



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7740

Regulasiekoerant

Vol. 458

Pretoria, 15 August 2003
Augustus

No. 25306



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**GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS**

**DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU**

No. R. 1153

15 August 2003

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT NO. 47 OF 1996)

**ESTABLISHMENT OF STATUTORY MEASURE – RECORDS AND RETURNS
BY MILK 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.


AT 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.

“milk 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 milk 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 milk 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 milk 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) milk producers.

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

(3) (a) The return shall be submitted annually, when forwarded by post to –

The Administrator
Milk Producers' Organisation
PO 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 milk 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

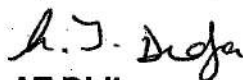
7. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 1 November 2007.

No. R. 1153

15 Augustus 2003

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996**(WET NO. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES
DEUR MELKPRODUSENTE**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreëls in, soos in die bylae uiteengesit.

**AT Didiza,****Minister van Landbou.**

BYLAE**Woordomskrywings**

1. In hierdie bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

“die Wet” die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996).

“melk” die normale afskeiding van die melkkliere van beeste, bokke of skape.

“melkprodusent” enige persoon wat beeste, bokke of skape vir die produksie van melk aanhou.

Rede vir en doel met statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die doel van die statutêre maatreël is om 'n statutêre meganisme vir melkprodusente te vestig, ten einde aantekeninge te hou en opgawes aan die Melkprodusente-Organisasie te voorsien.

Deur rekordhouding van die suiwelbeespopulasie, sal statistiek per provinsie en distrik daargestel word, van die aantal koeie, bulle, verse en rasse. Dit sal dan moontlik wees om die veranderende populasie-neigings per provinsie te bepaal, asook om melkproduksie-neigings te voorspel. Die monitering van neigings in kuddegroottes en suiwelrasse asook die relevante gebiede, sal die bedryf behulpsaam wees in die bestuur van sy opvoedkundige, navorsings-, voorligtings- en gesondheidsprogramme.

Statutêre ondersteuning in terme van veteriniêre inspeksie-, voorligtings-, gesondheids- en gehaltebeheerdienste is gedurende die afgelope sowat tien jaar substansieel afgeskaal. Kuddes wat nie vir kritiese siektes behandel word nie, hou

wesenlike gesondheidsrisiko's vir mens en dier in. Soönose, 'n siekte of infeksie wat natuurlik oordraagbaar tussen gewerwelde diere en/of die mens is, ondermyn die gesondheid, produktiwiteit en reprodutiwiteit van daardie diere waarop die mens vir sy voedsel en arbeid staatmaak. Soönose mag dus op die langtermyn, tot die probleem van ondervoeding by die mens en veral kinders bydra. Jaarlikse verliese in die RSA as gevolg van tuberkulose, brusellose en rabies by beeste, beloop etlike miljoene rand. Deurdat melkprodusente die relevante inligting voorsien, kan aksie geneem word om dieregesondheid op 'n nasionale basis te bevorder.

Sedert die sluiting van die Suiwelraad in 1993, het die plaaslike navorsingskapasiteit geleidelik beperk geraak. Die statutêre maatreël sal produsente-insette ten opsigte van dieregesondheid, produksiegehalte, genetica en voeding fasiliteer, sodat navorsing pro-aktief gedoen kan word in gebiede waar probleme geïdentifiseer word. Navorsingsprojekte wat doeltreffende en doelmatige kuddebestuur ondersteun, korreleer direk met 'n verbetering in produkgehalte.

Administrasie van die maatreël

3. Hierdie statutêre maatreël sal deur die Melkprodusente-Organisasie, 'n vereniging ingelyf kragtens Artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), geadministreer word. Hierdie liggaam sal ook die intervensie soos in die Skedule uiteengesit, implementeer, administreer en toepas.

Inligting sal beskikbaar gestel word deur opgewes aan die MPO te voorsien, op 'n wyse wat aan die behoeftes van die rolspelers in die suiwelbedryf van Suid-Afrika sal voldoen. Die ingesamelde inligting sal op só 'n manier hanteer word, om voldoening aan die voorwaardes van artikel 23(2) van die Wet op die Bemaking van Landbouprodukte te verleen, wat as volg bepaal:

“(2) Niemand mag, behalwe by die verrigting van sy of haar werksaamhede kragtens hierdie Wet, of tensy dit deur 'n hof of met die skriftelike toestemming van die

Minister, inligting, rakende enige persoon, instelling of liggaam van persone, wat kragtens artikel 18 of andersins by verrigting van werksaamhede ingevolge hierdie Wet verkry is, aan iemand anders openbaar nie."

Produk waarop statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op melk van toepassing.

Gebied waarin statutêre maatreël van toepassing is

5. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Aantekeninge wat gehou moet word en opgawes wat verstrek moet word deur melkprodusente

6. (1) Die volgende persone moet aantekeninge hou en opgawes verstrek in verband met melk wat hy of sy in sy of haar besit of onder sy of haar beheer het:

(a) melkprodusente.

- (2) Die Melkprodusente-Organisasie sal opgawevorms beskikbaar stel om die proses rakende die indiening van opgawes te vergemaklik.

- (3) (a) Die opgawe moet jaarliks ingedien word, indien per pos, by -
Die Administrateur
Melkprodusente-Organisasie
Posbus 1284
PRETORIA
0001

- (b) indien afgelewer per hand, by -
Die Administrateur
Melkprodusente-Organisasie
Katoen SA-gebou
Cycadplek 90
uit Watermeyerstraat
Val de Grace Uitbreiding 10
PRETORIA
0184
- (4) Elke melkprodusent moet binne 15 dae ná 31 Oktober van elke jaar, 'n akkuraat-voltooide opgawe aan die Melkprodusente-Organisasie voorsien.
- (5) Die aantekeninge en opgawes moet inligting weergee met betrekking tot die volgende:
- (a) datum van voltooiing van die opgawevorm;
 - (b) Produsent se naam en van;
 - (c) Produsent se posadres;
 - (d) Naam van die produsent se plaas;
 - (e) Landdrosdistrik waarbinne die plaas geleë is;
 - (f) Kontakbesonderhede van die produsent, naamlik telefoon-, faks- en selfoonnommers en e-posadres.
 - (g) Stalregistrasienommer van die produsent;
 - (h) Naam van melkkoper;
 - (i) 'n Aanduiding of die produsent aan die Beesbrusellose-skema deelneem;

- (j) 'n Aanduiding of die produsent aan die Beestuberkulose-skema deelneem;
 - (k) Aantal koeie in melk;
 - (l) Aantal droë koeie (nie in melk nie);
 - (m) Aantal dragtige verse;
 - (n) Aantal verse ouer as 12 maande, maar nie dragtig nie;
 - (o) Aantal verse vanaf 6 maande tot 12 maande oud;
 - (p) Aantal verse jonger as 6 maande;
 - (q) Aantal bulle vir teeldoeleindes;
 - (r) Ras van die kudde;
 - (s) Gemiddelde liter melk per maand verkoop (gedurende die laaste 6 maande) in die formele en informele markte;
 - (t) Gemiddelde liter melk vir eie gebruik/verbruik.
- (6) Die Melkprodusente-Organisasie sal 'n aantekeningstelsel wat goeie boekhoupraktik weerspieël, implementeer en onderhou.

Inwerkingtreding en tydperk van geldigheid

7. Hierdie statutêre maatreël tree in werking op datum van publikasie hiervan en verval op 1 November 2007.

No. R. 1154

15 August 2003

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996**(ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE – REGISTRATION OF MILK
PRODUCERS**

I, Angela Thokozile Didiza, Minister of Agriculture, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.


AT 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.

“milk 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 milk producers of the Republic of South Africa to register with the Milk Producers' Organisation.

The registration of milk producers will assist the industry to liaise with them regarding matters of concern such as legislation, training courses and technology transfer. The registration of milk 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 milk 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 7:
- (a) All milk producers.
- (2) An application for registration shall be made within 30 days from the date of commencement of this statutory measure and, in case of a person becoming a party in terms of sub clause (1) after such date of commencement, within 30 days of becoming a party in terms of sub clause (1).
- (3) The parties in terms of sub clause (1) shall within 30 days of ceasing to be a party in terms of sub clause (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 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 thereto.
- (3) The application form shall be submitted,
- (a) when forwarded by post, to –
- The Administrator
Milk Producers' Organisation
PO 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

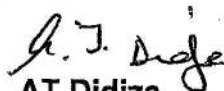
8. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 1 November 2007.

No. R. 1154

15 Augustus 2003

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996**(WET NO. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL: REGISTRASIE VAN
MELKPRODUSENTE**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreëls in, soos in die bylae uiteengesit.


AT Didiza,**Minister van Landbou.**

BYLAAG**Woordomskrywings**

1. In hierdie bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

“die Wet” die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996).

“melk” die normale afskeiding van die melkkliere van beeste, bokke of skape.

“melkprodusent” enige persoon wat beeste, bokke of skape vir die produksie van melk aanhou.

Rede vir en doel met statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die doel van hierdie statutêre maatreël is om die melkprodusente van die Republiek van Suid-Afrika te verplig om by die Melkprodusente-Organisasie te registreer.

Die registrasie van melkprodusente sal die bedryf in staat stel om met hulle oor sake van belang te skakel, soos wetgewing, opleidingskursusse en tegnologie-oordrag. Die registrasie van melkprodusente sal die onderhouding van 'n nasionale databasis fasiliteer, wat 'n voorvereiste is vir die publikasie van betroubare bedryfstatistiek.

In terme van internasionale vereistes, moet uitvoerlande aan sekere spesifikasies voldoen. Daarom moet die plaaslike suiwelbedryf kritiese stappe in melkboerdery identifiseer, wat nodig is om voedselveiligheid te verseker en om genoegsame veiligheidsprosedures te identifiseer, te implementeer, te handhaaf en te hersien. Die enigste wyse om te verseker dat elke melkprodusent van die verlangde praktyke ingelig word en dit te monitor, is by wyse van verpligte registrasie.

Administrasie van die maatreël

3. Hierdie statutêre maatreël sal deur die Melkprodusente-Organisasie, 'n vereniging ingelyf kragtens Artikel 21 van die Maatskappyyewet, 1973 (Wet No. 61 van 1973), geadministreer word. Hierdie liggaam sal ook die intervensie soos in die Skedule uiteengesit, implementeer, administreer en toepas.

Produk waarop statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op melk van toepassing.

Gebied waarin statutêre maatreël van toepassing is

5. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Registrasie van die betrokke partye

6. (1) Die volgende partye moet by die Melkprodusente-Organisasie registreer, op die wyse in klousule 7 uiteengesit:

(a) Alle melkprodusente.

(2) 'n Aansoek om registrasie sal 30 dae vanaf aanvangsdatum van hierdie statutêre maatreël gedoen word en ingeval 'n persoon wat 'n party ingevolge subklousule (1) word na sodanige datum van inwerkingtreding, binne 30 dae nadat hy of sy 'n party ingevolge subklousule (1) geword het.

(3) Elke party ingevolge subklousule (1) moet die Melkprodusente-Organisasie binne 30 dae nadat hy of sy ophou om 'n party ingevolge

subklousule (1) te wees, skriftelik daarvan in kennis stel, waarop sy of haar registrasie gekanselleer word.

Aansoek om registrasie

7. (1) 'n Aansoek om registrasie moet gedoen word op 'n aansoekvorm, waarvan afskrifte gratis van die Melkprodusente-Organisasie verkrygbaar is.

(2) Die aansoekvorm moet in ink voltooi en deur 'n persoon onderteken word wat behoorlik daartoe gemagtig is.

(3) Die aansoekvorm moet ingedien word,

(a) indien per pos, by –

Die Administrateur
Melkprodusente-Organisasie
Posbus 1284
PRETORIA
0001

(b) indien afgelewer per hand, by –

Die Administrateur
Melkprodusente-Organisasie
Katoen SA-gebou
Cycadplek 90
uit Watermeyerstraat
Val de Grace Uitbreiding 10
PRETORIA
0184

Inwerkingtreding en tydperk van geldigheid

7. Hierdie statutêre maatreël tree in werking op datum van publikasie hiervan en verval op 1 November 2007.

**DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID**

No. R. 1164

15 August 2003

STANDARDS ACT, 1993

**AMENDMENT OF COMPULSORY SPECIFICATION FOR MEDIUM -
VOLTAGE ELECTRIC CABLES - VC 8077**

I, Alexander Erwin, Minister of Trade and Industry, hereby under section 22 (1) (a) (i) of the Standards Act, 1993 (Act No. 29 of 1993), and on the recommendation of the Council of the South African Bureau of Standards, with effect from the date two months after the date of publication of this notice, declare the amendment to the specification contained in the Schedule, to be compulsory.

**A Erwin
Minister of Trade and Industry**

SCHEDULE

AMENDMENT OF COMPULSORY SPECIFICATION FOR THE SAFETY OF MEDIUM-VOLTAGE ELECTRIC CABLES

1 Scope

This specification covers the requirements for single-core and three-core paper-insulated and XLPE-insulated cables with rated voltages in the range 3,3/3,3 kV to 19/33 kV, but excluding pressure-assisted cables.

2 Definitions

2.1 For the purposes of this specification, the definitions given in SANS 97 and SANS 1339 apply.

2.2 Proof of compliance: A full safety test report issued by a laboratory accredited by an applicable internationally recognized laboratory accreditation scheme, or in the absence of an accredited laboratory, by a laboratory accepted by the SABS and a Letter of Authority (LOA) as issued by the SABS upon evaluation of the aforesaid full safety test report.

3 Particular requirements

3.1 Medium voltage paper-insulated electric cables

Medium voltage paper-insulated electric cables shall comply with the relevant requirements of SANS 97, *Electric cables – Impregnated paper-insulated metal-sheathed cables for rated voltages 3,3/3,3 kV to 19/33 kV (excluding pressure assisted cables)*, as published by Government Notice No. 973 (Government Gazette No. 21605) of 6 October 2000, as amended from time to time.

3.2 Medium voltage XLPE-insulated electric cables

Medium voltage XLPE-insulated electric cables shall comply with the relevant requirements of SANS 1339, *Electric cables – Cross-linked polyethylene (XLPE) insulated cables for rated voltages 3,8/6,6 kV to 19/33 kV*, as published by Government Notice No. 773 (Government Gazette No. 22577) of 24 August 2001, as amended from time to time.

4. General requirements

4.1 Proof of compliance:

4.1.1 Proof of compliance shall be made available to the SABS in respect of each item of apparatus covered by the scope of this compulsory specification prior to the sale of such items.

4.1.2 Such proof of compliance shall be made available to the SABS, within 5 working days after a request during inspection by a duly authorized person of the SABS.

4.1.3 Failure to provide such proof of compliance shall constitute reasonable grounds to suspect that the item of apparatus covered by the scope of this compulsory specification, does not comply with the requirement of this compulsory specification.

No. R. 1165

15 August 2003

STANDARDS ACT, 1993**AMENDMENT OF COMPULSORY SPECIFICATION FOR THE SAFETY OF
ELECTRIC CABLES WITH EXTRUDED SOLID DIELECTRIC INSULATION
FOR FIXED INSTALLATIONS (300 / 500 V TO 1900 / 3300 V)
VC 8075**

I, Alexander Erwin, Minister of Trade and Industry, hereby under section 22 (1) (a) (i) of the Standards Act, 1993 (Act No. 29 of 1993), and on the recommendation of the Council of the South African Bureau of Standards, with effect from the date two months after the date of publication of this notice, declare the amendment to the specification contained in the Schedule, to be compulsory.

