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## GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 682

23 May 2003

ANIMAL DISEASES ACT, 1984  
(ACT No. 35 OF 1984)

#### TARIFFS ON IMPORT AND MASTER PERMITS

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 6 of the Animal Diseases Act, 1984 (Act No. 35 of 1984), hereby impose, on the basis set out in the Schedule, tariffs on import permits and master permits,

A.T. DIDIZA,  
Minister of Agriculture.

#### SCHEDULE

##### Definition

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 -

"import permit" means a permit issued by the Senior Manager of Animal Health which is valid for a certain period in respect of a single consignment; and

"master permit" means an import permit issued by the Senior Manager of Animal Health which is valid for a specified period of time in respect of more than one consignment containing items of a similar nature.

##### Imposition of tariffs

2. Tariffs are hereby imposed for the issue of permits in respect of the importation of animals and animal products.

##### Amount of tariffs

3. The amount of tariffs referred to in clause 2 shall respectively be -
  - (a) R80-00 per import permit; and
  - (b) R600-00 per master permit.

##### Persons by whom tariffs are payable

4. The tariffs referred to in clause 2 shall be payable by persons who import or contemplate importing animals and animal products into the Republic.

No. R. 682

23 Mei 2003

**WET OP DIERESIEKTES, 1984  
(WET No. 35 VAN 1984)**

**TARIEWE OP INVOER- EN MEESTERPERMIT**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikel 6 van die Wet op Dieresiektes, 1984 (Wet No. 35 van 1984) hef hierby, op die grondslag soon in die Bylae uiteengesit, tariewe op invoerpermitte en meesterpermitte.

**A.T. DIDIZA,  
Minister van Landbou.**

**BYLAE**

**Woordomskrywing**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy die teks andern aandui, beteken -

"invoerpermit" 'n permit wat deur die Senior Bestuurder van Dieregesondheid uftgereik is, wat geldig is vir 'n bepaalde tydperk en betrekking het op 'n enkele besending; en

"meesterpermit" 'n invoerpermit wat deur die Senior Bestuurder van Dieregesondheid uitgereik is, wat geldig is vir 'n bepaalde tydperk en betrekking het op meer as een besending wat items van 'n soortgelyke aard bevat.

**Vaslegging van tariewe**

2. Tariewe word hierby ingestel vir die uitreiking van permitte ten opsigte van die invoer van diere en dierlike produkte.

**Bedrag van tariewe**

3. Die bedrag van die tariewe soos verwys in klousule 2 is onderskeidelik-

- (a) R80-00 per invoerpermit; en
- (b) R600-00 per meesterpermit.

**Persone deur wie tariewe betaalbaar is**

4. Die tariewe soon verwys in klousule 2 is betaalbaar deur persone wie diere en dierlike produkte in die Republiek invoer of beoog om dit in te voer.

No. R. 683

23 May 2003

**FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES  
AND STOCK REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)**

**REGULATIONS RELATING TO THE REGISTRATION OF FERTILIZERS, FARM FEEDS,  
AGRICULTURAL REMEDIES, STOCK REMEDIES, STERILIZING PLANTS AND PEST CONTROL  
OPERATORS, APPEALS AND IMPORTS: PROPOSED AMENDMENT**

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 23(4) of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), hereby-

- (a) make known that I intend to make the regulation in the Schedule; and
- (b) invite interested persons to submit any objections to or representations concerning the proposed regulation in writing to the Registrar: Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies, Private Bag X343, Pretoria, 0001, within four weeks from the date of publication hereof.

**A.T. DIDIZA,**  
**Minister of Agriculture.**

**SCHEDULE****Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1449 of 1 July 1983, as amended by Government Notices Nos. R. 96 of 20 January 1984, R. 2055 of 14 September 1984, R. 1053 of 3 June 1988, R. 1242 of 9 June 1990, R. 1409 of 6 August 1993, R. 1592 of 30 September 1996, R. 1017 of 14 August 1998, R. 216 of 10 March 2000, R. 964 of 5 October 2001 and R. 1096 of 30 August 2002.

