employer must provide every employee with a written contract of service stating the employee's name, identity number, telephone number, home address, job category, duties, hours of work and salary structure.
2. The service contract must state that the employer will review the employee's salary annually, on the anniversary date of commencing employment with that employer.

### 41. DEFINITIONS

Any term used in this Agreement which is defined in the Act has the same meaning as in the Act; any reference to an Act or Ordinance include any amendment of such Act or Ordinance, and unless the contrary intention appears, words importing the masculine gender includes females, further, unless inconsistent with the context—

**"Act"** means the Labour Relations Act of 1995.

**"agreement"** means an agreement published and, as amended, made binding upon employers and employees in the Hairdressing Trade in accordance with the provisions of the Act;

**"learner"** means an employee serving under a written contract of learnership registered or deemed to be registered by the Personal Care Chamber of the Services Sector Education and Training Authority in name and title under the Skills Development Act, and includes any minor employed on probation in terms of the said Act;

**"casual employee"** means an employee who is employed on a daily basis for less than three days in a week;

**"cleaner"** means an employee who is engaged in any one or more of the following activities—cleaning, sweeping or washing premises or utensils, receptacles, furniture or other articles; running errands; making tea or similar beverages; washing or ironing towels or overalls or other protective clothing;

**"commission"** means any amount due to an employee in terms of a written agreement between an employer and his employee;

**"Council"** means the Bargaining Council for the Hairdressing Trade, Cape Peninsula, registered in terms of section 29 of the Labour Relations Act of 1995;

**"day-off"** means an authorised leave of absence on full pay for any reason whatsoever during the week;

**"employ"** includes a period of notice in respect of which an employee has been paid in lieu of notice and does not work;

**"establishment"** means any premises in which toilet services are rendered, whether for gain or otherwise, and where either the employer or an employee is a qualified hairdresser; and salon and establishment have the same meaning, unless inconsistent with the context;

**"experience"** means more than one year's practical experience in a particular job category;

**"Hairdressing Trade"** means the trade in which employers and employees are associated for the purpose of rendering toilet services in any establishment;

**"hairdresser, effluxion of time"** means an employee who has completed an apprenticeship or learnership, but has not passed the trade test in terms of the Manpower Training Act, 1981, and/or the Skills Development Act, 1998;

**"hairdresser, qualified"** means an employee who has passed the trade test in terms of the Manpower Training Act, 1981, and/or the Skills Development Act, 1998, and has been issued with a certificate to this effect;

**"hairdresser, qualified, experienced"** means an employee who has passed the trade test in terms of the Manpower Training Act, 1981, and/or the Skills Development Act, 1998, and has been issued with a certificate to this effect and has had more than one year's practical experience in a salon after having qualified;

**"hairstresser, Master Certificate"** means an employee who has obtained the Master Certificate issued by the Employers' Organisation for Hairdressing, Cosmetology and Beauty;

**"half-day off"** means an authorised leave of absence on full pay after four continuous hours of work;

**"home salon"** means a salon operated from a private residence with not more than one employee, where toilet services are rendered in compliance with applicable health regulations;

**"Master Certificate"** means a certificate relating to the Hairdressing Trade issued by the Employers' Organisation for Hairdressing, Cosmetology and Beauty to a qualified hairstresser;

**"operator"** means an employee who is engaged in anyone or more of the following activities:

- (a) Cleaning, sweeping or washing premises or utensils, receptacles, furniture or other articles; running errands; making tea or similar beverages; washing or ironing towels or overalls or other protective clothing;
- (b) shampooing, removing veils, pins, rollers, clips and any other setting aids; preparing clients for highlights or frosting; applying rinses or colour shampoos; placing clients under dryers and taking clients out from under dryers;
- (c) applying tints and bleach on highlights caps.