A Erwin
Minister of Trade and Industry

SCHEDULE**AMENDMENT OF THE COMPULSORY SPECIFICATION FOR THE
SAFETY OF ELECTRIC CABLES WITH EXTRUDED SOLID DIELECTRIC
INSULATION FOR FIXED INSTALLATIONS (300 / 500 V TO 1900 / 3300 V)-
VC8075****1 Scope**

This standard covers single-core and multi core extruded solid dielectric insulated cables of rated operating voltage (U_0 / U) in the range (300 / 500 V to 1900 / 3300 V), for use in fixed installations.

2 Definitions

2.1 For the purposes of this specification, the definitions given in SANS 1507 apply.

2.2 Proof of compliance: A full safety test report issued by a laboratory accredited by an applicable internationally recognized laboratory accreditation scheme, or in the absence of an accredited laboratory, by a laboratory accepted by the SABS and a Letter of Authority (LOA) as issued by the SABS upon evaluation of the aforesaid full safety test report.

3 Particular requirements

3.1 Electric cables for fixed installations shall comply with the relevant requirements of SANS 1507: 2002. Electric cables with extruded solid dielectric insulation for fixed installations (300 / 500 V to 1900 / 3300 V),

Part 1: General

Part 2: Wiring cables

Part 3: PVC Distribution cables

Part 4: XLPE Distribution cables

Part 5: Halogen-free distribution cables

Part 6: Service cables,

as amended from time to time.

4. General requirements

4.1 Proof of compliance:

4.1.1 Proof of compliance shall be made available to the SABS in respect of each item of apparatus covered by the scope of this compulsory specification prior to the sale of such items.

4.1.2 Such proof of compliance shall be made available to the SABS, within 5 working days after a request during inspection by a duly authorized person of the SABS.

4.1.3 Failure to provide such proof of compliance shall constitute reasonable grounds to suspect that the item of apparatus covered by the scope of his compulsory specification, does not comply with the requirement of this compulsory specification.

No. R. 1166**15 August 2003****STANDARDS ACT, 1993****WITHDRAWAL AND REPLACEMENT OF THE COMPULSORY SPECIFICATION FOR
VEHICLES OF CATEGORY 03 AND 04**

I, Alexander Erwin, Minister of Trade and Industry, hereby under Section 22(1)(a)(i) of the Standards Act, 1993 (Act No. 29 of 1993), and on the recommendation of the Council of the South African Bureau of Standards, withdraw the compulsory specification for vehicles of category 03 and 04, and replace it with the compulsory specification as set out in the Schedule, with effect from the date 2 months after the date of publication of this notice.

A ERWIN
Minister of Trade and Industry

SCHEDULE

COMPULSORY SPECIFICATION FOR CATEGORY O₃ AND O₄ VEHICLES (TRAILERS)

1 Scope

1.1 This specification covers the requirements for vehicles of category O₃ and O₄ designed or adapted for the conveyance of goods and for operation on a public road, including any category O₃ and O₄ vehicle not previously registered in South Africa.

NOTE New vehicles of category O₃ and O₄ designed and constructed for the purpose of the carriage of passengers, as in a semi-trailer bus, are also subject to the relevant requirements for category M₂ and M₃ motor vehicles (buses).

1.2 The requirements of the specification shall, in so far as the parts already incorporated are concerned, apply in respect of an incomplete vehicle supplied for further manufacture by one manufacturer to another, and the entire specification shall apply to the vehicle after completion thereof by the last-mentioned manufacturer.

1.3 The specification does not apply to experimental or to prototype trailers constructed or imported by the original manufacturer or by importers for the purpose of testing, assessment or development, or to those military trailers that embody ordnance or missile systems, or to agricultural trailers.

1.4 The relevant requirements of this specification that take effect on any specified date, shall not apply to vehicles manufactured or imported before that date.

1.5 Homologation shall comprise the confirmation by the Regulatory Authority that the manufacturer has provided the Regulatory Authority with the following specific evidence in respect of the commodity covered by this compulsory specification:

- a) a summary of evidence showing that all relevant tests have been conducted with successful results under appropriate controls in respect of the model or the type of the commodity;
- b) sufficient data to enable a relevant model or type and its components to be identified and related to (a) above;
- c) relevant samples for the conducting of whatever tests and inspections are considered appropriate by the Regulatory Authority, to verify any or all of the evidence provided;
- d) details of the quality management system applied by the manufacturer;
- e) when relevant, documentation to advise subsequent manufacturers of incomplete commodities of their responsibilities; and
- f) agreement by the manufacturing source, to permit conformity of production audits to be carried out by the Regulatory Authority at the relevant manufacturing, assembling and test facilities.

The Regulatory Authority may issue such confirmation, on application, in respect of new models or types, provided that such confirmation may not be used for the purpose of advertising or to imply that all units of the commodity necessarily or consequently comply with all the requirements of this specification.

1.6 Where an SABS standard, including an international standard, or an ECE regulation adopted by the SABS, is incorporated by reference into this specification, only the technical requirements/specification for the commodity, and the tests to verify the compliance, apply.

2 Definitions

For the purposes of this specification, the following definitions apply:

2.1

agricultural trailer

a low speed trailer designated as such by the manufacturer, and intended to be towed by a vehicle that does not exceed 40 km/h

2.2

category O:

a) category O₃

trailers with a maximum weight exceeding 3,5 metric ton but not exceeding 10 metric ton; and

b) category O₄

trailers with a maximum weight exceeding 10 metric ton

2.3

manufacturer

the person who manufactures, produces, assembles, alters, modifies, adapts or converts a new category O vehicle, and "manufacture" has a corresponding meaning

2.4

maximum weight

the maximum mass of a vehicle and its load as specified by the manufacturer

2.5

model

the manufacturer's description for a series of vehicle designs that do not differ in respect of axle configuration and does not exceed the trailer's gross axle mass load.

The Regulatory Authority reserves the right to decide on which variations or combinations of variation constitute a new model, and may also take cognisance to the classification system applied in the country of origin of the design

2.6

public road

a road, street or thoroughfare, including the verges, or any other place, whether a thoroughfare or not, to which the public have the right of access and that they commonly use

2.7

regulatory authority

an organization appointed by the Minister of the Department of Trade and Industry to implement this compulsory specification on behalf of the South African Government

2.8

semi-trailer bus

a category O semi-trailer, that is intended to be drawn by a category N truck-tractor, the combination of which is designed or adapted for the conveyance of a driver and more than eight passengers. (See also 3.3.)

3 General requirements

3.1 Requirements for lights, lighting equipment and rear warning signs

3.1.1 Lights

Lights fitted to a trailer shall comply with the relevant requirements as given in the following:

SABS ECE R3, *Uniform provisions concerning the approval of retro-reflecting devices for power driven vehicles and their trailers;*

SABS ECE R4, *Uniform provisions for the approval of devices for the illumination of rear registration plates of motor vehicles (except motorcycles) and their trailers;*

SABS ECE R6, *Uniform provisions concerning the approval of direction indicators for motor vehicles and their trailers;*

SABS ECE R7, *Uniform provisions concerning the approval of front and rear position (side) lamps, stop-lamps and end outline marker lamps for motor vehicles (except motor cycles) and their trailers;*

SABS ECE R23, *Uniform provisions concerning the approval of reversing lights for power driven vehicles and their trailers;*

SABS ECE R37, *Uniform provisions concerning the approval of filament lamps for use in approved lamp units of power driven vehicles and trailers; and*

SABS ECE R91, *Uniform provisions concerning the approval of side-marker lamps for motor vehicles and trailers.*

3.1.2 Lighting and retro-reflectivity

Lighting and retro-reflective markings shall be fitted to a trailer and shall comply with the relevant requirements given in SABS ECE R48, *Uniform provisions concerning the approval of vehicles with regard to the installation of lighting and light-signalling devices* and SABS ECE R104, *Uniform provisions concerning the approval of retro-reflective markings for heavy and long vehicles and their trailers.*

The requirements for the installation of retro-reflectors may be met by the use and fitting of retro-reflectors that are defined in the relevant regulations of the Road Traffic Act, 1989 (Act 29 of 1989), or the National Road Traffic Act 1996 (Act 93 of 1996) and in addition, the requirements may also be met by the use and fitting of retro-reflectors that are integral portions of any other light lens assembly.

3.1.3 Rear warning sign (chevrons)

A rear warning sign shall be fitted to a trailer and shall comply with the relevant requirements of the Road Traffic Act, 1989 (Act 29 of 1989) or the National Road Traffic Act, 1996 (Act 93 of 1996).

3.2 Requirements for windows and partitions

3.2.1 Glass partitions and windows fitted to any trailer shall be:

- a) of safety glass that complies with the relevant requirements given in SABS 1191, *Safety glass for vehicles – High penetration resistant laminated safety glass for vehicles*, SABS 1192, *Safety glass for vehicles – Laminated safety glass for vehicles* or SABS 1193, *Safety glass for vehicles – Toughened safety glass for vehicles;* or
- b) of plastics safety glazing material that complies with the relevant requirements of SABS 1472, *Plastics*

safety glazing materials for motor vehicles.

3.2.2 For the purpose of this specification, the marking requirements shall be as follows:

- a) the glass shall bear the glass manufacturer's registered trade mark; and
- b) the glass fitted shall comply with an approved national standard, recognized by the Regulatory Authority, that will provide a method of identifying the glass type.

3.3 Requirements for brakes and braking equipment

A vehicle shall be fitted with braking equipment that complies with the relevant requirements given in SABS ECE R13, *Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to braking*, to the level of ECE R13.08.

For the purposes of braking requirements for a semi-trailer bus, the vehicle shall be considered as a category O commercial vehicle.

3.4 Pneumatic braking system connections

A vehicle shall be fitted with a pneumatic braking system that complies with the relevant requirements given in SABS 1477-1, *Pneumatic braking system connections between drawing and drawn vehicles – Part 1: Contact type couplings*, SABS 1477-2, *Pneumatic braking system connections between drawing and drawn vehicles – Part 2: Palm type couplings* and SABS 1477-3, *Pneumatic braking system connections between drawing and drawn vehicles – Part 3: The arrangement of connections on vehicle, using contact type or palm type couplings*.

3.5 Requirements for electrical connectors

Electrical connectors that are fitted for the purpose of towing, shall comply with:

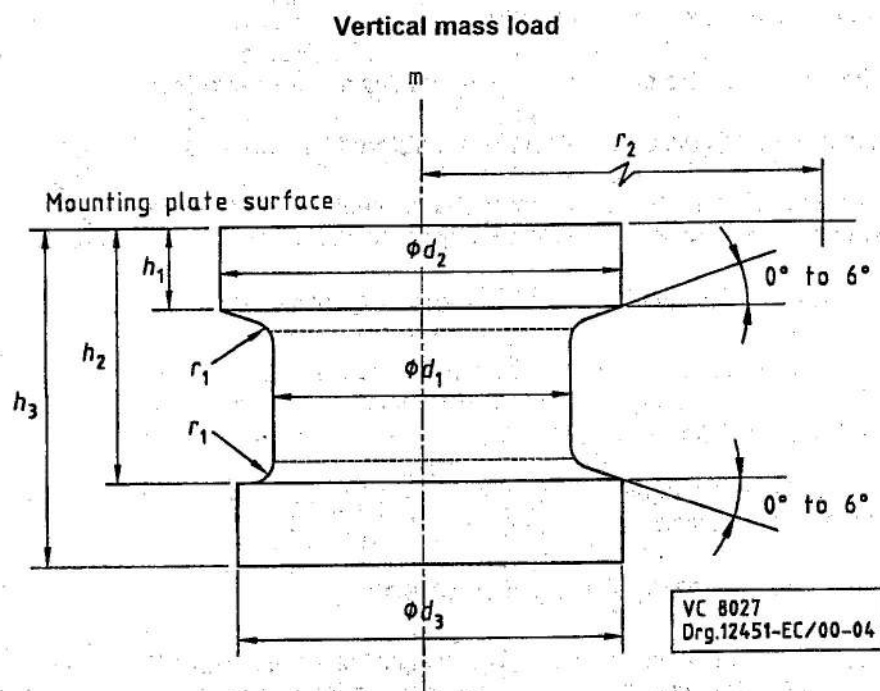
- a) in the case of 12 V systems:
 - 1) SABS 1327, *Electrical connectors for towing and towed vehicles (7-pole connectors)*, or
 - 2) SABS ISO 11446, *Passenger cars and light commercial vehicles with 12 V systems – 13-pole connectors between towing vehicles and trailers – Dimensions and contact allocation*; and
- b) in the case of 24 V systems:
 - 1) SABS 1327, *Electrical connectors for towing and towed vehicles (7-pole connectors)*; or
 - 2) SABS ISO 12098, *Commercial vehicles with 24 V systems – 15-pole connectors between towing vehicles and trailers – Dimensions and contact allocation*.

3.6 Requirements for couplings on semi-trailers

3.6.1 Kingpin and mounting plate

A semi-trailer shall be equipped with a fifth-wheel kingpin that is securely fitted to a mounting plate on the semi-trailer.

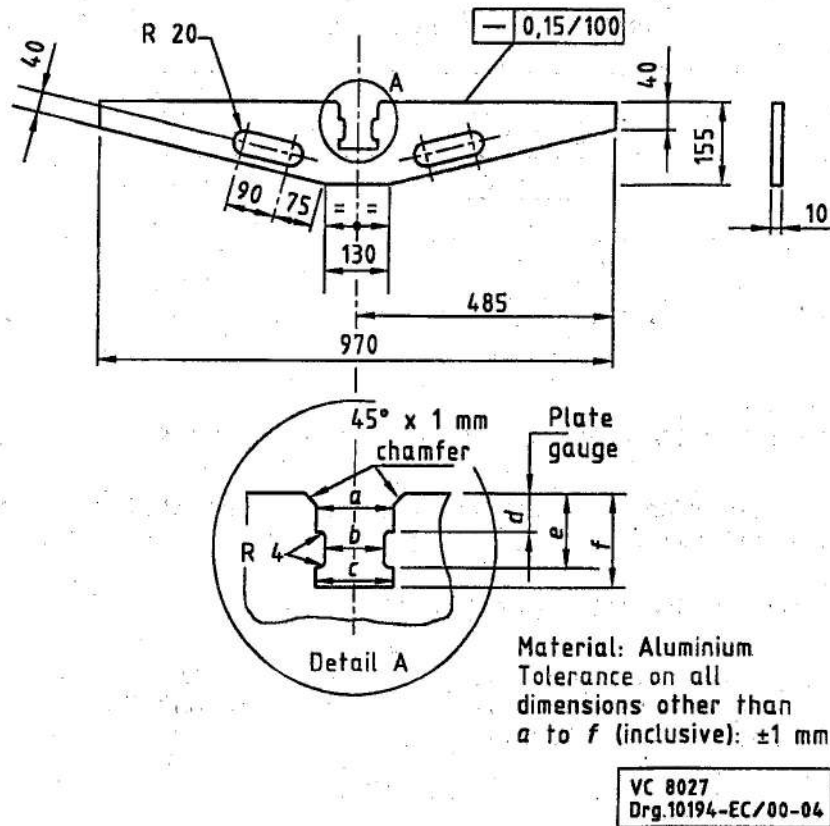
The kingpin shall be of type 50 or type 90. The combination of the kingpin and mounting plate shall be capable of supporting the appropriate mass-load. The dimensions of a type 50 and type 90 kingpin shall comply with those given in figure 1.