**Substitution of Table 1 of the Regulations**

2. The Regulations are hereby amended by the substitution for Table 1 of the following table:

**TABLE 1****"FEES PAYABLE**

<b>PURPOSE</b>		<b>AMOUNT PAYABLE PER APPLICATION</b>
<b>A.</b>	Application for the registration of-	
	(a) a fertilizer, farm feed or sterilizing plant	R950
	(b) an agricultural remedy or a stock remedy	R1 950
	(c) a pest control operator	R420
<b>B.</b>	Application for the renewal of the registration of -	
	(a) a fertilizer, farm feed or sterilizing plant	R500
	(b) an agricultural remedy or a stock remedy	R950
	(c) a pest control operator	R290
<b>C.</b>	Payment in addition to that specified in paragraph B, in the case of a late application for the renewal of the registration of -	
	(a) a fertilizer, farm feed or sterilizing plant	R390
	(b) an agricultural remedy or a stock remedy	R700
	(c) a pest control operator	R130
<b>D.</b>	An appeal in terms of section 6 of the Act	R3000
<b>E.</b>	Payment for information and documentation:	
	(a) Application form and instructions	R45,00 per package
	(b) Certificate of free sale	R15,00 per certificate
	(c) Import permit	R10,00 per permit
	(d) Documents from own product files as requested by registration holders	R45,00 per request plus 50c per page

No. R. 683

23 Mei 2003

**WET OP MISSTOWWE, VEEVOEDSEL, LANDBOUMIDDELS  
EN VEEMIDDELS, 1947 (WET NO. 36 VAN 1947)**

**REGULASIES BETREFFENDE DIE REGISTRASIE VAN MISSTOWEE, VEEVOEDSEL,  
LANDBOUMIDDELS, VEEMIDDELS, STERILISERINGSINSTALLASIES EN  
PLAAGBEHEEROPERATEURS, APPËLLE EN INVOER: WYSIGING**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikel 24(4) van die Wet op Misstowee, Veevoedsel, Landboumiddels en Veemiddels, 1947 (Wet No. 36 van 1947)-

- (a) maak hiermee bekend dat ek van voorneme is om die regulasie in die Bylae uit te vaardig; en
- (b) nooi belanghebbende persone hiermee uit om besware teen of verhoë aangaande die voorgestelde regulasie binne vier weke na die datum van publikasie hiervan skriftelik aan die Registrateur: Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, Privaatsak X343, Pretoria, 0001, voor te lê.

**A.T. DIDIZA,**  
Minister van Landbou.

**BYLAE****Definisie**

1. In hierdie Bylae "die Regulasies" die regulasies gepubliseer by Goewermenskennisgewing No. R. 1449 van 1 Julie 1983, soos gewysig deur Goewermenskennisgewing Nos. R. 96 van 20 Januarie 1984, R. 2055 van 14 September 1984, R. 1053 van 3 Junie 1988, R. 1242 van 9 Junie 1990, R. 1409 van 6 Augustus 1993, R. 1592 van 30 September 1996, R. 1017 van 14 Augustus 1998, R. 216 van 10 Maart 2000, R. 964 van 5 Oktober 2001 en R. 1096 van 30 Augustus 2002.

**Vervanging van Tabel 1 van die Regulasies**

2. Die Regulasies word hierby gewysig deur Tabel 1 met die volgende tabel te vervang:

**TABEL 1****GELDE BETAALBAAR**

<b>DOEL</b>		<b>BEDRAG BETAALBAAR PER AANSOEK</b>
<b>A.</b>	<b>Aansoek om die registrasie van -</b>	
	(a) 'n misstof, veevoedsel of steriliseringsinstallasie	R950
	(b) 'n landboumiddel of veemiddel	R1 950
	(c) 'n plaagbeheeroperateur	R420
<b>B.</b>	<b>Aansoek om hernuwing van die registrasie van-</b>	
	(a) 'n misstof, veevoedsel of steriliseringsinstallasie	R500
	(b) 'n landboumiddel of veemiddel	R950
	(c) 'n plaagbeheeroperateur	R290
<b>C.</b>	<b>Betaling bykomend tot die in paragraaf B vermeld, in die geval van 'n laat aansoek om die hernuwing van die registrasie van -</b>	
	(a) 'n misstof, veevoedsel of steriliseringsinstallasie	R390
	(b) 'n landboumiddel of veemiddel	R700
	(c) 'n plaagbeheeroperateur	R130
<b>D.</b>	<b>'n Appél ingevolge artikel 6 van die Wet</b>	<b>R3000</b>
<b>E.</b>	<b>Betaling vir inligting en dokumentasie:</b>	
	(a) Aansoekvorm en opdragte	R45,00 per packet
	(b) Sertifikaat van vrylike verkope	R15,00 per sertifikaat
	(c) Invoerpermit	R10,00 per permit
	(d) Dokumente van eie produklêers soos aangevra deur registrasiehouers	R45,00 per versoek plus 50c per bladsy

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING****No. R. 678****23 May 2003****DETERMINATION OF SEPARATE PUBLIC BODY UNDER SECTION 13(c)(i) OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000(ACT NO. 2 OF 2000)**

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, acting under section 13(c)(i) of the Promotion of Access to Information Act, 2000(Act No. 2 of 2000), hereby determine that the National Prosecuting Authority established by section 179 of the Constitution of the Republic of South Africa, 1996(Act No. 108 of 1996), is, for the purpose of the first-mentioned Act, a separate public body.