**"receptionists"** means an employee who performs one or more of the following duties: Receiving clients or booking appointments by telephone or otherwise, keeping accounts and records or other forms of clerical work in addition to handling cash and affecting counter sales;

**"registered scope"** means the Magisterial Districts of The Cape, Wynberg, Simonstown, Goodwood and Bellville, those portions of the Magisterial Districts of Malmesbury and Stellenbosch, which, prior to the publication of Government Notice, Nos. 171 of 8 February 1957 and 283 of 2 March 1962, respectively, fell within the Magisterial District of Bellville, that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 661 of 19 April 1974, fell within the Magisterial District of Stellenbosch but which, prior to 2 March 1962, fell within the Magisterial District of Bellville, that portion of the Magisterial District of Kuils River which prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville and that portion of the Magisterial District of Somerset West which, prior to 9 March 1973 (Government Notice No. 173 of 9 February 1973), fell within the Magisterial District of Wynberg;

**"rent-a-chair"** means the subletting of any portion of a salon to a hairstresser who operates as an independent contractor;

**"short-time"** means a temporary reduction in the number of ordinary weekly hours of work in an establishment due to a slackness of work or other exigencies of trade;

**"toilet services"** means—in the ladies trade and gentlemen's Hairdressing Trade the operation in shampooing, haircutting, hair singeing, massaging (head or face), waving (permanent or marcel), blow-waving, setting, hair-drying, tinting, manicuring, eyebrow plucking, board work, trichological treatment, beauty culture treatment facial treatment and shaving and any related services;

**"wage"** means remuneration payable to an employee in terms of clause 4 (1) in respect of ordinary hours of work. If an employer regularly pays an employee for ordinary hours of work an amount higher than that specified, it means the higher amount;

**"working employer"** means an employer who performs work similar to that carried out by an employee.

Signed at Cape Town for and behalf of the parties, this 19th day August 2002.

**A. JACOBS**

Chairperson of the Council

**C. MABITLE**

Vice-Chairperson of the Council

**N. DAVIDS**

Secretary

**No. R. 1533**

**13 December 2002**

LABOUR RELATIONS ACT, 1995

**HAIRDRESSING AND COSMETOLOGY BARGAINING COUNCIL—KWAZULU-NATAL:  
EXTENSION OF MAIN 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 Agreement which appears in the Schedule hereto, which was concluded in the Hairdressing and Cosmetology Bargaining Council, KwaZulu-Natal, 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 Trade with effect from 23 December 2002, and for the period ending 31 July 2004.

**M. M. S. MDLADLANA**

Minister of Labour



No. R. 1533

13 Desember 2002

WET OP ARBEIDSVARHOUDINGE, 1995

**HAARKAPPERS- EN KOSMETOLOGIE BEDINGINGSRAAD—KWAZULU-NATAL: UITBREIDING  
VAN HOOF 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 Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Haarkappers en Kosmetologie Bedingingsraad, KwaZulu-Natal 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 bedryf, met ingang van 23 Desember 2002, en vir die tydperk wat op 31 Julie 2004 eindig.

**M. M. S. MDLADLANA**

Minister van Arbeid

**SCHEDULE****HAIRDRESSING AND COSMETOLOGY BARGAINING COUNCIL—KWAZULU NATAL****MAIN COLLECTIVE AMENDING AGREEMENT**

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

**Employers Organisation for Hairdressing, Cosmetology and Beauty**

[hereinafter referred to as the "employers" or the "employers organisation"], of the one part, and the

**United Association of South Africa [UASA]**

[hereinafter referred to as the "employees" or "trade union"], of the other part, being the parties to the

**Hairdressing and Cosmetology Bargaining Council [Kwa Zulu Natal]**

to amend the Agreement published under Government Notice No. R. 357 of 5 April 2002.

**1. SCOPE OF APPLICATION OF AGREEMENT**

- (1) The terms of this Agreement shall be observed in the industry—
  - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
  - (a) in the Magisterial Districts of Durban and Inanda, excluding those areas falling within the former self-governing territory of KwaZulu.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to—
  - (a) apprentices in so far as such terms are not inconsistent with Conditions of Apprenticeship published under the Skills Development Act, No. 97 of 1998, or any contract entered into or any conditions fixed thereunder;
  - (b) learnership under the Skills Development Act, No. 97 of 1998, or any contract entered into or any conditions fixed thereunder.
- (3) Notwithstanding the provisions of subclause (1) (a), the terms of this Agreement shall not apply to casual employees.
- (4) The terms of this Agreement shall not apply to non-parties in respect of clauses 1 (1) (a) and 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 to be the effective date from which the Agreement shall be extended to become binding on non-parties, and shall remain in force until 31 July 2004.

**3. CLAUSE 22: COUNCIL LEVY**

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

- (a) Every employee and every employer shall contribute to the funds of the Council as set out in the table below.