1	2	3
Parameter	Dimensions of kingpin mm	
	Type 50	Type 90
ϕd_1	$50,8 \pm 0,1$	$89,0 \pm 0,1$
ϕd_2	$73,0 \pm 0,1$	$114,0 \pm 0,1$
ϕd_3	$71,5 \pm 0,4$	$111,0 \pm 0,4$
h_1	$35 + 0 - 3,0$	$21 + 0 - 3,0$
h_2	$70 + 1,5 - 0$	$59 + 1,5 - 0$
h_3	$84 + 0 - 1,5$	$74 + 0 - 2,0$
Radius r_1	$3,0 + 0,5 - 0$	$3,0 + 0,5 - 0$
Radius r_2	At least 485	At least 485
	Vertical mass load tons	Vertical mass load tons
m	Not more than 20	Over 20

Figure 1 — Kingpin details

The mounting plate surface shall be flat within 1,5 mm total indicator reading (TIR) over a radius of at least 485 mm from the axis of the kingpin. The geometry of the kingpin/mounting plate combination shall be such that when the relevant gauge, shown in figure 2, is placed in contact with the mounting plate surface across any transverse diameter, the kingpin is able to pass through the gauge with the gauge still in contact with the surface.



1	2	3
Parameter	Dimensions of kingpin mm	
	Type 50	Type 90
a	74,5	116,3
b	53,4	93,5
c	74,7	115,7
d	37,6	23,0
e	68,0	57,0
f	85,4	75,2

NOTE Tolerance on all above dimensions $\pm 0,05$ mm.

Figure 2 — Details of the kingpin/mounting plate gauge

The axis of a kingpin shall, at any point on the mounting plate surface within a radius of at least 485 mm from the axis of the kingpin, be at an angle of $90^\circ \pm 1^\circ$ to the mounting plate surface.

3.6.2 Mechanical properties of kingpin

A kingpin shall have mechanical properties equal to or better than those given in table 1.

Table 1 — Mechanical properties of kingpin

1	2
Mechanical property	Value
Tensile strength, MPa	850 – 1 000
Yield stress, MPa, min.	680
Elongation, %, min.	13
Izod impact value, J, min.	54
Hardness, HB	250 – 300

3.7 Requirements for rear underrun protection devices

A rear underrun protection device shall be fitted to a trailer and shall comply with the relevant requirements given in SABS 1055, *Motor vehicle safety: Rear underrun protection devices*.

3.8 Requirements for warning triangles

In the case of a vehicle supplied with a warning triangle as part of the vehicle equipment, such a warning triangle shall comply with the requirements of SABS 1329-1, *Retro-reflective and fluorescent warning signs for road vehicles – Part 1: Triangles*.

4 Requirements concerning metrological data

4.1 Trailer dimensions

The dimensions of a trailer shall comply with the requirements of the relevant regulations of the Road Traffic Act, 1989 (Act 29 of 1989) or the National Road Traffic Act 1996 (Act 93 of 1996).

4.2 Information plates

4.2.1 Data plate

A trailer shall have, permanently affixed to it in a conspicuous position, and visible from the left-hand side of the trailer, a data plate or plates. The following information shall be legibly and permanently imprinted or stamped on the data plate(s):

- a) the gross vehicle mass, in kilograms, prefixed by the letters "GVM/BVM";
- b) the gross axle mass-load or gross axle unit mass-load of each axle or axle unit, in kilograms, prefixed by the letters "GA/BA" or "GAU/BAE", as applicable;
- c) if the trailer is a semi-trailer, the gross kingpin mass-load in kilograms, prefixed by the letters "GKM/BSM";
- d) the manufacturer's design intent, denoted by the wording "For public road operation"; and
- e) the month and the year of manufacture, denoted by four numeric digits, two for the month, followed by two for the year (for example, July 1987 would be denoted by 0787).

4.2.2 Vehicle Identification Number (VIN)

A trailer shall have a vehicle identification number that complies with the relevant requirements given in SABS ISO 3779, *Road vehicles – Vehicle identification number (VIN) – Content and structure*, and SABS ISO 4030, *Road vehicles – Vehicle identification number (VIN) – Location and attachment*.

However, the requirements for the VIN, as given in clause 5 of the said SABS ISO 4030, shall, for the purpose of this compulsory specification, be taken to read as follows:

5 VIN attachment

5.1 The VIN shall be marked directly on any integral part of the vehicle; it may be either on the frame, or, for integral frame body units, on a part of the body not easily removed or replaced.

5.2 The VIN shall also be marked on the data plate.

5.3 Deleted.

5.4 The height of the roman letters and the arabic numerals of the VIN shall be as follows:

- at least 7 mm if marked in accordance with 5.1 (frame, body, etc.) on motor vehicles and trailers; and
- at least 3 mm if marked in accordance with 5.2 (data plates).

4.3 Provision for registration

Suitable spaces shall be provided on the data plate(s) referred to in 4.2.1:

- a) T.....kg (for tare);
- b) V.....kg (for the permissible maximum trailer mass); and
- c) A.....kg or AU/AE...kg, as applicable (for the permissible axle mass-load or permissible axle unit mass-load of each axle or axle unit).

The responsibility for the marking of this information on the data plate(s) shall rest with the trailer manufacturer.

4.4 Axle brake data plates

Each axle on a trailer shall be provided with information applicable to the brake design, the particulars of which shall be permanently and legibly imprinted or stamped either on a data plate permanently affixed in a conspicuous position adjacent to the axle or on the plates as required by SABS ECE R13, given as follows:

- a) the axle make and serial number;
- b) the brake chamber size and the brake lever length;
- c) the maximum tyre size; and
- d) brake lining material type and grade.

4.5 Measuring units

All gauges, indicators or instruments that are fitted to a trailer and that are calibrated in physical units shall be calibrated in units as prescribed by the current applicable regulations promulgated under the Measuring Units and National Measuring Standards Act, 1973 (Act 76 of 1973).

5 Requirements for the control of environmental interference

5.1 Suppression of radio and television interference

All components, accessories or equipment fitted to a trailer and that generate and radiate electromagnetic energy, shall comply with the current applicable regulations relating to interference with communications, promulgated under the Telecommunications Act, 1996 (Act 103 of 1996).

5.2 Suppression of atmospheric pollution

All engines, accessories or equipment fitted to a trailer and that generate smoke emissions, shall comply with the current regulations promulgated under the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965).

6 Requirements for trailer equipment, components and systems

6.1 Tyres

Tyres for trailers shall comply with the relevant requirements of the compulsory specification for pneumatic tyres for commercial vehicles and their trailers.

6.2 Wheel flaps

All trailers of gross mass exceeding 3,5 t shall be fitted with wheel flaps that comply with the relevant requirements given in SABS 1496, *Wheel flaps fitted to motor vehicles*.

Provided that:

chassis-only trailers that are being driven to a place to have body work fitted or to a dealer of such vehicles are excluded from the requirement for the fitment of wheel flaps.

6.3 Axle or axle unit suspension

A semi-trailer shall be fitted with axle suspension that complies with the relevant regulations of the National Road Traffic Act, 1996 (Act 93 of 1996).

7 Compliance requirements

Proof of compliance shall be provided by the manufacturer, importer or builder (MIB) to the inspectorate authority in respect of each motor vehicle model covered by the scope of this specification.

Such proof of compliance shall be made available in the English language, so that the inspectorate authority can satisfy itself that compliance has been achieved prior to any such vehicle being registered in the Republic of South Africa.

Failure to provide such proof of compliance within five working days of submitting an application for homologation to the inspectorate authority, shall constitute reasonable grounds to suspect that the motor vehicle model does not comply with the requirements of this specification.

8 Equivalent requirements

The requirements of any of the SABS standards in the appropriate parts of clause 3 of this specification shall be deemed to have been met if compliance with the listed EEC or ECE requirements given in table 2, are achieved.

SCHEDULE — Operative dates

1	2	3	4	5
Subsection	Item	Operative date	Exclusions	Exclusion expiry date
	All subclauses/items not referred to below	1 September 1992	Nil	
3.1.1	Lights to SABS ECE R3 SABS ECE R4 SABS ECE R6 SABS ECE R7 SABS ECE R23 SABS ECE R37 SABS ECE R91	1 January 2001	Nil	
3.1.2	Lighting to SABS ECE R48 Markings to SABS ECE R104	1 January 2002 1 January 2002	Nil	
3.3	Braking to SABS ECE R13	1 January 2002	Nil	
3.4	Pneumatic connections to SABS 1477	1 January 2002	Nil	
3.5	Electrical connectors to SABS ISO 11446 and SABS ISO 12098	1 January 1998	Nil	
6.3	Axle suspension to National Road Traffic Act	1 January 2002	Nil	

NOTE 1 Vehicles that comply with any SABS, ECE or EEC standard that supersedes the above-mentioned standards, shall be deemed to comply with the relevant requirements of this compulsory specification.

NOTE 2 The exclusions listed in this schedule should be read in conjunction with other exclusions that are in the body of the specification, or in any applicable SABS standard.

Table 2 — Equivalent standards that shall be deemed to comply with SABS standards

1	2	3	4	5	6	7	8	9
Equivalent standards								
Subsection	Item	SABS No.	Dated	EEC	Inclusive	ECE	Others	Remarks
3.1.1	Lights	ECE R3 ECE R4 ECE R6 ECE R7 ECE R23 ECE R37 ECE R91		76/757 76/760 76/759 76/758 77/539 76/761 76/758	97/29 97/31 89/277 97/30 97/32 89/517 97/30	R3 R4 R6 R7 R23 R37 R91		
3.1.2	Installation of lights	1046	1990	76/756	89/278	R48		
3.2	Safety glazing	1191 1192 1193	1978 1978 1978	92/22 92/22 92/22		R43 R43 R43		
3.3	Brakes and braking	ECE R13	1996			R13.08		
3.6	Rear underrun	1055	1983	70/221	81/333	R58		
6.3	Axle suspension						NRTA	
NOTE Vehicles that comply with any SABS or equivalent standards that supersedes the above-mentioned standards, may be deemed to comply with such a standard.								

No. R. 1167

15 August 2003

STANDARDS ACT, 1993

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR REPLACEMENT
SECONDARY LIGHTS FOR MOTOR VEHICLES

I, Alexander Erwin, Minister of Trade and Industry, hereby under Section 22(1)(a)(i) of the Standards Act, 1993 (Act No. 29 of 1993), and on the recommendation of the Council of the South African Bureau of Standards, amend the compulsory specification for Replacement Secondary Lights for Motor Vehicles as set out in the Schedule, with effect from the date two months after the date of publication of this notice.

A ERWIN
Minister of Trade and Industry

SCHEDULE

AMENDMENT TO THE COMPULSORY SPECIFICATION FOR
REPLACEMENT SECONDARY LIGHTS FOR MOTOR VEHICLES**Section 3**

Delete the existing "4.1 marking" and insert the following:

4 Marking

No. R. 1168

15 August 2003

STANDARDS ACT, 1993**AMENDMENT OF THE COMPULSORY SPECIFICATION FOR REPLACEMENT
HEADLIGHTS FOR MOTOR VEHICLES**

I, Alexander Erwin, Minister of Trade and Industry, hereby under Section 22(1)(a)(i) of the Standards Act, 1993 (Act No. 29 of 1993), and on the recommendation of the Council of the South African Bureau of Standards, amend the compulsory specification for Replacement Headlights for Motor Vehicles as set out in the Schedule, with effect from the date two months after the date of publication of this notice.

A ERWIN

Minister of Trade and Industry

SCHEDULE**AMENDMENT TO THE COMPULSORY SPECIFICATION FOR
REPLACEMENT HEADLIGHTS FOR MOTOR VEHICLES****Title**

Delete the existing title and insert the following:

Replacement headlights for motor vehicles

Section 3

Delete the existing "4.1 Marking" and insert the following:

4 Marking

No. R. 1169

15 August 2003

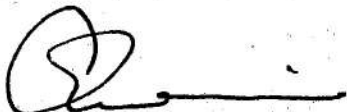
STANDARDS ACT, 1993

PROPOSED COMPULSORY SPECIFICATION FOR SMALL ARMS SHOOTING RANGES

It is hereby made known under section 22.(3) of the Standards Act, 1993 (Act No. 29 of 1993), that the Minister of Trade and Industry intends to declare the specification for small arms shooting ranges as set out in the Schedule, to be a compulsory specification.

The purport of the compulsory specification for small arms shooting ranges is for the accreditation and regulation of small arms shooting ranges as will be required by the Fire Arms Control Act (Act No. 60 of 2000) in order to protect the public against unsafe shooting ranges.

Any person who wishes to object to the intention of the Minister to thus declare the specification concerned a compulsory specification, shall lodge his objection in writing with the President, South African Bureau of Standards, Private Bag X191, Pretoria, 0001; on or before the date two (2) months after publication of this notice.



A. ERWIN
Minister of Trade and Industry

Schedule

VC 9088

COMPULSORY SPECIFICATION FOR SMALL ARMS SHOOTING RANGES

1 Scope

1.1 This specification covers general requirements for the planning, construction and operation of indoor and outdoor shooting ranges.

1.2 It does not apply to any area where it could otherwise be lawful to discharge a firearm.

2 Definitions

For the purpose of this specification the following definitions apply:

2.1

backplate

the steel plate covering the area of the protected zone (qv) of an indoor range, behind and around the bullet trap (qv), where bullet strikes are likely. It has no direct equivalent on an outdoor range.

2.2

baffle

a structure or device, that is mounted with its face towards the firing point (qv). It is intended to stop or redirect misdirected shots.

2.3

bullet trap/catcher

the device or construction behind the targets intended to stop and trap shots that pass through or near the targets.

2.4

danger area

the fan shaped area beyond the targets where those misdirected shots that do not impact the stop butt (qv), either in azimuth or elevation, will impact. A danger area is not required if the stop butt is of sufficient size.

NOTE – Only outdoor ranges can have a danger area.

2.5

firing point

the point, or points, from which shots may be fired on the range.

2.6

full bore

centre fire cartridges and firearms so chambered.

2.7

protected zone

the area of an indoor range, behind and around the Bullet Trap (qv) and Backplate (qv), intended to stop all misdirected shots that may reasonably be expected to be fired. Depending on the dimensions of the range it may include parts of the sidewalls and ceiling. Analogous to the stop butt (qv) on an outdoor range.

2.8**ricochet**

a bullet that continues to travel through the air after rebounding or skipping off some object or part of the range.

2.9**safety angle**

the required minimum angle between the sighting line (qv) and an imaginary line drawn from the eye of the shooter to the top or side of the stop butt (qv) or protected zone (qv).

2.10**small arms**

handguns, rifles and shotguns.

2.11**small bore**

the 0,22 inches rim fire cartridge and firearms so chambered.

2.12**sighting line**

an imaginary line drawn from the eye of the shooter to the target.

2.13**stop butt /back stop**

the bank, wall or other device, behind and around the bullet trap (qv), intended to stop all misdirected shots that may reasonably be expected to be fired. It applies only to outdoor ranges.