**P M MADUNA**  
**Minister for Justice**  
**and Constitutional Development**

**No. R. 678****23 Mei 2003****BEPALING VAN AFSONDERLIKE LIGGAAM KRAGTENS ARTIKEL 13(c)(i) VAN DIE WET OP  
BEVORDERING VAN TOEGANG TOT INLIGTING, 2000(WET NO. 2 VAN 2000)**

Ek, Penuell Mpapa Maduna, Minister vir Justisie en Staatskundige Ontwikkeling, handelende kragtens artikel 13(c)(i) van die Wet op Bevordering van Toegang tot Inligting, 2000(Wet No. 2 van 2000), bepaal hierby dat die Nasionale Vervolgingsgesag ingestel by artikel 179 van die Grondwet van die Republiek van Suid-Afrika, 1996(Wet No. 108 van 1996), vir doeleindes van eersgenoemde Wet 'n afsonderlike openbare liggaam is.

**P M MADUNA**  
**Minister vir Justisie**  
**en Staatskundige Ontwikkeling**

**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID****No. R. 668****23 May 2003**

LABOUR RELATIONS ACT, 1995

**CANCELLATION OF GOVERNMENT NOTICES****METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: LIFT ENGINEERING COLLECTIVE AGREEMENT**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1013 of 12 October 2001, R. 1242 of 30 November 2001, R. 529 of 3 May 2002 and R. 1249 of 4 October 2002, with effect from 2 June 2003.

**M. M. S. MDLADLANA****Minister of Labour****No. R. 668****23 Mei 2003**

WET OP ARBEIDSVERHOUDINGE, 1995

**INTREKKING VAN GOEWERMENSKENNISGEWINGS****METAAL- EN INGENIEURSNIYWERHEDE BEDINGINGSRAAD: HYSBAKINGENIEURS KOLLEKTIEWE OOREENKOMS**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermenskennisgewings Nos. R. 1013 van 12 Oktober 2001, R. 1242 van 30 November 2001, R. 529 van 3 Mei 2002 en R. 1249 van 4 Oktober 2002 in, met ingang van 2 Junie 2003.

**M. M. S. MDLADLANA****Minister van Arbeid****No. R. 669****23 May 2003**

LABOUR RELATIONS ACT, 1995

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

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Metal and Engineering Industries Bargaining Council and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 2 June 2003 and for the period ending 30 June 2003.

**M. M. S. MDLADLANA****Minister of Labour****No. R. 669****23 Mei 2003**

WET OP ARBEIDSVERHOUDINGE, 1995

**METAAL- EN INGENIEURSNIYWERHEDE BEDINGINGSRAAD: UITBREIDING VAN HYSBAKINGENIEURS KOLLEKTIEWE HERBEKRAGTIGINGS- EN WYSIGINGSOOREENKOMS NA NIE-PARTYE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Metaal- en Ingenieursnywerhede Bedingingsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 2 Junie 2003 en vir die tydperk wat op 30 Junie 2003 eindig.

**M. M. S. MDLADLANA****Minister van Arbeid**

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

**SCHEDULE****METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL****LIFT ENGINEERING COLLECTIVE AMENDING AND RE-ENACTING AGREEMENT**

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

**Lift Engineering Association of South Africa**

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

**National Employees' Trade Union**

and the

**South African Equity Workers' Association**

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

being the parties to the Metal and Engineering Industries Bargaining Council, to amend the agreement published under Government Notice No. R. 405 of 31 March 1998, as renewed, amended and re-enacted by Government Notices Nos. R. 160 and R. 161 of 12 February 1999, R. 1314 of 12 November 1999, R. 1125 of 17 November 2000, R. 1013 of 12 October 2001, R. 1242 of 30 November 2001, R. 529 of 3 May 2002 and R. 1249 of 4 October 2002.

**1. CLAUSE 1: SCOPE OF APPLICATION OF AGREEMENT**

- (1) The terms of this Agreement shall be observed—
  - (a) in the Iron, Steel, Engineering and Metallurgical Industry throughout the Republic of South Africa;
  - (b) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions, in respect of the maintenance and/or assembly and/or installation and/or repair of electrical and hydraulic lifts, escalators, moving walkways and goods lifts.
- (2) The provisions of clause 1 (1) (b), 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, respectively.

**2. CLAUSE 2: PERIOD OF OPERATION OF AGREEMENT**

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 30 June 2003.