Category	Employee payment per month	Employer payment per month
A	B	C
Hairdresser: QET; COTT; QA; MC; CQ; QBE: Receptionist/ Clerical; Manicurist/Beauty Culturist .....	R36,00	R36,00
Shampooist .....	R32,00	R32,00
Shampooist with Module 1 .....	R36,00	R36,00
General Assistant .....	R32,00	R32,00
Trainee hairdresser .....	R32,00	R32,00
With mod. 1 to 6 .....	R36,00	R36,00
Apprentices—with mod. 0 .....	R32,00	R32,00
Apprentices—with mod. 1 to 6 .....	R36,00	R36,00

Thus signed at Durban for and on behalf of the parties, this 10th day of June in the year 2002.

**L. NEL**

**Chairperson of the Council.**

**A. BROADWAY**

**Deputy Chairperson of the Council**

**A. OVERALL**

**Secretary of the Council**

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**DEPARTMENT OF MINERALS AND ENERGY  
DEPARTEMENT VAN MINERALE EN ENERGIE**

**No. R. 1567**

**13 December 2002**

**MINES AND WORKS ACT, 1956 (ACT No. 27 OF 1956)**

**DECLARATION OF WORK IN NATIONAL INTEREST**

Under section 9 (1) (f) of the Mines and Works Act, 1956 (Act No. 27 of 1956), I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby declare that, in my opinion, the performance on Sundays of work necessary for the production of gold bearing ore at the mine known as Hartebeestfontein Gold Mine—a Division of Buffelsfontein Gold Mines Limited, situated in the Magisterial District of Klerksdorp in the North West Province, is necessary in the National interest for a period of one year from 15 September 2002.

**P. MLAMBO-NGCUKA**

**Minister of Minerals and Energy**

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**No. R. 1568**

**13 December 2003**

**MINES AND WORKS ACT, 1956 (ACT No. 27 OF 1956)**

**DECLARATION OF WORK IN NATIONAL INTEREST**

Under section 9 (1) (f) of the Mines and Works Act, 1956 (Act No. 27 of 1956), I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby declare that, in my opinion, the performance on Sundays of work necessary for the production of gold bearing ore underground at the mine known as African Rainbow Minerals and Exploration (Pty) Limited, situated in the Magisterial District of Klerksdorp in the North West Province, is necessary in the National interest for a period of one year from 12 January 2003.