3 Categories of ranges

3.1 General

There are three basic categories of shooting ranges:

- a) Indoor ranges (see Annex B),
- b) Outdoor no danger area ranges (see Annex C), and
- c) Outdoor danger area ranges (see Annex D).

NOTE – There is no essential difference between handgun and rifle ranges. However, the much higher velocities and muzzle energies of most rifle ammunition impose greater demands on the bullet trap, protected zone or stop butt, and danger area of the range. The use of a range for centre fire rifle, in addition to handgun, will often be dependant on the economics of the necessary construction and/or the danger area available.

3.2 Indoor ranges

Indoor range is a range that is constructed inside a building.

3.3 Outdoor no danger area ranges

A no danger area outdoor range shall be constructed or designed in such a way that no misdirected shot, that can reasonably be expected to be fired towards the targets, will leave the range.

3.4 Outdoor danger area ranges

3.4.1 Outdoor danger area ranges are ranges where the stop butt (only outdoor ranges can have danger areas) is not sufficiently high and/or wide to meet the requirement to contain all reasonably expected misdirected shots.

3.4.2 Outdoor danger area ranges shall have a danger area (see figure 1) beyond the stop butt. In the case of shotgun ranges there is no stop butt, and the danger area then naturally is the area where all the shot impacts.

4 Potential hazards associated with shooting ranges

4.1 Indoor range potential hazards

The following potential hazards should be taken into consideration when designing and constructing a shooting range:

- a) Bullets striking some part of the range other than the bullet trap and ricocheting so as to pose a hazard to shooters or a third party.
- b) Splashback of particles from target frames, bullet trap or any other item within the protected zone.
- c) Noise from the discharge of the firearm damaging shooters' hearing.
- d) Noxious fumes from the propellant gases.
- e) Lead dust and particles fromunjacketed bullets.
- f) Risk of fire from dust build-up and from tracer ammunition.
- g) Ejected cartridge cases or gas and propellant particles striking an adjacent shooter.
- h) Inadequate lighting affecting the shooter's ability to see clearly the sights and targets.
- i) Incorrect usage of the range.

4.2 Outdoor range potential hazards

The following potential hazards should be taken into consideration when designing and constructing a shooting range:

- a) Bullets missing the stop butt and leaving the range.
- b) Bullets striking some part of the range other than the stop butt and ricocheting so as to miss the stop butt, and thus leaving the range.
- c) Splashback of particles from target frames, bullet trap or stop butt.
- d) Noise from the discharge of the firearm damaging shooters' hearing.
- e) Ejected cartridge cases or gas and propellant particles striking an adjacent shooter.
- f) Glare from the sun affecting the shooter's ability to see clearly the sights and targets.
- g) People entering the danger area, or into the range itself.
- h) Incorrect usage of the range.
- i) Any extraordinary hazards e.g. low flying aircraft from a nearby airfield.

5 Distances over which ammunition is dangerous

When designing a range the maximum range distances should be taken into consideration, see Annex A.

NOTE - Small arms projectiles will travel a considerable distance when fired at a slight elevation angle.

6 Range construction

6.1 Stop butt or protected zone

6.1.1 The range shall have a stop butt, or protected zone in the case of an indoor range. This shall be of such a height and width that it will intercept any shot that can reasonably be expected to be fired in the general direction of the targets and bullet trap. For this purpose the top of the stop butt/protected zone shall subtend a safety angle of 8° (vertical) from the sighting line, as seen from the firing points and the ends of the stop butt (horizontal), 12° (see figure 2). The stop butt/protected zone shall, in addition, be of thickness and material that bullets will not penetrate. It shall not cause ricochets or splashback of bullets or pieces of bullet.

6.1.2 The size of the stop butt/protected zone will depend on the length of the range from rearmost firing point to targets, the distance between targets and stop butt/protected zone, the width of the firing point and the height or heights above the ground (or range floor) that shooting takes place (prone or standing shooting, etc) and will incorporate a vertical safety angle of at least 8° to the firing point.

6.1.3 Specific requirements for different types of ranges are given in annexes B, C, D and E.

6.2 Danger area

6.2.1 The construction of a stop butt becomes impractical and/or uneconomic on ranges of more than 25 m to 100 m, unless a high hill behind the bullet trap, that incorporate a safety angle of at least 8° to the firing point, is available. In such cases it is therefore necessary to have a fenced off danger area beyond the stop butt. Such danger area shall not be entered by people or animals whilst the range is in use.

6.2.2 It is not uncommon to use such a danger area for farming. However, measures shall be taken to clear the area before the range is used, and warning notices and flags shall be employed.

6.2.3 The extent of the danger area will depend on the types of firearm used on the range (handgun, shotgun or rifle, or some combination), the length of the range and the width of the firing point or points.

6.3 Bullet trap

6.3.1 The bullet trap shall not only stop/trap bullets without splashback or ricochets, but it shall continue to do so in the face of repeated impacts over a concentrated area. The mostly common used basic forms of bullet trap are:

a) A sand or earth bank that is usually employed on outdoor ranges, and

b) Steel sheets that either deflects the bullets down into sand or a water filled tray, or that redirect the bullets into a swirl chamber where repeated impacts remove the bullet's energy.

6.3.2 The bank type shall be regularly dug out and sieved, to remove spent bullets and stones that could cause ricochets ("de-leaded"), and the slope of the bank restored. The steel sheet type shall have any damage repaired by welding and smooth grinding. Thick plate, preferably armoured steel, should be used as a bullet trap.

6.4 Ricochet prevention

A ricochet may occur when a bullet strikes a hard surface at an oblique angle. The ricochet will not leave the surface at the same angle that it impacts.

If the floor and walls of an indoor range are hard and smooth, a bullet that strikes them will ricochet and will continue down range and strike within the protected zone or on ricochet preventing baffles.

Similar conditions apply on outdoor ranges, with the added danger that ricochets could miss the stop butt and leave the range. For this reason targets should not be placed on the floor of the range, but rather shall be elevated above the ground so that the bullets impact on the bullet trap.

Where obstructions cannot be removed then baffles shall be used to trap or deflect potential ricochets.

It is recommended to wear eye protection whilst shooting.

6.5 Baffles

6.5.1 Baffles are used for one of two purposes:

a) To protect against ricochets from light fittings, wall pillars and other obstructions that could cause ricochets. In protecting against ricochets, the baffles serve also to protect the fittings from damage (see figure 2). However, the primary purpose is to protect against ricochets.

b) To stop misdirected shots that could be expected to leave the range because the protected zone (indoor ranges) or stop butt (outdoor ranges) is not as high or wide as it should be and thus cannot incorporate a vertical safety angle of 8° and a horizontal angle of 12° to the furthest firing point.

6.5.2 The baffles shall be positioned so that they intercept the sighting line, and hence line of fire, of shots that are fired too high or wide to impact on the protected zone or stop butt. They can be used in the case of a stop butt of insufficient height on an outdoor range, or in lieu of a bulletproof ceiling (within the protected zone area) in an indoor range. However, the disadvantage is that they severely limit the positions within the range where firing points may be situated.

6.5.3 All baffles should be faced with a material that prevents bullets splashback e.g. a 50 mm thick softwood (on the face towards the firing point) spaced from the steel on 50 mm battens. The wood facing stops backslash, and the space between the steel and wood prevents damage to the wood from ricochets across the face of the baffle. The battens should be mounted vertically to permit bullets and particles to fall out.

6.5.4 Consideration should be given to the secondary projectiles when baffles are within 10 m of any firing point.

6.6 Firing point

6.6.1 For safety reasons, shooters shall be a minimum of 1,5 m apart. This will either dictate the number of shooters who may shoot at the same time, or conversely dictate the width of firing point required on a new range. Screens are sometimes used between firing points on a range where firing always takes place at one fixed distance. In these circumstances, the distance between shooters can be reduced to 1m. However, screens cause ejected cartridge cases ("brass") from self-loading pistols to bounce around and sometimes strike the shooter.

6.6.2 For standing shooting the firing point should be a flat hard surface. However, for prone shooting a surface that slopes slightly upwards towards the targets is preferred. For outdoor ranges, the firing point surface should also be of a nature that drains well and does not become a mud bath in wet weather and a dust bowl in dry weather.

6.6.3 If tables or benches are used in front of the shooters at the firing point, then they should be made of wood to prevent ricochets or splatter if accidentally hit by a shot.

6.7 Ventilation and dust control

6.7.1 Indoor ranges shall have extractor fans installed. Such fans should be installed at the target end of the range so that fumes are pulled away from the shooters and any range staff or spectators. Filters on the outlets of the ventilation ducting will reduce the discharge of lead dust into the atmosphere. Inlet ventilators shall be installed behind the shooters.

6.7.2 If the air supply and extraction is horizontal, the average air speed measured at a level of 1,5 m above the floor shall not be less than 0,3 m/s. If the air supply is vertical and extraction thereof is done through slits or grills along the side walls at floor level, the average air speed measured at a level of 1,5 m above the floor level, shall not be less than 0,3 m/s.

6.7.3 It is recommended that a build up of dust in an indoor range should be avoided by regular weekly cleaning. Dry dusting should be avoided to prevent the dust becoming airborne.

NOTE - Although modern propellants are "smokeless" they nevertheless do liberate large quantities of gas and particles, which are neither pleasant nor healthy to inhale. In addition,unjacketed lead bullets can release particles of lead into the air when they break up on impact. Excessive exposure to lead particles and fumes may be dangerous and hence the need for adequate ventilation.

6.8 Noise reduction in indoor ranges

6.8.1 Hearing protection shall always be worn on both indoor and outdoor ranges.

6.8.2 It is recommended to install noise absorption materials on the walls, and possibly, also in the ceiling. The advice of an acoustics expert should be considered.

6.8.3 The materials used should be non-flammable.

6.9 Location of a range

It is recommended that an environmental impact study should be carried out to evaluate the ecological impact of the range on the surrounding environment.

6.10 Noise abatement

Indoor and outdoor ranges can largely be treated together when considering noise abatement.

When planning/positioning a range the environs of the range should be taken into consideration. An industrial or business area is preferable to a residential area. In the case of an indoor range, a stand-alone building will avoid the transfer of noise to adjacent properties through the structure of the building. Danger area ranges shall be situated in sparsely populated locations. Even so, the positioning of the firing point end of the range should take into consideration adjacent dwellings.

In the case of outdoor ranges (with or without danger area) screening of the firing point end by means of earth banks, rows of shrubs or trees, etc can make a considerable difference to the propagation of noise away from the range.

6.11 Range orientation and lighting

6.11.1 It is recommended that the in Southern hemisphere outdoor ranges should be orientated facing South to keep the sun out of the shooters' eyes.

6.11.2 Indoor ranges should be lit throughout their length. If required, dimmers can be used to enable low light shooting practice.

7 Range (shooting) safety

7.1 Irresponsible conduct of the shooters can negate the safety built into the range design.

7.2 The shooters shall obey the range (shooting) safety rules at all times.

7.3 The shooting needs to be supervised by a person competent to do so and who is able to give his or her full attention to the safety aspects without the distraction of trying to shoot at the same time. Such a supervisor is known as the range officer.

7.4 The duties of a range officer are given in Annex F and suggested range safety rules are given in Annex G.

7.5 The range should have first aid resources.

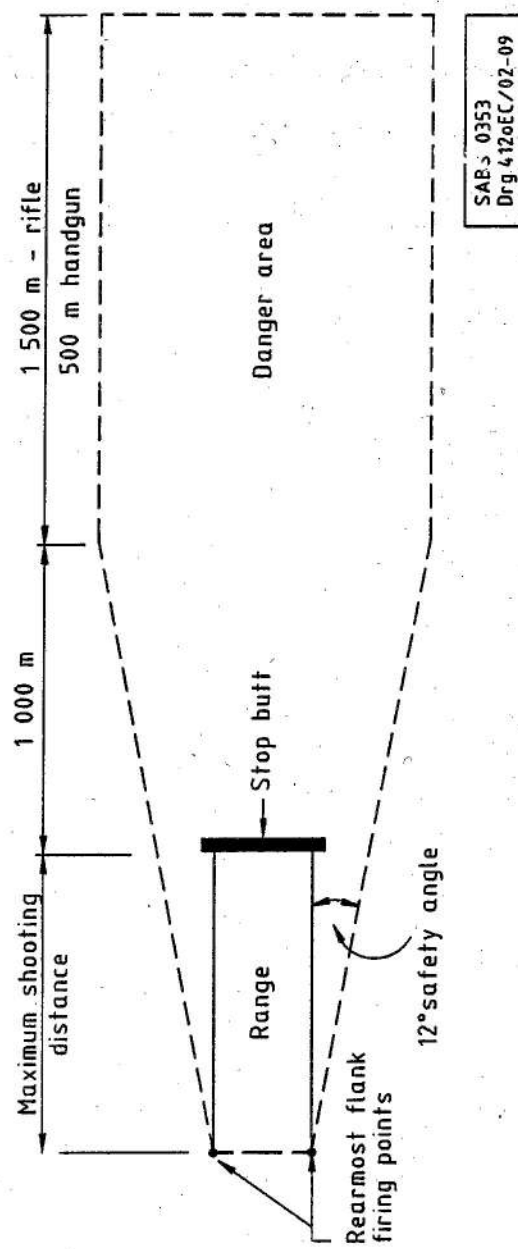


Figure 1 – Outdoor danger area range (danger area template)

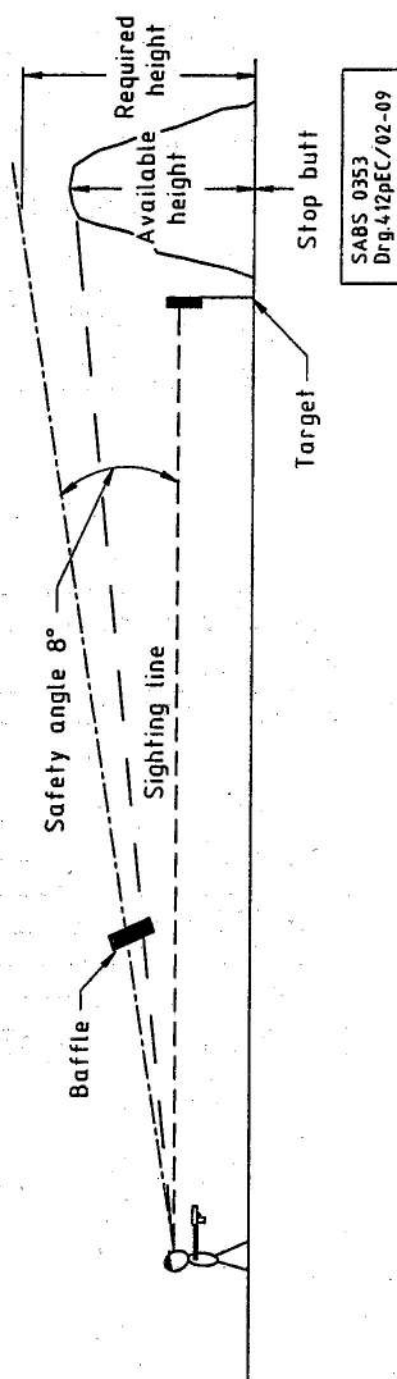


Figure 2 – Application of safety angle (showing use of baffle)

NOTE – The safety angle of 8° equates to 142 mm height required for every meter between the shooter and stop butt. The height of the sighting line above the ground should be added to the calculated safety angle height to determine the required height of the stop butt to be constructed or whether a natural hill is high enough to act as a stop butt.