**3. SPECIAL PROVISIONS**

The provisions contained in clause 28 of the Agreement published under Government Notice No. R. 405 of 31 March 1998, as renewed, amended and re-enacted by Government Notices Nos. R. 160 and R. 161 of 12 February 1999, R. 1314 of 12 November 1999, R. 1125 of 17 November 2000, R. 1013 of 12 October 2001, R. 1242 of 30 November 2001, R. 529 of 3 May 2002 and R. 1249 of 4 October 2002 (hereinafter referred to as the "Former Agreement") shall apply to employers and employees.

**4. GENERAL PROVISIONS**

The provisions contained in clauses 3 to 27 and 29 to 41 and Annexures A, B and C of the Former Agreement shall apply to employers and employees.

**5. CLAUSE 25: EXEMPTIONS**

- (1) Insert the following new subclause 1 (c):
  - (c) Where additional and/or outstanding information is requested in respect of an exemption application and such information is not received within a period of 90 days the applicant will be informed that the application will lapse."
- (2) Substitute the following for item 5:

"Appeals:

  - (a) An independent body, referred to as the Independent Exemptions Appeal Board (the Board) shall be appointed and shall consider any appeal against an exemption granted or refused by the Council, or a withdrawal of an exemption in respect of parties and non-parties.
  - (b) The Council Secretary will, on receipt of an appeal against a decision of the Council, submit it to the Independent Exemptions Appeal Board for consideration and finalisation.
  - (c) In considering an appeal the Board shall consider the recommendations of the Council and any further submissions by the employers or employees and shall take into account the criteria set out above and also any other representations received in relation to the application.
  - (d) Should the appeal be successful an exemption licence shall be issued in terms of subclause (4)(a) and (b) above and shall be subject to subclause (4)(c) and (d)."

**6. ANNEXURE A: SECURITY OF EMPLOYMENT AND SEVERANCE PAY**

- (1) Substitute the following for item 1: "Retrenchments and/or Redundancies":

**"1. Retrenchments and/or redundancies"****(a) Introduction**

Any retrenchment of employees falling under the scope of this agreement must be undertaken in accordance with either Procedure A or Procedure B set out below. The procedure to be used will depend on—

- (i) the size of the company;
- (ii) the number of employees that the company proposes to retrench; and
- (iii) the company's retrenchment history over the preceding 12-month period.

**(b) Procedure**

This procedure must be followed by those employers who—

Employ 50 or fewer employees; or

employ more than 50 employees but who are contemplating retrenching less than the number of employees reflected below:

- (i) For employers of up to 200 employees: 10 employees;
- (ii) for employers of more than 200 but more than 300 employees: 20 employees;
- (iii) for employers of more than 300 but not more than 400 employees: 30 employees;
- (iv) for employers of more than 400 but not more than 500 employees: 40 employees;
- (v) for employers of 500 or more employees: 50 employees.

Provided that the number of employees retrenched in the 12-month period prior to the date of the notice of invitation to consult, together with the number of employees that the employer contemplates retrenching, is less than the number of employees reflected below.

**"PROCEDURE B"**

- (c) This procedure must be followed by those employers who employ more than 50 employees and who are contemplating the retrenchment of at least the number of employees reflected below:

- (i) For employers of up to 200 employees: 10 or more employees.
- (ii) For employers of more than 200 but not more than 300 employees: 20 or more employees.
- (iii) For employers of more than 300 but not more than 400 employees: 30 or more employees.
- (iv) For employers of more than 400 but not more than 500 employees: 40 or more employees.
- (v) For employers of 500 or more employees: 50 or more employees.

Provided that the number of employees retrenched in 12-month period prior to the date of the notice of invitation to consult, together with the number of employees that the employer contemplates retrenching, is equal to or exceeds the number of employees reflected below.

- (d) **Definitions for the purposes of this procedure—**

"notice of invitation to consult" means the notice referred to in clause 2.1.1 and 3.1.1; and

"employee" includes all persons employed by the legal entity that is the employer (e.g. a company a close corporation or a sole proprietor) and is not confined to scheduled employees in terms of the Agreement.

- (e) This procedure is intended partly as a guide to the relevant provisions of the Act, and partly to establish specific terms regulating work security in the industry. If there is a conflict between this annexure and the Act, the Act prevails, except for those clauses which are intended to supplement the Act."

- (2) Substitute the following for item 2: "Re-employment of retrenched employees":

**"2 Procedure A"****(a) Notice of proposed retrenchment**

- (i) An employer must notify all relevant consulting parties when that employer contemplates terminating the employment of one or more employees for reasons related to its operational requirements.
- (ii) Consulting parties include any registered trade union of which any of the employees potentially affected by the proposed retrenchment are members, and the nominated representatives of any potentially affected employees who are not members of a registered trade union.