**P. MLAMBO-NGCUKA**

**Minister of Minerals and Energy**

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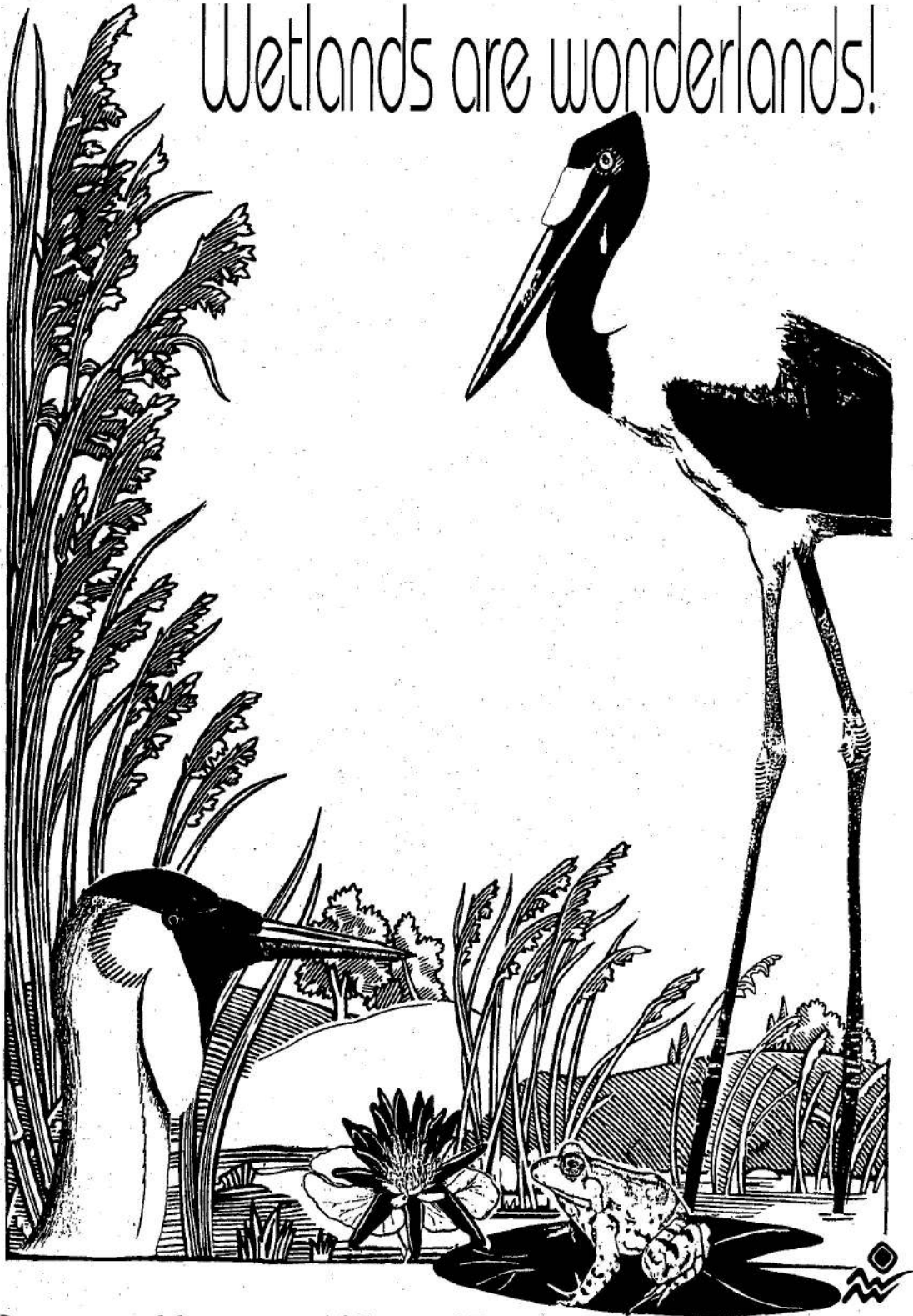
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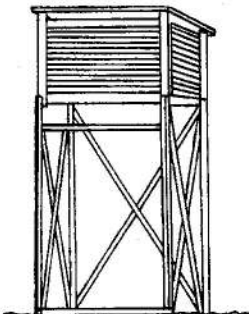
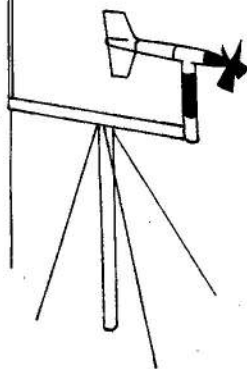
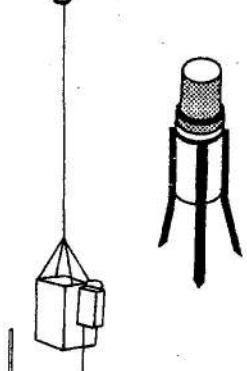
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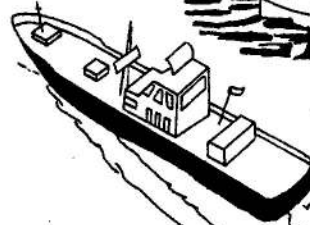
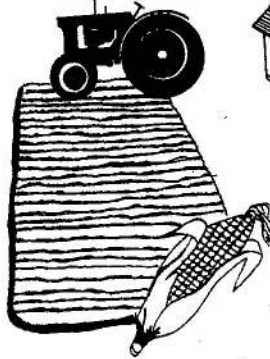
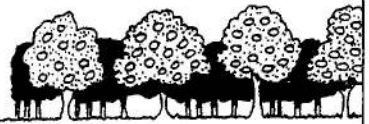
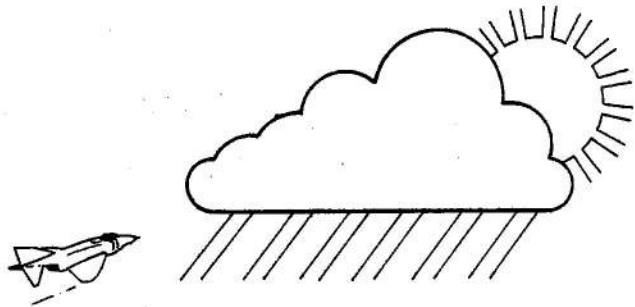
Department of Environmental Affairs and Tourism



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