Annex A
(Normative)

Examples of maximum ranges

Table A.1 – Shot cartridges

1	2
Shot size / diameter (mm)	Maximum range (m)
7 to 9 / 2 to 2,5 mm	200
BB / 4 mm	350
Buckshot, greater than 5 mm	1200

Table A.2 – Ammunition of muzzle velocity less than 330 m/s (1000 ft/s)

1	2	3
Ammunition/firearm	Calibre examples	Maximum range (m)
Rim-fire cartridges	22 short 22 long rifle	1000 1500
Centre-fire handgun cartridges	9 mm short, 38 Spl, 45 ACP	1500

Table A.3 – Ammunition of muzzle velocity greater than 330 m/s (1000 ft/s)

1	2	3
Ammunition/Firearm	Calibre examples	Maximum range (m)
Shotgun slugs	12 Bore	1400
Rim-fire cartridges	22 long rifle	1500
Centre fire handgun cartridges	9 mm Para, 357 Mag	2500
Centre fire rifle-cartridges	223 Rem, 308 Win, 30-06	2500 - 4000

Annex B

(Normative)

Indoor ranges

B.1 Bullet Trap

Bullet trap shall take one of several forms of angled (45°) steel plate or plates that direct the spent bullets down into a sand or water pit. Alternatively, an escalator type of steel plate trap may be used which, while more complex to construct, will require less maintenance. A sand bank, as used on outdoor ranges may also be used, but this will take up considerable space and may lead to a dust and dirt problem. Heavy plastic/rubber sheeting may be hung in front of the bullet trap to stop small particles of backsplash and dust from returning up range.

Old car or truck tyres should not be used as a bullet trap. Many tyres contain metal bands that can cause ricochets. Spent bullets can lodge in the tyres and cause ricochets. There is also a distinct risk of fire from the particles of rubber broken out by the impact of the bullets.

B.2 Backplate

The backplate should cover the rear wall behind the bullet trap, and should extend outwards to cover the entire part of the rear wall that falls within the protected zone (see B.3). The area of the backplate that is visible from the firing point/s shall be faced with wood or compactible material spaced on battens in the same manner as any baffles (see 6.5).

B.3 Protected zone

This is the part of the range that is enclosed by the safety angle of 8° to the sighting line in both the vertical and horizontal planes. All parts of the range falling within this zone shall be bulletproof and proof against ricochets and backsplash. Smooth faced flush jointed double brick or 250 mm dense concrete or similar can be considered suitable. Where parts of the structure within the protected zone are not considered bulletproof then they shall be overplated with steel plate.

Where the rear wall of the range does not contain the safety angles, those parts of the side walls or ceiling or both that come within the safety angles shall also be bullet-proof, and proof against ricochets and splashback. Suitably designed and situated baffles may be erected in lieu of bulletproofing of sidewalls or ceilings where this is more practicable or economic.

The floor of the range should be hard (e.g. concrete) and smooth, and should be kept clear of any objects that could cause ricochets if struck by a bullet.

Cladding (as for baffles) should be used when the protected zone surfaces are not proof against ricochets and backsplash.

NOTE 1 The required size of the protected zone can be calculated by taking the safety angle of 8° as equalling 142 mm for every metre of distance between firing point and backplate.

NOTE 2 Centre fire rifle ammunition can inflict major damage to steel plates and great care is needed in selecting suitable plate material and thickness. Armoured steel is highly preferable.

NOTE 3 Steel overplating of the protected zone is only required when the structure is not bullet proof. However, in the long term overplating may prove more economic.

B.4 Range entrances

No door or entrance should exist forward of the rearmost firing point, unless secured from the inside. A red light should be fitted above all doors giving direct access to the range itself (not the building). Such lights should lit whenever the range is in use.

B.5 Fire

Cognisance should be taken of local bylaws, and a fire extinguisher should be available on the premises.

Annex C

(Normative)

Outdoor no danger area ranges

C.1 Stop butt

The stop butt shall be enclosed by the safety angle of 8° to the sighting line in the vertical and 12° in the horizontal planes. The stop butt should be the steep side of a hill, the wall of an abandoned or disused quarry, sandpit, etc, or a purpose erected bulletproof brick or concrete wall, or a bank of hard earth. In the latter case, the core of the bank can be made of hard fill such as rock, building rubble, etc. The minimum slope of the face of the stop butt is 56° from the horizontal, and the face will have to be of hard material to retain such a slope over time. It will thus be unsuitable to also act as a bullet trap. The stop butt should not be less than 5 m high for all shooting at 15 m or less.

A thick covering of light earth or sand would make a suitable bullet catcher, but this would collapse to a natural angle of repose of 30° to 35° as a result of weathering, de-leading and constant bullet impacts. It is therefore normally more practicable and economic to provide a bullet trap as a separate exercise.

NOTE – The required size of the stop butt should be calculated by taking the safety angle of 8° as equalling 142 mm for every metre of distance between firing point and stop butt. The height of the sighting line above the ground should be added to the calculated safety angle to determine the required height of the stop butt.

C.2 Bullet trap

The bullet trap should be made of steel plate in the same way as for indoor ranges, but a thick bank of earth and/or sand is normally more practicable. Care shall be taken to ensure that all rocks and stones are removed from the material used, and that the top part of the bank is deep enough from front to back. It should be remembered that bullet strikes occur at target level, not ground level. The bottom front of the bank can be made of a sand bag wall to avoid what would otherwise be a sloping bottom taking up considerable space. A top-covering layer of mixed sand and sawdust will provide a light non-caking surface that is easily de-leded when required.

C.3 Baffles

Where the butt stop is not, or cannot economically be made, wide or high enough, baffles should be used to block the sighting line beyond the stop butt sides and/or top. Regardless of the use of baffles, the stop butt shall not be less than 5 m.

C.4 Range floor (ground)

The range floor shall be free from hard surfaces, rocks or other ricochet inducing surfaces. A sand or grassed surface is preferable, and drainage should be taken into consideration when constructing the range.

C.5 Range boundary

The periphery of the range should be fenced and warning notices permanently displayed. The fence should pass some 5 m behind the stop butt.

Annex D

(Normative)

Outdoor danger area ranges with stop butt

D.1 Introduction

The most common application of such ranges is for rifle shooting up to 600 m, and sometimes more (1000 yards or 900 m). However, similar design considerations apply to any outdoor range where the butt stop is not, or cannot be made, big enough to accommodate the specified safety angles.

D.2 Danger area

Shooting ranges shall be constructed so that the full danger area is on ground that is unfrequented by the public. No occupied buildings, public roads, power lines or telephone lines should lie within the danger area. Public roads, private roads and footpaths are permissible provided that they are closed when firing is in progress.

The length of the standard danger area behind the targets is 1500 m for handguns and 2500 m for centre fire rifles. The width will vary according to the width of the firing point, which in turn will dictate the number of targets that can be accommodated.

The above are minimum distances, and all new ranges should be constructed to comply with these limits. The danger areas of certain old established ranges may not conform to the distances given. However, these ranges may well be acceptable, subject to the following conditions:

- a) that it is impractical or impossible to extend the danger area to the prescribed dimensions, and
- b) that the past history and accident record of the range indicates that it is safe to use.

Warning notices and flags shall be employed around the periphery of the range and its danger area, and both of these shall be fenced in with at least the equivalent of a five-strand farm fence. Warning notices and flags shall be placed in such a way that they are visible to a person approaching a range from any direction.

D.3 Determination of the required danger area

This is done by applying the safety angle of 12° from the rearmost flank firing points to a line 1000 m behind the stop butt, and then continuing parallel to the line of fire for a further 500 m or 1500 m as appropriate.

All the corners of the shooting ranges danger area shall be marked permanently. If this is not possible for practical reasons, e.g. the safety area falls within the fields of a farmer where the day to day actions of the owner will be impaired, other points on the side directly opposite the corners shall be marked so that during inspections the corners can easily be plotted.

D.4 Reduction of the danger area under certain circumstances

If a sufficiently high hill that incorporate the vertical safety angle of 8° exists within the standard danger area then it may be possible to reduce the size of the danger area. The height of the hill shall be taken in relation to the extension of the sighting line to the perpendicular from the hilltop, and not from the height of the targets.

D.5 Location of the range

The ground should be level and the sub-soil firm. An uphill site should be avoided as the chances of ricochets are greatly increased. A hollow site is also unsuitable because, unless the hollow is shallow (in which case the firing points can be built up to give a level line of sight), the line of sight from the shorter ranges would invariably be uphill. This increases the chances of ricochets. In addition, a target frame suitably positioned for firing from the shorter distances is liable to be struck by shots from the more distant firing positions.

D.6 BULLET TRAP

All rifle, shotgun slug and handgun ranges require a bullet trap that should not be less than 5 m high for all shooting.

On certain sites, a hillside may enable an artificial bullet trap to be dispensed with. In such cases, the ground at the rear of the targets shall rise at an angle of not less than 30° to the general level of the firing points. If the angle is less than 30° , the hillside should be scarped from a height of 1 m above the targets to 0,3 m below the lowest possible line of fire from the most distant firing point. If an ample danger area is provided, the scarping is not essential and some form of bullet trap on the face of the hillside may be substituted, if more economical.

The bullet trap shall be of such length as to project at least 3 m beyond the outside edges of the outermost targets. Allowance should be made during construction for wear and tear due to the weather and the strike of bullets. The face of the bullet trap need not be steeper than the natural slope of the material from which it is made, a slope of 1 in 3 is usually suitable. The material of the bullet trap is a matter for local consideration, but an area behind each target should be faced with earth or sand to show the strike of the bullet.

The distance of the bullet trap from the targets depends on the material used to construct the trap. When sand or soft earth free from stones, etc, is used, the trap may be placed within 5 m of the targets. The presence of stones, etc, is a common cause of "backsplash" and when these are present, the distance shall not be less than 30 m. When possible, the trap should be 30 m from the targets, the intervening space can then be adapted for use as a 25 m range. The stop butt can also be used as a bullet trap.

D.7 Markers' gallery (if required)

For penetrable targets, the requirements for the gallery (markers shelter) are practically the same, whatever apparatus or pattern of frame for holding the targets is used. The main conditions to be fulfilled are the following:

- a) the gallery shall be exactly at right angles to the axis of the range and parallel to the bullet trap.
- b) the height shall be not less than 2 m.
- c) ample protection shall be provided to ensure the safety of the markers.
- d) to facilitate marking, the markers should be able to see the strike of the bullets on the bullet trap.
- e) the roof of the gallery shall slope slightly downwards towards the targets to avoid ricochets from the roof on to the targets. A layer of sand or earth should be used to reduce the chances of these ricochets.
- f) the crest of the gallery should be defined with a plank on the edge. Care should be taken to keep the gallery crest up to the limit to avoid the formation of scoops in front of the targets, which cause widely divergent ricochets through shots striking the sides of the scoops.
- g) the bottom of the target shall be raised so that it can be seen clearly from all firing points.
- h) the choice of concrete or brick for construction will depend on the supply of these materials and the situation of the range.
- i) the actual level of the floor of the gallery in relation to the ground level is a matter for local consideration. It may be necessary to keep the gallery as low as possible in order to reduce the height of the bullet trap or to raise the floor level to provide for efficient drainage of both the gallery and the target trench.
- j) it should be remembered that ricochets occurring from a range on which the targets are some distance above the ground level are likely to be fewer than when the targets are positioned at lower levels.

k) the retaining wall and the gallery shall be bulletproof. The material from which they are constructed depends on the permanency of the range. It is recommended that the whole construction should be of brick and/or concrete.

l) the entrance to the sunken gallery should be by a ramp, as steps increase the difficulty of transporting targets and other stores. It is essential that if steps are provided they be made as wide as possible.

D.8 Firing points

The firing points are normally at ground level. Raised platforms may, however, be needed when the site is hollow or swampy, or when the targets are not visible without them. Where raised platforms are required, the width at the top should be not less than 3 m.

Where a stop butt has to be constructed, building up the firing point may permit the stop butt to be lower than would otherwise be the case.

D.9 Other construction considerations

D.9.1 Target numbers

If required, all targets can be numbered from the left, looking from the firing point. Numbers should be placed on the crest of the bullet trap in such a position that, from the firing points each number appears directly above the target.

D.9.2 Flagpoles and flags

Flagpoles and red danger flags should be provided as indicated below:

a) Bullet traps

A tall flagpole erected at one end of the bullet trap. This flagpole to be fitted to allow for the hoisting of a 1 m² red danger flag.

b) Markers' shelter

A flagpole to be erected at one end of the markers' shelter and to show at least 2 m clear of the shelter roof. It shall be possible to hoist a 1 m² red danger flag from under cover of this shelter.

c) Firing points

A portable flagpole, to which a 1 m² red danger flag has been attached, to be available for use on the firing points.

D.9.3 Target store

A target store is normally required on ranges. It is best to construct it as a continuation of the markers shelter when it may be a lean-to shed with back and end walls of brick or concrete and with a corrugated iron roof. The size will depend on the number of targets to be stored.

D.9.4 Communications

Telephone or radio communication between the markers' shelter (where there is one) and the firing points is recommended.

Annex E (Normative)

Outdoor shotgun ranges (no stop butt) for cartridges only

E.1 General

Although the muzzle energy of most shot cartridges is high, this energy is shared between the total quantity of shot, and the energy of each individual shot is low. Furthermore, round shot has a ballistically inefficient shape and as a result, the velocity and energy rapidly falls off and the maximum range is very limited in comparison to a normal bullet. However, even falling spent shot can cause injury, particularly to unprotected eyes, and a danger area is required.

Shotguns are usually fired at moving targets and so the precise direction of fire can vary over a wide arc. The spent shot can also be carried by the wind. The danger (shot fall) area shall take both these factors into account in addition to the theoretical maximum range.

A stop butt is not required for outdoor shotgun shooting with shot cartridges. Instead, a shot fall (danger) area complying with Figure A.1 and the dimensions given below shall be applied.

NOTE Shotgun slugs should be treated as the large heavy bullets that they are, and a stop butt range in compliance with Annex B or C is required.

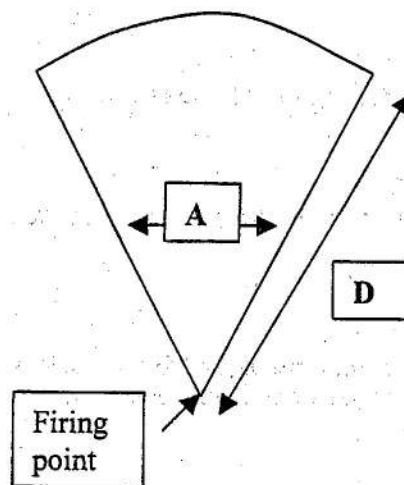


Figure A.1 – Shotfall Area

Table A.4 – Distance D

1	2
Shot Size / Diameter	Distance D (m)
7 to 9 / 2 to 2.5 mm	300
AAA to BB / 4 to 5 mm	550
LG to SSG / greater than 5 mm	1000 ¹⁾

1) If used for aerial targets. For ground targets a stop butt range would be a better choice.