- (iii) The notice referred to in 2.1.1 must be given in writing, as soon as possible after retrenchment is contemplated but at least 21 days before the contemplated date of retrenchment.
- (iv) In the written notice, the employer must invite the consulting parties to commence consultations over the proposed retrenchment. At the same time, the employer must disclose all relevant information to the consulting parties. This information must include, but is not limited to the following:
  - (aa) The reasons for the proposed retrenchment;
  - (ab) the alternatives that the employer considered before proposing the retrenchment, and the reasons for rejecting these alternatives;
  - (ac) the number of employees likely to be affected and the job categories in which they are employed;
  - (ad) the proposed selection criteria to be used to determine which employees to retrench;
  - (ae) the proposed date of retrenchment;
  - (af) the proposed severance pay;
  - (ag) any assistance which the employer proposes to offer to the employees who are likely to be retrenched;
  - (ah) the possibility of the future re-employment of the retrenched employees;
  - (ai) the number of employees employed by the employer; and
  - (aj) the number of employees that the employer has dismissed for reasons based on its operational requirements in the preceeding 12-month period.

**(b) Consultation process**

- (i) The employer must engage in a meaningful joint consensus-seeking process with the appropriate consulting party, and attempt to reach consensus on—
  - (aa) appropriate measures to—
    - (aaa) avoid the retrenchment;
    - (aab) minimise the number of retrenchments;
    - (aac) change the timing of the retrenchment; and
    - (aad) mitigate the adverse effects of the retrenchment;
  - (ab) the method for selecting the employees to be dismissed; and
  - (ac) the severance pay for dismissed employees.
- (ii) The employer must allow the consulting parties an opportunity to make representations about any of the above matters, but any other issues relevant to the proposed retrenchment.
- (iii) The employer must consider and respond to any representations made and, if the employer does not agree with them, it must state its reasons for disagreeing. If the consulting party's representations are made in writing then the employer must respond in writing.
- (iv) In any dispute in which an arbitrator is required whether or not any information sought by the consulting parties is relevant, the onus is on the employer to prove that the information which it has refused to disclose is not relevant for the purposes for which it is sought.
- (v) The employer must select the employees to be dismissed according to selection criteria:
  - (aa) That have been agreed by the consulting parties; or
  - (ab) If no criteria have been agreed, criteria that are fair and objective.

**(c) Severance pay**

The formula contained in clause 35 of this Agreement must be used to determine the amount of severance pay to be paid to a retrenched employee.

**(d) Notification of termination of employment**

When the consultation process has been concluded, the employer may give notice of termination to those employees selected for retrenchment on the following basis:

- (i) One week, if the employee has been employed for six months or less; or
- (ii) two weeks, if the employee has been employed for more than six months.

**(e) Notification to the Bargaining Council**

- (i) Once the affected employees have been given notice of the termination of their employment, the employer must inform the bargaining council's Regional Office, in writing, of the number and occupational categories of the employees that have been retrenched.

(f) **Re-employment of retrenched employees**

- (i) If an employer who has previously retrenched employees engages new employees, that employer must, as far as is practicable, give preference to the re-engagement of those persons who were retrenched from the establishment during the preceding 36 months, and who are qualified and available to undertake the categories of work required by the employer.

**3. Procedure B**

(a) **Notice of proposed retrenchment**

- (i) An employer must notify all relevant consulting parties when that employer contemplates terminating the employment of one or more employees for reasons related to its operational requirements.
- (ii) Consulting parties include any registered trade union of which any of the employees potentially affected by the proposed retrenchment are members, and the nominated representatives of any potentially affected employees who are not members of a registered trade union.
- (iii) The notice referred to in 3.1.1 must be given in writing, as soon as possible after retrenchment is contemplated.
- (iv) In the written notice, the employer must invite the consulting parties to commence consultations over the proposed retrenchment. At the same time, the employer must disclose all relevant information to the consulting parties. This information must include, but is not limited to the following:
- (aa) The reasons for the proposed retrenchment;
  - (ab) the alternatives that the employer considered before proposing the retrenchment, and the reasons for rejecting these alternatives;
  - (ac) the number of employees likely to be affected and the job categories in which they are employed;
  - (ad) the proposed selection criteria to be used to determine which employees to retrench;
  - (ae) the proposed date of retrenchment;
  - (af) the proposed severance pay;
  - (ag) any assistance which the employer proposes to offer to the employees who are likely to be retrenched;
  - (ah) the possibility of the future re-employment of the retrenched employees;
  - (ai) the number of employees employed by the employer; and
  - (aj) the number of employees that the employer has dismissed for reasons based on its operational requirements in the proceeding 12 month period.

(b) **Appointment of a CCMA facilitator**

- (i) The employer, or the consulting parties representing the majority of the employees that the employer proposes to retrench may, within 15 days of the date of the employer's notice of invitation to consult, request the CCMA to appoint a facilitator to facilitate the retrenchment process in terms of section 189A of the Labour Relations Act.
- (ii) If a facilitator is appointed, the facilitator will assist the parties to the consultation process and will act in terms of the Regulations, made by the Minister.
- (iii) If a CCMA facilitator has been appointed and 60 days have elapsed from the date of the employer's notice of invitation to consult:
- (a) The employer may give notice of termination to those employees selected for retrenchment on the following basis:
    - (aa) one week, if the employee has been employed for six months or less; or
    - (ab) two weeks, if the employee has been employed for more than six months.
  - (b) A registered trade union or the employees who have received notice of termination may, in accordance with the provisions of section 189A of the Act, may either:
    - (aa) Give notice of a strike in terms of the applicable provisions of the Act; or
    - (ab) refer a dispute concerning whether there is a fair reason for the dismissal to the Labour Court in terms of the applicable provisions of the Act.

**(c) Procedure when a CCMA facilitator is not appointed**

- (i) The employer must engage in a meaningful joint consensus-seeking process with the appropriate consulting party, and attempt to reach consensus on—
  - (aa) Appropriate measures to—
    - (aaa) avoid the retrenchment;
    - (aab) minimise the number of retrenchments;
    - (aac) change the timing of the retrenchment; and
    - (aad) mitigate the adverse effects of the retrenchment;
  - (ab) the method for selecting the employees to be retrenched; and
  - (ac) the severance pay for retrenched employees.
- (ii) The employer must allow the consulting parties an opportunity to make representations about any of the above matters, and any other issues relevant to the proposed retrenchment.
- (iii) The employer must consider and respond to any representations made and, if the employer does not agree with them, it must state the reasons for disagreeing. If the consulting party's representations are made in writing, then the employer must respond in writing.
- (iv) In any dispute in which an arbitrator is required to decide whether or not any information sought by the consulting parties is relevant, the onus is on the employer to prove that the information which it has refused to disclose is not relevant for the purposes for which it is sought.

**(d) Selection criteria**

- (i) The employer must select the employees to be dismissed according to selection criteria—
  - (aa) that have been agreed by the consulting parties; or
  - (bb) if no criteria have been agreed, criteria that are fair and objective.
- (ii) A party may not refer a dispute over the retrenchment to the bargaining council unless a period of 30 days has lapsed from the date on which the employer's notice of invitation to consult was given.
- (iii) After a dispute has been referred to the bargaining council, and after the relevant period referred to in section 64 (1) (a) of the Act has elapsed:
  - (aa) The employer may give notice of termination to those employees selected for retrenchment on the following basis:
    - (aaa) One week, if the employee has been employed for six months or less; or
    - (aab) two weeks, if the employee has been employed for more than six months.
  - (ab) A registered trade union or the employees who have received notice of termination may, in accordance with the provisions of section 189A of the Act, either:
    - (aaa) Give notice of a strike; or
    - (aab) refer a dispute concerning whether there is a fair reason for the dismissal to the Labour Court in terms of the applicable provisions of the Act.

**(e) Severance pay**

The formula contained in clause 35 of this Agreement must be used to determine the amount of severance pay to be paid to a retrenched employee.

**(f) Notification to the Bargaining Council**

- (i) Once the affected employees have been given notice of the termination of their employment, the employer must inform the Bargaining Council's regional office, in writing, of the number and occupational categories of the employees that have been retrenched.

**(g) Re-employment of retrenched employees**

- (ii) If an employer who has previously retrenched employees engages new employees, that employer must, as far as is practicable, give preference to the re-engagement of those persons who were retrenched from the establishment during the preceding 36 months, and who are qualified and available to undertake the categories of work required by the employer."

(3) Renumber items 3 and 4 to read 4 and 5, respectively.

Signed at Johannesburg for and on behalf of the parties this 20th day of March 2003.

**L. TRENTINI**

Member

**M. LANDMAN**

Member

**A. SMITH**

Council Secretary

**DEPARTMENT OF MINERALS AND ENERGY  
DEPARTEMENT VAN MINERALE EN ENERGIE**

No. R. 679

23 May 2003

The Minister of Minerals and Energy hereby publishes the draft regulations on the establishment of a public safety information forum by the holder of a nuclear installation licence in accordance with the provisions of section 26(4) of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), for comment.