E.2 Angle A

The required distance D shall be applied over at least the entire arc over which shots may be fired. For aerial targets thrown across the front of the shooter, this will normally mean an angle of 180° . For targets thrown going away from the shooter, a narrower angle will be appropriate.

Where a clear shot fall area can only be obtained over a limited angle, barriers or a shooting cage are recommended to prevent the shooter swinging the shotgun beyond the limits of the area.

E.3 Trap Protection

Many forms of clay target shooting require that the target traps be positioned forward of the shooter. In such cases protection shall be installed to entirely shield the trap and operator from any shot fired towards them from the firing point. Such shields shall be shot proof, and can be either permanent (brick, concrete, etc) or temporary (multiple straw bales and zinc sheeting, etc).

Annex F

(Normative)

Duties of the range officer

One or more range officers shall be responsible for supervising the conduct of most shooting at ranges. Only shooting by experienced shooters is excluded. In such instances, the shooters should appoint one of their numbers to undertake the duties of the range officer.

NOTE – The range officer's responsibility is safety, not the conduct of shooting in accordance with the rules of a particular shooting discipline or competition.

The range officer shall be responsible for the following:

- a) to ensure that all the shooters are acquainted with the provisions of the range rules.
- b) to ensure that the range safety rules are observed at all times.
- c) constantly supervise the shooters whilst they are at the firing points.
- d) for controlling or operating any barrier, warning or signalling systems at the commencement of, during, and at the conclusion of shooting activities.
- e) for managing and supervising ancillary staff such as target-operators, etc.
- f) decide when shooting is to commence, be interrupted and cease.
- g) to ensure that all firearms in use on the range are holstered or put down unloaded before allowing anyone to proceed in front of the firing point (to change targets, for example).
- h) be empowered to exclude from the shooting range persons who disrupt operations or pose a threat to safety, and persons perceptibly under the influence of alcohol or drugs.
- i) to ensure that all spent cartridge cases and litter are removed from the range.
- j) ensure that all shooting exercises are carried out in accordance with the shooting instructions for that particular range.

Annex G

(Informative)

Suggested range safety rules

General as well as specific safety requirements for a shooting range should be laid down in a set of range safety rules. These rules should be displayed at the firing point and at the entrance to the range. Taking into account local conditions and the type/s of shooting practised, the rules should contain the following stipulations:

G.1 The types of firearms, ammunition and bullets that are permitted or not permitted on the shooting range and any specific types of firearm, ammunition and bullet not to be used.

G.2 Commands and signals to be used, such as "Fire", "Cease fire", and the like, should be explained.

G.3 The safety measures (closing of barriers, hoisting of warning flags, switching on of warning lights, ventilation, emergency lighting, etc.) to be taken prior to any shooting event, and the opposite measures to be taken after such event (opening of barriers, etc.) should be stated.

G.4 Rules of conduct for shooters:

G.4.1 The firing point shall not be left with a loaded firearm (not applicable for firearm carried for self protection).

G.4.2 Firearms shall only be loaded at the firing point on instructions from the range officer, and with the barrel pointing at the bullet trap.

G.4.3 Only the targets provided shall be fired at. Under no circumstances shall glass bottles, etc be used as targets.

G.4.4 No shooting shall be done at targets, tin cans, or any other item placed on the floor of the indoor range, since this poses a ricochet hazard.

G.4.5 Turning around with a loaded firearm is forbidden.

G.4.6 Firearms shall be holstered, or put down unloaded, whenever shooting is interrupted for target changing, etc. Under no circumstances may firearms be handled whenever anyone is in front of the firing point or points in use at the time.

G.4.7 Other people's firearms shall not be touched without the express permission of the owner.

G.4.8 Hearing and eye protection shall be worn during shooting.

G.4.9 Smoking and handling of naked lights on indoor shooting ranges is prohibited.

G.4.10 Instructions given by the range officer shall be complied with unconditionally.

G.4.11 Persons engaged in shooting (shooters, target changers, ancillaries, etc.) shall not be under the influence of alcohol or drugs.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 1174

15 August 2003

LABOUR RELATIONS ACT, 1995

**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: EXTENSION OF DISPUTE RESOLUTION
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 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 25 August 2003, and for the period ending 31 May 2008.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1174

15 Augustus 2003

WET OP ARBEIDSVERHOUDINGE, 1995

**METAAL-EN INGENIEURSNYWERHEDE BEDINGINGSRAAD: UITBREIDING VAN GESKILBESLEGTIGINGS
KOLLEKTIEWE OOREENKOMS 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 op die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 25 Augustus 2003, en vir die tydperk wat eindig op 31 Mei 2008.

M. M. S. MDLADLANA

Minister van Arbeid

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

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METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL:**DISPUTE RESOLUTION AGREEMENT**

The following Agreement has been made and entered into by and between the following parties to the Metal and Engineering Industries Bargaining Council, in terms of the Labour Relations Act, No. 66 of 1995:

Association of Electric Cable Manufacturers of South Africa
Association of Metal Service Centres of South Africa
Babelegi Metal Industries Association
Border Industrial Employers' Association
Bright Bar Association
Cape Engineers' and Founders' Association
Consolidated Association of Employers of South Africa (CAESAR)
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries Association
Electrical Manufacturers' Association of South Africa (EMASA)
Electronics and Telecommunication Industries Association
Federated Employers' Organisation of South Africa (FEOSA)
Ferro Alloy Producers' Association
Gate and Fence Association
Hand Tool Manufacturers' Association (HATMA)
Iron and Steel Producers' Association of South Africa (ISPA)
KwaZulu-Natal Engineering Industries Association
Lift Engineering Association of South Africa
Light Engineering Industries Association of South Africa
Materials Handling Association
Non-Ferrous Metal Industries Association of South Africa
Plastics Convertors Association of South Africa
Plumbers and Engineers Brassware Manufacturers' Association
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa (RATA)
Refrigeration and Airconditioning Manufacturers' and Suppliers' Association (RAMSA)
Sheetmetal Industries Association of South Africa
Small Enterprise Employers of South Africa (SEESA)
South African Electro-Plating Industries Association
South African Engineers' and Founders' Association
South African Fasteners Manufacturers' Association (SAFMA)
South African Industrial Refrigeration and Airconditioning Contractors' Association (SARACCA)
South African Post Tensioning Association (SAPTA)
South African Pump Manufacturers' Association (SAPMA)
South African Reinforced Concrete Engineers' Association (SARCEA)
South African Tube Makers' Association
South African Valve and Actuator Manufacturers' Association (SAVAMA)
South African Wire and Wire Rope Manufacturers' Association

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

Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union (CEPPWAWU)
Metal and Electrical Workers' Union of South Africa
MWU Solidarity
National Union of Metalworkers of South Africa (NUMSA)
South African Equity Workers' Association (SAEWA)

(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.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Iron, Steel, Engineering and Metallurgical Industry—
 - (a) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions;
 - (b) throughout the Republic of South Africa.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to—
 - (a) apprentices or learners only to the extent to which the provisions are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Skills Development Act, No. 97 of 1998, or any contract entered into or any conditions fixed thereunder; and
 - (b) trainees under training in terms of section 30 of the Manpower Training Act, 1981, or section 19 of the Skills Development Act, No. 97 of 1998, only in so far as the provisions are not inconsistent with the provisions of the Act or any conditions fixed thereunder.
- (3) Notwithstanding the provisions of subclause (1), clauses 1(1)(a) and (2) of this Agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions, respectively.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 31 May 2008.

3. DEFINITIONS

Unless the context or this Agreement indicates otherwise, any expressions, words or phrases used in this Agreement shall have the same meaning as those defined in the Labour Relations Act, No. 66 of 1995, and any reference to an Act shall include any amendments to such Act, further—

"Act" means the Labour Relations Act, 1995 (Act 66 of 1995), and includes any regulation made in terms of that Act;

"Commission" means the Commission for Conciliation, Mediation and Arbitration;

"Council" means the Metal and Engineering Industries Bargaining Council registered in terms of section 29 of the Act, and functions performed by the Council in terms of this Agreement shall be performed by the Secretary who in turn may delegate any of his/her functions as set out in this Agreement;

"commissioner" means an individual appointed by the Council to resolve disputes;

"dispute" includes an alleged dispute and means any situation where—

- (i) two or more parties are unable to reach agreement on a matter of mutual interest between them, and one or more of those parties advise the Council in writing that they are in dispute;

OR

- (ii) the Council by way of its agents or any other person so appointed by the Council, declares a dispute against an employer and/or employee for failure to comply with the provisions of one or more of the Council's Agreements; and notification of declaration of a dispute shall be contained in a compliance order issued to the employer and/or employee in respect of the identified contraventions;

"Electrical Contracting Industry" means the Industry in which employers and their employees are associated for the design, preparation (other than manufacture for resale), erection, repair and maintenance of all electrical installations forming an integral and permanent portion of buildings, including any cable jointing and electrical wiring associated therewith;

"Electrical Engineering Industry" means—

- (a) the manufacture and/or assembly from component parts of electrical equipment, namely, generators, motors, converters, switch and control gear (including relays, contractors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration and cooling equipment, transformers, furnace equipment, signalling equipment, radio or electronic equipment (including monitors) and other equipment utilising the principles used in the operation of radio and electronic equipment (the latter equipment to include, but not to be limited to, television), incandescent lamps and electric cables and domestic electrical appliances, and includes the manufacture of component parts of the aforementioned equipment;
- (b) subject to (c) hereunder, the installation, maintenance, repair and servicing of the equipment referred to in paragraph (a) above, in the Provinces of the Transvaal and Natal, but does not include the Electrical Contracting Industry (as defined);
- (c) the installation, maintenance, repair and servicing of television sets and monitors within the Republic of South Africa other than the Province of the Cape of Good Hope and excluding, in respect of the whole of the Republic of South Africa, the installation, maintenance, repair and servicing of monitors primarily intended for use in accounting and/or data processing and/or business procedures;

"employer" means any person whomsoever [including a temporary employment service as defined in section 198(1) of the Act] who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whomsoever in any manner to assist him in the carrying on or conducting of his business;

"establishment" means any premises wherein or whereon the Industry, or part thereof, as herein defined, is carried on;

"General Engineering and Manufacturing Engineering and Metallurgical Industries" means the industries concerned with the maintenance, fabrication, erection or assembly, construction, alteration, replacement or repair of any machine, vehicle (other than a motor vehicle) or article consisting mainly of metal (other than precious metals) or parts or components thereof and structural metal work, including steel reinforcement work and the manufacture of metal goods principally from such iron and/or steel and/or other metals (other than precious metals) and/or alloys and/or the finishing of metal goods, but does not include the Motor Industry (as defined);

"Industry" means the Iron, Steel, Engineering and Metallurgical Industry;

"Iron, Steel, Engineering and Metallurgical Industry" means—

- (a) the industry concerned with the production of iron and/or steel in the Transvaal and the Magisterial Districts of Newcastle, Durban, Camperdown and Kuils River;
- (b) the industry concerned with the production of alloys and/or the processing and/or recovery and/or refining of metals (other than precious metals) and/or alloys from dross and/or scrap and/or residues in the Republic of South Africa;
- (c) the general engineering and manufacturing engineering and metallurgical industries as defined, in the Republic of South Africa;
- (d) the building and/or alteration and/or repair of boats and/or ships, including the scraping, chipping or scaling and/or painting of their hulls and general woodwork undertaken in connection with ship repairs in the Republic of South Africa;
- (e) the Electrical Engineering Industry as defined;
- (f) the Lift and Escalator Industry as defined, in the Republic of South Africa;
- (g) the Plastics Industry in the Republic of South Africa;

"Lift and Escalator Industry" means the industry concerned with the manufacture and/or assembly and/or installation and/or repair of electrical lifts and escalators;

"Motor Industry" means the industry concerned with—

- (a) assembling, erecting, testing, remanufacturing, repairing, adjusting, overhauling, wiring, upholstering, spraying, painting and/or reconditioning carried on in connection with—
 - (i) chassis and/or the bodies of motor vehicles;
 - (ii) internal combustion engines and transmission components of motor vehicles;
 - (iii) the electrical equipment connected with motor vehicles, including radios;
- (b) automotive engineering;
- (c) repairing, vulcanising and/or retreading tyres;
- (d) repairing, servicing and reconditioning batteries for motor vehicles;
- (e) the business of parking and/or storing motor vehicles;
- (f) the business conducted by filling and/or servicing stations;
- (g) the business carried on mainly or exclusively for the sale of motor vehicles or motor vehicle parts and/or spares and/or accessories (whether new or used) pertaining thereto whether or not such sale is conducted from premises which are attached to a part of an establishment in which the assembly or repairs of motor vehicles is carried out;
- (h) the business of motor graveyards;
- (i) the business of assembly establishments;
- (j) the business of manufacturing establishments in which vehicle parts and/or spares and/or accessories and/or components thereof are manufactured;
- (k) vehicle body building; and for the purposes of this definition—

"automotive engineering" means the reconditioning of internal combustion engines, or parts thereof for use in motor vehicles in establishments mainly or exclusively so engaged, whether such establishment is engaged in the dismantling and repair of motor vehicles or not;

"motor vehicle" means any wheeled conveyance propelled by mechanical power (other than steam) or electrically, and designed for haulage and/or for the transportation of persons and/or goods and/or loads, and includes trailers and caravans, but does not include any equipment designed to run on fixed tracks, trailers designed to transport loads of 27, 273 kg over, or aircraft;

"vehicle body building" means any or all of the following activities carried on in a vehicle body building establishment:

- (a) The construction, repair or renovation of cabs and/or bodies and/or any superstructure, for any type of vehicle;
- (b) the manufacture or repair of component parts for cabs and/or bodies and/or any superstructure and the assembling, adjusting and installation of parts in cabs on bodies or on the superstructure of vehicles;
- (c) fixing cabs and/or bodies and/or any superstructure to the chassis of any type of vehicle;
- (d) coating and/or decorating cabs and/or bodies and/or any superstructure with any preservative or decorative substance;
- (e) equipping, furnishing and finishing off the interior of cabs and/or bodies and/or superstructures;
- (f) building trailers, but not including the manufacture of wheels or axles therefor;
- (g) all operations incidental to or consequent upon the activities referred to in paragraphs (a), (b), (c), (d), (e) and (f);

"vehicle" does not include an aircraft, and for the purposes of this definition;

"Motor Industry" as defined above does not include the following:

- (a) The manufacture of motor vehicle parts and/or accessories and/or spares and/or components in establishments laid out for and normally producing metal and/or plastic goods of a different character on a substantial scale;
- (b) the assembling, erecting, testing, repairing, adjusting, overhauling, wiring, spraying, painting and/or reconditioning of agricultural tractors, except where carried on in establishments rendering similar service in respect of motorcars, motor lorries, or motor trucks;
- (c) the manufacture and/or maintenance and/or repair of—
 - (i) civil and mechanical engineering equipment and/or parts thereof whether or not mounted on wheels;
 - (ii) agricultural equipment or parts thereof;
 - (iii) equipment designed for use in factories and/or workshops;
 - (iv) motor vehicle or other vehicle bodies and/or superstructures and/or parts or components thereof made of steel plate of 3,175 mm thickness or thicker when carried on in establishments laid out for and normally engaged in the manufacture and/or maintenance and/or repair of civil and/or mechanical engineering equipment on a substantial scale;

Provided that for the purposes of (i), (ii) and (iii) above, "equipment" shall not be taken to mean motorcars, motor lorries and/or motor trucks;

"party to a dispute" means—

- (i) the Council, and/or
- (ii) any or all of the employers' organisations and/or trade unions listed as members of this Council, and/or
- (iii) any employers' organisation and/or trade union not listed as a member of this Council, and/or
- (iv) any employer and/or employee and/or any of the organisations referred to in (ii) or (iii) hereof acting on their behalf.