All interested parties are invited to comment in writing on the said draft regulations and to direct the comments to:

The Director-General, Department of Minerals and Energy, Private Bag X59, PRETORIA, 0001, for attention: Dr S de Waal: Director: Nuclear Safety, Fax No (012) 317 9539 or e-mail: [sdw@mepta.pwv.gov.za](mailto:sdw@mepta.pwv.gov.za)

Comments must reach the Department of Minerals and Energy within 30 days of the date of the publication of this notice.

**PHUMZILE MLAMBO-NGCUKA  
MINISTER OF MINERALS AND ENERGY**

**DRAFT REGULATIONS**

**DEPARTMENT OF MINERALS AND ENERGY**

No.

May 2003

**NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)**

**REGULATIONS IN TERMS OF SECTION 47, READ WITH SECTION 26(4) OF THE  
NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999), ON THE  
ESTABLISHMENT OF A PUBLIC SAFETY INFORMATION FORUM BY THE  
HOLDER OF A NUCLEAR INSTALLATION LICENCE**

Under section 47 of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, after consultation with the Board of Directors of the National Nuclear Regulator, hereby make the regulations in the Schedule.

**PHUMZILE MLAMBO-NGCUKA  
MINISTER OF MINERALS AND ENERGY**

## SCHEDULE

### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned.

### Terms not defined in the Act

2. In these regulations—

- (i) “nuclear safety” means the achievement of safe operating conditions, prevention of nuclear accidents or mitigation of nuclear accident consequences, resulting in the protection of workers, the public and the environment against the potential harmful effects of ionizing radiation or radioactive material
- (ii) “radiation safety” means the protection of persons and the environment against the potential harmful effects of ionizing radiation or radioactive material.
- (iii) “relevant municipal area” means any municipal area within which the formal emergency planning zone of a nuclear installation, as defined by the Regulator, falls.

### Responsibilities of holders of a nuclear installation licence

3. A holder of a nuclear installation licence must—

- (a) establish a public safety information forum in order to inform the persons living in the relevant municipal area in respect of which an emergency plan has been established in terms of section 38(1) of the Act on nuclear safety and radiation safety matters (including emergency planning) related to the relevant nuclear installation;
- (b) provide suitable venue and facilities for meetings of the forum;
- (c) provide a secretariat to facilitate the proper functioning of the forum;
- (d) provide information to the forum, with due regard to section 51 of the Act, on nuclear/radiation safety matters, including but not limited to nuclear incidents/accidents; and
- (e) cover all reasonable costs related to the establishment and management of the forum.

### Functioning of the Public Safety Information Forum

4. The public safety information forum must—

- (a) elect a Chairperson and Deputy Chairperson by open ballot from the members of the public living in the relevant municipal area, and whoever elected shall perform their duties without payment;
- (b) conduct all meetings open to the public at a minimum frequency of quarterly;
- (c) communicate adequately on the meetings of the forum within the relevant municipal area;
- (d) keep minutes of all meetings as a record, which must be distributed to all attendees and any other interested parties; and
- (e) invite the National Nuclear Regulator, and the relevant municipality as well as relevant provincial and national government departments as appropriate, to all meetings.

### Constitution

5. The Public Safety Information Forum may establish a constitution not inconsistent with these regulations.

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

No. R. 667

23 May 2003

## **CUSTOMS AND EXCISE ACT, 1964.- AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1186)**

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, **with retrospective effect to 1 January 2003**, to the extent set out in the Schedule hereto.

DEPUTY MINISTER OF FINANCE

### **SCHEDULE**

Head= ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
87.04	".80	1	By the substitution for subheading 8704.31.80 of the following:  --- Other, of a vehicle mass not exceeding 2 000 kg or a G.V.M. not exceeding 3 500 kg, or of a mass not exceeding 1 600 kg or a G.V.M. not exceeding 3 500 kg per chassis fitted with a cab	u	38%	33%	33%"
		2	By the substitution for subheading 8704.90.80 of the following:  -- Other, of a vehicle mass not exceeding 2 000 kg or a G.V.M. not exceeding 3 500 kg, or of a mass not exceeding 1 600 kg or a G.V.M. not exceeding 3 500 kg per chassis fitted with a cab	u	38%	33%	33%"

No. R. 667

23 Mei 2003

**DOEANE EN AKSYNSWET, 1964.-  
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1186)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee, met terugwerkende krag tot 1 Januarie 2003, gewysig in die mate in die Bylae hierby aangetoon.

**ADJUNKMINISTER VAN FINANSIES**

**BYLAE**

Pos	Subpos	T S	Artikel Beskrywing	Statis- tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
87.04	"80	1	Deur subpos 8704.31.80 deur die volgende te vervang:  --- Ander, met 'n voertuigmassa van hoogstens 2 000 kg of 'n B.V.M. van hoogstens 3 500 kg, of met 'n massa van hoogstens 1 600 kg of 'n B.V.M. van hoogstens 3 500 kg per onderstel met 'n kajuit toegerus	c	38%	33%	33%"
	"80	2	Deur subpos 8704.90.80 deur die volgende te vervang:  -- Ander, met 'n voertuigmassa van hoogstens 2 000 kg of 'n B.V.M. van hoogstens 3 500 kg, of met 'n massa van hoogstens 1 600 kg of 'n B.V.M. van hoogstens 3 500 kg per onderstel met 'n kajuit toegerus	c	38%	33%	33%"

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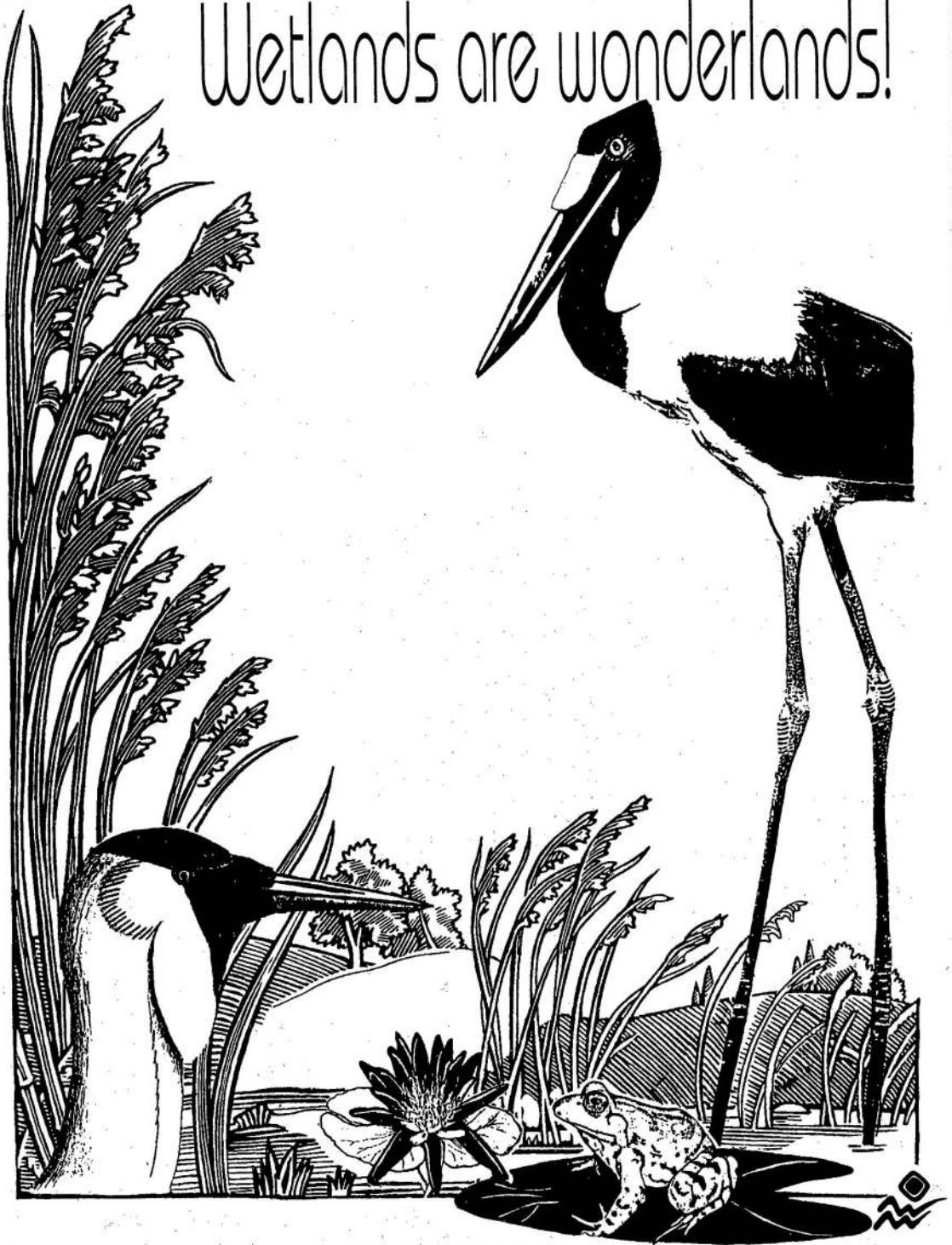
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