"Plastics Industry" means the industry concerned with the conversion of thermoplastic and/or thermosetting polymers, including the compounding or recycling thereof, or the manufacture of articles or parts of articles wholly or mainly made of such polymers into rigid, semi-rigid or flexible form, whether blown, moulded, extruded, cast, injected, formed, calendered, coated, compression moulded or rotational moulded, including in-house printing on such plastics by the manufacturers, and all operations incidental to these activities;

"plastics" means any one of the group of materials which consists of or contains as an essential ingredient an organic substances 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, singly or together, of heat and pressure;

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

"Rules" means the rules for conciliating the arbitrating disputes in the Metal and Engineering Industries Bargaining Council.

4. DISPUTE RESOLUTION

PREAMBLE

- (a) Subject to paragraph (c) below; the procedures set out in this Agreement shall be utilised to deal with all disputes arising within the Council's jurisdiction as defined in clause 1 above.
- (b) Different processes shall be utilised for different types of disputes, as set out below. In the event of a dispute over which section of the Act should be applied, the dispute shall be processed in accordance with clause 4.2.4 below. Notwithstanding this Agreement, parties may agree to meet whenever they mutually deem it necessary for the purpose of resolving a dispute. They may give consideration at their own cost to privately appointing a mediator or an arbitrator or referred the dispute to any other process, as agreed between them.

- (c) Notwithstanding paragraph (a) above, employers and employees may, through a collective agreement, establish their own dispute procedure which does not necessitate their having to refer disputes to the Council, even though the parties fall within the Council's jurisdiction.
- (d) If at any stage after a dispute has been referred to the Council, it becomes apparent that the dispute ought to have been resolved through private dispute resolution in terms of a collective agreement or in terms of a private agreement between the parties to the dispute, the Council may refer the dispute back to the referring parties for processing in terms of their private dispute resolution procedure.
- (e) The Council is, in terms of section 127 (5) of the Labour Relations Act, No. 66 of 1995, accredited to conciliate and arbitrate disputes.

4.1 NEGOTIATING PROCEDURE

- (a) Where any party to the Council wishes to initiate negotiations for the amendment of any existing agreement or the introduction of a new agreement, that party shall submit its proposals in writing to the Secretary of the Council at the address listed in Schedule One to the Rules.
- (b) The Secretary shall arrange immediately for the proposal to be circulated to all interested parties and shall take steps to arrange a negotiating meeting within 45 days of receipt of the proposal. Where the Secretary, in consultation with the President of the Council, decides that the proposal relates to the negotiation of an Industry matter, the date of the first negotiating meeting shall be decided at the next meeting of the Council's Management Committee, and such negotiating meeting shall be held within 30 days of that Management Committee meeting.
- (c) Further negotiating meetings may be held by agreement between the parties, who may also agree on any procedures, documentation, or any other matters for the purpose of assisting the negotiations.
- (d) If the negotiations have not been resolved in terms of paragraph (b) above, or as otherwise agreed between the parties, any party to those negotiations may declare a dispute by notice in writing to the Council and must satisfy the Council that a copy of the referral has been served on all other parties to the dispute. Industry disputes shall be processed in accordance with subclause 4.1.1 below.

4.1.1 DISPUTE ABOUT NEGOTIATIONS

- (a) In the event that the Secretary, in consultation with the President of the Council, decides that a dispute declared in terms of clause 4.1 (d) above is an Industry matter, he/she shall arrange for the Management Committee to meet within 14 days of the declaration of such dispute, for the purposes of considering the matter.
- (b) The Management Committee shall use its best endeavours to settle the dispute and shall meet as often as it deems necessary for this purpose. In the course of its deliberations the Committee may give consideration to the following:
 - (i) Appointing a subcommittee to meet within a specified number of days, for the purposes of attempting to resolve the dispute, or to recommend to the Management Committee a process by which the dispute can be resolved;
 - (ii) referring the dispute to conciliation in terms of clause 4.2.1 below and the Rules for conciliating and arbitrating disputes, attached as Schedule A hereto and this shall be compulsory in the case of a dispute involving a non-party to the Council;
 - (iii) referring the dispute to arbitration in terms of clause 4.2.2 and 4.2.3 below and the Rules;
 - (iv) instructing the Secretary to issue a certificate stating that the dispute remains unresolved.
- (c) Subject to this Agreement, if the dispute has not been settled within 30 days from the date on which the dispute was referred to the Council, and if the parties have not within that period agreed on a process to resolve the dispute, any party to the dispute shall be entitled to pursue whatever means are available in the Act to process that dispute.

4.2 DISPUTE SETTLEMENT PROCEDURES

Disputes within the Council's jurisdiction which do not fall within the scope of clause 4.1 above, shall be dealt with in terms of this clause as follows:

- (a) Disputes about unfair dismissals relating to—
 - (i) automatically unfair reasons;
 - (ii) strikes and reasons related to closed shops;
 - (iii) misconduct/incapacity; and
 - (iv) operational requirements;shall be processed in terms of clause 4.2.1 and the Rules.
- (b) If a dispute about unfair dismissals relating to—
 - (i) automatically unfair reasons [4.2(a)(i)] remains unresolved, the aggrieved party may refer the dispute to the Labour Court in compliance with the Rules of the Court within 90 days of the issuing of the certificate that the matter was not resolved at conciliation;

- (ii) strikes and reasons related to closed shops [4.2(a)(ii)] remains unresolved, the aggrieved party may refer the dispute to the Labour Court in compliance with the Rules of the Court within 90 days of the issuing of the certificate that the matter was not resolved at conciliation;
- (iii) misconduct and incapacity [4.2 (a) (iii)] remains unresolved, it may be processed in terms of clause 4.2.2, 4.2.3 and the Rules;
- (iv) operational requirements (4.2 (a) (iv)] remains unresolved, the aggrieved party may refer the dispute to the Labour Court within 90 days of the issuing of the certificate that the matter was not resolved at conciliation, with a request that disputes about individual retrenchments may be referred to be processed in terms of clause 4.2.2 and 4.2.3.
- (c) (i) Disputes about an unfair labour practice not relating to unfair discrimination shall be processed in terms of clause 4.2.1 and disputes which remain unresolved shall be processed in terms of clause 4.2.2, 4.2.3 and the Rules.
- (ii) A dispute about an unfair labour practice concerning unfair discrimination shall be referred to the Commission for conciliation in compliance with section 10 of the Employment Equity Act, No. 55 of 1998, within 6 months after the act or omission that allegedly constitutes the unfair discrimination. If the dispute remains unresolved after conciliation, any party to the dispute may refer it to the Labour Court for adjudication or all the parties to the dispute may consent to arbitration of the dispute.
- (d) Disputes about the interpretation or application of the Council's Collective Agreements shall be processed in terms of clause 4.2.4 below.
- (e) Disputes referred to in section 127 (2) of the Act shall be referred by the Secretary to the Commission for Conciliation, Mediation and Arbitration (CCMA) for processing.
- (f) Disputes about the enforcement of collective agreements entered into through the Council shall be processed in accordance with clause 4.2.5 below.
- (g) Disputes about freedom of association shall be processed in terms of clause 4.2.1 and if they remain unresolved they shall be processed in terms of the Rules.

4.2.1 RESOLUTION OF DISPUTES THROUGH CONCILIATION

- (1) When a dispute has been referred to the Council in terms of this Agreement, the Council shall appoint a commissioner to attempt to resolve it through conciliation.
- (2) The appointed commissioner shall attempt to resolve the dispute through conciliation within 30 days of the date the Council received the referral. However, the parties may agree to extend the 30-day period.
- (3) The commissioner shall determine a process to attempt to resolve the dispute, which may include—
 - (a) mediating the dispute;
 - (b) conducting a fact-finding exercise; and
 - (c) making a recommendation to the parties.
- (4) If a single commissioner has been appointed, in terms of subclause (1), in respect of more than one dispute involving the same parties, that commissioner may consolidate the conciliation proceedings so that all the disputes concerned may be dealt with in the same proceedings.
- (5) When conciliation has failed, or at the end of the 30-day period or any further period agreed between the parties—
 - (a) the commission shall issue a certificate stating whether or not the dispute has been resolved;
 - (b) the council shall serve a copy of that certificate on each party to the dispute or the person who represented a party in the conciliation proceedings; and
 - (c) the commissioner shall file the original of that certificate with the Council.

4.2.2 APPOINTMENT OF COMMISSIONER TO RESOLVE DISPUTES THROUGH ARBITRATION

- (1) If this Agreement requires a dispute to be resolved through arbitration, the Council shall appoint a commissioner to arbitrate the dispute if—
 - (a) a commissioner has issued a certificate stating that the dispute remains unresolved; and
 - (b) within 90 days after the date on which that certificate was issued, any party to the dispute has requested that the dispute be resolved through arbitration. However, the Council, on good cause shown, may condone a party's non-observance of that time frame and allow a request for arbitration filed by the party after the expiry of the 90-day period.
- (2) A commissioner appointed in terms of subclause (1) may be the same commissioner who attempted to resolve the dispute through conciliation.
- (3) Any party to the dispute who wants to object to the arbitration also being conducted by the commissioner who had attempted to resolve the dispute through conciliation, may do so by filing an objection in that regard with the Council within seven days after the date on which the commissioner's certificate was issued, and must satisfy the council that a copy of the objection has been served on the other parties to the dispute.

- (4) When the council receives an objection it shall appoint another commissioner to resolve the dispute by arbitration.
- (5) (a) The parties to a dispute may request the Council, in appointing a commissioner in terms of subclause (1) or (4), to take into account their stated preference, to the extent that this is reasonably practicable in all the circumstances.
- (b) The stated preference referred to in paragraph (a) shall—
 - (i) be in writing;
 - (ii) list no more than five commissioners;
 - (iii) state that the request is made with the agreement of all the parties to the dispute; and
 - (iv) be submitted within 48 hours of the date of the certificate referred to in subclause (1) (a).

4.2.3 GENERAL PROVISIONS FOR ARBITRATION PROCEEDINGS

- (1) The commissioner may conduct the arbitration in a manner that the commissioner considers appropriate in order to determine the dispute fairly and quickly, but shall deal with the substantial merits of the dispute with the minimum of legal formalities.
- (2) Subject to the discretion of the commissioner as to the appropriate form of the proceedings, a party to the dispute may give evidence, call witnesses, question the witnesses of any other party, and address concluding arguments to the commissioner.
- (3) If all the parties consent, the commissioner may suspend the arbitration proceedings and attempt to resolve the dispute through conciliation.
- (4) If a party to the dispute fails to appear in person or to be represented at the arbitration proceedings, and that party—
 - (a) had referred the dispute to the Council, the commissioner may dismiss the matter; or
 - (b) had not referred the dispute to the Council, the commissioner may—
 - (i) continue with the arbitration proceedings in the absence of that party; or
 - (ii) adjourn the arbitration proceedings to a later date.
- (5) The commissioner shall take into account the code of good practice that has been issued by the Council.
- (6) Within 14 days of the conclusion of the arbitration proceedings—
 - (a) the commissioner shall issue an arbitration award with brief reasons, signed by that commissioner;
 - (b) the Council shall serve a copy of that award on each party to the dispute or the person who represented a party in the arbitration proceedings; and
 - (c) the council shall file the original of that award with the registrar of the Labour Court.
- (7) On good cause shown, the Secretary may extend the period within which the arbitration award and the reasons are to be served and filed.
- (8) The commissioner may make any appropriate arbitration award, including, but not limited to, an award—
 - (a) that gives effect to any collective agreement;
 - (b) that gives effect to the provisions and primary objects of this Agreement;
 - (c) that includes, or is in the form of, a declaratory order.
- (9) The commissioner may make an order for the payment of costs according to the requirements of law and fairness.

4.2.4 DISPUTES ABOUT THE INTERPRETATION OR APPLICATION OF THE COUNCIL'S COLLECTIVE AGREEMENTS

- (a) In the event of a dispute arising relating to the interpretation or application of the Council's Collective Agreements, including a dispute about the interpretation or application of a settlement agreement contemplated in either section 142A or 158 (1) (c) of the Act, other than an agency shop agreement concluded in terms of section 25 of the Act or a closed shop agreement concluded in terms of section 26 of the Act, it shall be processed in terms of this subclause.
- (b) A party wishing to refer such a dispute, may refer the dispute in writing, setting out the details of the dispute to the Council if—
 - The collective agreement does not provide for a procedure;
 - the procedure provided for in the collective agreement is inoperative;
 - any party to the collective agreement has frustrated the resolution of the dispute in terms of the collective agreement.
- (c) The party who refers the dispute to the Council shall satisfy it that a copy of the referral has been served on all the other parties to the dispute.

- (d) The Council shall attempt to resolve the dispute through conciliation in terms of clause 4.2.1 and the Rules within 14 days.
- (e) If the dispute is not resolved in terms of paragraph (d) above, any party to the dispute may request that the dispute be resolved through arbitration. Arbitration in terms of this clause shall be of an expedited nature, and the Council shall appoint an arbitrator who is available to commence the arbitration within 14 days, and the arbitration shall take place accordingly.
- (f) The arbitrator shall be granted the power to determine the procedure to be followed at the arbitration and to regulate any other matter incidental thereto, bearing in mind the proposed expeditious nature of arbitration in terms of this subclause.
- (g) The arbitrator shall for a brief period determined by him/her, attempt to resolve the dispute by conciliation prior to the commencement of the arbitration, and shall do so in a manner that does not undermine or unnecessarily extend the arbitration process.
- (h) The arbitrator shall normally be required to make a determination within 14 days of the completion of the hearing.
- (i) Subject to paragraphs (e), (f), (g) and (h) above, any arbitration in terms of this subclause shall be conducted in accordance with the Rules.
- (j) If there is a dispute about the interpretation or application of an agency shop agreement concluded in terms of section 25 of a closed shop agreement concluded in terms of section 26 of the Act, any party to the dispute may refer the dispute in writing to the Commission in terms of section 24 (6) of the Act.
- (k) Any person bound by an arbitration award about the interpretation or application of section 25 (3) (c) and (d) or section 26 (3) (d) of the Act may appeal against that award to the Labour Court.
- (l) If there is a dispute about the interpretation or application of a settlement agreement contemplated in either section 142A or 158 (1) (c) of the Act, a party may refer the dispute to the Council and subclauses (c) to (e), with the necessary changes, shall apply to that dispute.

4.2.5 ENFORCEMENT OF COLLECTIVE AGREEMENTS BY THE COUNCIL

- (1) Notwithstanding any other provision hereof, the Council may monitor and enforce compliance with its Collective Agreements in terms of this clause or a collective agreement concluded by the parties to the Council.
- (2) For the purposes of this clause the Collective Agreement shall be deemed to include—
 - (a) any condition of employment of any employee covered by a collective agreement; and
 - (b) the rules of any fund or scheme established by the Council.
- (3)
 - (a) The Council may refer any unresolved dispute concerning compliance with any provision of a collective agreement to arbitration by an arbitrator appointed by the Council.
 - (b) If a party to an arbitration in terms of this clause, who is not a party to the Council, objects to the appointment of an arbitrator in terms of paragraph (a), the Commission, on request by the Council, shall appoint an arbitrator.
- (4) An arbitrator conducting an arbitration in terms of this clause shall have the powers of a commissioner in terms of section 142 of the Act, read with the changes required by the context.
- (5) Part E of the Rules, read with the changes required by the context, applies to any arbitration conducted in terms of this clause.
- (6) An arbitrator acting in terms of this clause may determine any dispute concerning the interpretation or application of a collective agreement.
- (7) 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 a collective agreement;
 - (b) imposing a fine for a failure to comply with a collective agreement in accordance with subclause (11) and Tables One and Two as set out hereunder;
 - (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.
- (8) Interest on any amount that a person is obliged to pay in terms of a collective agreement shall accrue from the date on which the amount was due and payable at the rate prescribed in terms of section 1 of the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975), unless the arbitration award provides otherwise.
- (9) An award in an arbitration conducted in terms of this clause shall be final and binding and may be enforced in terms of section 143 of the Act.

- (10) If an employer upon whom a fine has been imposed in terms of this clause files and application to review and set aside an award made in terms of subclause (7), any obligation to pay a fine shall be suspended pending the outcome of the application.
- (11) (a) The maximum fines that may be imposed by an arbitrator acting in terms of this clause shall be subject to variation by notice of the Minister as published in the *Gazette*.
- (b) A notice in terms of paragraph (a) may specify the maximum fine that may be imposed—
- (i) for a breach of a collective agreement—
 - (aa) not involving a failure to pay any amount of money;
 - (ab) involving a failure to pay any amount of money; and
 - (ii) for repeated breaches of the collective agreement contemplated in subparagraph (i).

4.2.5.1 ARBITRATION IN TERMS OF CLAUSE 4.2.5 ABOVE

- (1) The maximum fine that may be imposed by an arbitrator—
- (a) for a failure to comply with a provision of a collective agreement not involving a failure to pay any amount of money, shall be the fine determined in terms of Table One; and
 - (b) involving a failure to pay an amount due in terms of a collective agreement, shall be the greater of the amounts determined in terms of Tables One and Two.

TABLE ONE: MAXIMUM PERMISSIBLE FINE NOT INVOLVING AN UNDERPAYMENT

No previous failure to comply	R100 per employee in respect of whom the failure to comply occurs
A previous failure to comply in respect of the same provision ...	R200 per employee in respect of whom the failure to comply occurs
A previous failure to comply within the previous 12 months or two previous failures to comply in respect of the same provisions within three years	R300 per employee in respect of whom the failure to comply occurs
Three previous failures to comply in respect of the same provision within three years	R400 per employee in respect of whom the failure to comply occurs
Four or more previous failures to comply in respect of the same provision within three years	R500 per employee in respect of whom the failure to comply occurs

TABLE TWO: MAXIMUM PERMISSIBLE FINE INVOLVING AN UNDERPAYMENT

No previous failure to comply	25% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within three years	50% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provisions within three years	75% of the amount due, including any interest owing on the amount at the date of the order
Three previous failures to comply in respect of the same provision within three years	100% of the amount due, including any interest owing on the amount at the date of the order
Four or more previous failures to comply in respect of the same provision within three years	200% of the amount due, including any interest owing on the amount at the date of the order

5. GENERAL

(1) The Council shall establish and maintain a record of all arbitration awards given under its jurisdiction, which shall be available to all parties within the Industry.

(2) The Council shall establish and maintain panels of sufficient conciliators and arbitrators to carry out the conciliation and arbitration functions in terms of this Agreement. The Council may at any stage decide to remove a person from a panel for whatever reason it considers appropriate, including but not limited to incapacity or serious misconduct.

(3) Without in any way detracting from the rights and obligations emanating from this Agreement, it shall be interpreted and applied in a manner that promotes effective dispute resolution.

6. EXEMPTIONS

1. General

- (a) Any person bound by this Agreement may apply for exemption.

- (b) The authority of the Council shall be to consider applications for exemptions and grant exemptions.
- (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 shall be informed that the application will lapse.

2. Fundamental principles for consideration

- (a) All applications shall be in writing and fully substantiated and sent to the Regional Office of the Council for the area in which the applicant is located.
- (b) In scrutinising an application for exemption the Council shall consider the views expressed by the employer and the workforce, together with any other representations received in relation to that application.
- (c) The employer shall consult with the workforce, through a trade union representative or, where no trade union is involved, with the workforce itself, and shall include the views expressed by the workforce in the application.
- (d) Where the views of the workforce differ from those of the employer, the reasons for the views expressed shall be submitted with the application.
- (e) Where an agreement has been reached between the employer and the workforce, the signed written agreement shall accompany the application.
- (f) The exemption shall not contain terms that would have an unreasonably detrimental effect on the fair, equitable and uniform application of this Agreement in the Industry.
- (g) An application for exemption shall not be considered if the contents of the application are covered by an arbitration award binding the applicant.

3. Urgent applications

- (a) In cases of urgent applications, details may be faxed or delivered to the Council in the region where the applicant is located.
- (b) The Council or Chairperson and Vice-Chairperson will consider the application, make a decision and communicate that decision to the applicant without delay.
- (c) The applicant shall be expected to put forward a substantive explanation as to the urgency of the application.

4. Process

- (a) The Council shall issue to every person to whom exemption has been granted an exemption licence, setting out the following:
 - (i) The full name of the person or enterprise concerned;
 - (ii) the provisions of this Agreement from which the exemption has been granted;
 - (iii) the conditions subject to which exemption is granted;
 - (iv) the period of the exemption;
 - (v) the date from which the exemption shall operate; and
 - (vi) the area in which the exemption applies.
- (b) The Council shall ensure that—
 - (i) all exemption licences issued are numbered consecutively;
 - (ii) an original copy of each licence is retained by the Council;
 - (iii) a copy of the exemption licence is sent to the applicant.
- (c) Unless otherwise specified in the licence of exemption, any exemption from this Agreement shall be valid only in the region of the Council in which the application was made.
- (d) The Council may withdraw the exemption at its discretion.

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 shall, 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).

Signed for and on behalf of the parties at Johannesburg on this 26th day of March 2003.

D. A. CARSON
Member

L. MTHIYANE
Member

A. SMITH
Council Secretary

ANNEXURE A

RULES FOR CONCILIATING AND ARBITRATING DISPUTES IN THE METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL (RULES)

ARRANGEMENT OF RULES

PART A: SERVING AND FILING DOCUMENTS

1. Council addresses at which documents must be filed.
2. How to calculate time periods.
3. How to serve documents on other parties.
4. How to file documents with the Council.
5. Documents and notices sent by registered post.
6. How to seek condonation for documents served late.

PART B: CONCILIATION OF DISPUTES

7. How to refer a dispute to the Council for conciliation.
8. What notice must the Council give of a conciliation hearing.
9. Council may seek to resolve dispute before a conciliation hearing.
10. What happens if a party fails to attend or is not represented at a conciliation hearing.

PART C: CON-ARB

11. Conduct of con-arb in terms of section 191 (5A) of the Act.

PART D: ARBITRATIONS

12. When parties may be directed to file statements.
13. When parties may be directed to hold a pre-arbitration conference.
14. What notice must the Council give of an arbitration hearing.
15. How to postpone an arbitration.

PART E: RULES THAT APPLY TO CONCILIATIONS, ARBITRATIONS AND CON-ARBS

16. Who may represent a party at the Council.
17. How to join or substitute parties to proceedings.
18. How to correct the citation of a party.
19. When the Council may consolidate disputes.
20. Disclosure of documents.
21. What happens if a party fails to attend proceedings in rights disputes.
22. What happens if a party fails to attend proceedings in interest disputes.

PART F: APPLICATIONS

23. How to bring an application.
24. How to apply to vary or rescind arbitration awards or rulings.
25. How to refer a dismissal dispute to the Labour Court.

PART G: PRE-DISMISSAL ARBITRATIONS

26. How to request a pre-dismissal arbitration in terms of section 188A of the Act.

PART H: GENERAL

27. Unrepresented applicants without postal addresses and fax numbers.

28. Condonation for failure to comply with the Rules.
29. Recordings of Council proceedings.
30. How to have a subpoena issued.
31. Payment of witness fees.
32. Taxation of bills of cost.
33. What words mean in these Rules.

PART A

SERVING AND FILING DOCUMENTS

1. *Council addresses at which documents must be filed*

- (1) The addresses, telephone and telefax numbers of the offices of the Council are listed in Schedule One.
- (2) Documents may be filed with the Council only at those addresses or telefax numbers.

2. *How to calculate time periods*

- (1) For the purpose of calculating any period of time in terms of these Rules—
 - (a) a day means any day of the week including Saturdays, Sundays and public holidays but excludes the days from the 16th of December to the 7th of January, both days inclusive.

Example 1

Rule 5 refers to 7 days of the date the document was posted. If the document was posted on a Friday then the seven days would include the next Saturday and Sunday.

Example 2

Rule 5 refers to 7 days of the date the document was posted. If the date of postage was on a Friday the 12th of December, the first four days would be counted (the days before the 16th) and final three days would be counted from 7th of January—in other words the period would run from the 12th of December to the 10th of January.

- (b) the first day is excluded and the last day is included, subject to subrule (2).

Example 3

Rule 8 refers to a 14 days' notice period for conciliation. If notice was faxed on Thursday 10 October, the conciliation must be scheduled on Friday 25 October or any day thereafter.

- (2) The last day of any period must be excluded if it falls on a Saturday, Sunday, public holiday or on any day between 16 December and 7 January.

3. *How to serve documents on other parties*

- (1) A party must serve a document on the other parties to dispute—
 - (a) by handing a copy of the document to—
 - (i) the person if that person is a party to the dispute;
 - (ii) a person authorised in writing to accept service on behalf of a party to the dispute;
 - (iii) a person who appears to be at least 16 years old and in charge of a party's place of residence, business or employment;
 - (b) by faxing or telexing a copy of the document to that party;
 - (c) by sending a copy of the document by registered post or telegram to the last-known address of the party or to an address chosen by the party to receive service.

4. *How to file documents with the Council*

- (1) A party must file documents with the Council—
 - (a) by handing the document in at an office of the Council;
 - (b) by sending a copy of the document by registered post to the Council; or
 - (c) by faxing the document to the Council.
- (2) A document is filed with the Council when—
 - (a) the document is handed to the office of the Council;
 - (b) a document sent by registered post is received by the Council; or
 - (c) the transmission of a fax is completed.

5. *Documents and notices sent by registered post*

Document sent by registered post is presumed, unless the contrary is proved, to have been received by the person to whom it was sent seven days after it was posted.

6. How to seek condonation for documents served late

- (1) This rule applies to any document, including a referral or an application, served outside of a time period prescribed in the Act or these Rules.
- (2) A party must apply for condonation, in terms of rule 23, when serving the document to the Council.
- (3) An application for condonation must set out the grounds for seeking condonation and must include details of the following:
 - (a) The degree of lateness;
 - (b) the reasons for the lateness and degree of fault;
 - (c) the referring parties' prospects of succeeding with the referral and obtaining the relief sought against the other party;
 - (d) any prejudice to the other parties; and
 - (e) any other relevant factors.

PART B**CONCILIATION OF DISPUTES****7. How to refer a dispute to the Council for conciliation**

- (1) A party must refer a dispute to the Council for conciliation by completing the Council's referral form and serving it on the Council.
- (2) The referring party must—
 - (a) sign the referral form;
 - (b) attach written proof that the referral form was served on the other parties to the dispute;
 - (c) if the referral form is filed late, attach an application for condonation in accordance with rule 6.
- (3) The Council shall refuse to accept a referral until sub rule (2) has been complied with.

8. What notice must the Council give of a conciliation hearing

The Council must give the parties at least 14 days' notice in writing of a conciliation hearing, unless the parties agree to a shorter period of notice.

9. Council may seek to resolve dispute before a conciliation hearing

The Council or a council commissioner may contact the parties by telephone or by other means prior to the commencement of the conciliation in order to seek to resolve the dispute.

10. What happens if a party fails to attend or is not represented at a conciliation hearing

If a party to a dispute fails to attend in person or be represented at a conciliation hearing, the council commissioner may deal with it in terms of rule 22.

PART C**CON-ARB****11. Conduct of con-arb in terms of section 191 (5A) of the Act**

- (1) The Council must give the parties at least 14 days' notice in writing that a matter has been scheduled for non-arb in terms of section 191 (5A) of the Act.
- (2) A party that intends to object to a dispute being dealt with in terms of section 191 (5A) must serve a written notice on the Council and the other party, at least seven days prior to the scheduled date in terms of subrule (1).
- (3) Subrule (2) does not apply to a dispute concerning—
 - (a) the dismissal of an employee for any reason related to probation; or
 - (b) an unfair labour practice relating to probation.
- (4) If the respondent party fails to appear or be represented at a hearing scheduled in terms of Subrule (1), the council commissioner must conduct the con-arb on the date specified in the notice issued in terms of subrule (1) or adjourn the proceedings till a later date.
- (5) Subrule (4) applies irrespective of whether a party has lodged a notice of objection in terms of Subrule (2).
- (6) The provisions of the Act and these Rules that are applicable to conciliation and arbitration, respectively, apply, with the changes required by the context, to con-arb proceedings.
- (7) If the arbitration does not commence on the dates specified in terms of the notice referred to in Subrule (1) the Council must schedule the matter for arbitration either in the presence of the parties or by issuing a notice in terms of rule 21.

PART D

ARBITRATIONS

[Part D does not apply to arbitrations in respect of failure to comply with the provisions of a collective agreement in terms of section 33A (4) of the Act]

12. When parties may be directed to file statements

- (1) The Council or a council commissioner may direct—
 - (a) the referring party in an arbitration to file a statement of case within a specified time period; and
 - (b) the other parties to file an answering statement within a specified time period.
- (2) A statement in terms of subrule (1) must—
 - (a) set out the material facts upon which the party relies and the legal issues that arise from the material facts;
 - (b) be filed within the time period specified by the Council or the Council commissioner.

13. When parties may be directed to hold a pre-arbitration conference

The parties to an arbitration must hold a pre-arbitration conference dealing with the matters referred to in subrule (2) above if directed to do so by the Secretary of the Council.

14. What notice must the Council give of an arbitration hearing

The Council must give the parties at least 14 days' notice in writing of an arbitration hearing, unless the parties agree to a shorter period.

15. How to postpone an arbitration

- (1) The Council must postpone an arbitration without the parties appearing if—
 - (a) all the parties to the dispute agree in writing to the postponement; and
 - (b) the written agreement for the postponement is received by the Council more than seven days prior to the scheduled date of the arbitration; and
 - (c) there are compelling reasons to postpone.
- (2) Any party may apply in terms of rule 23 to postpone an arbitration, by serving an application on the other parties to the dispute and filing a copy with the Council before the scheduled date of the arbitration.

PART E

RULES THAT APPLY TO CONCILIATIONS, ARBITRATIONS AND CON-ARBS

16. Who may represent a party at the Council

- (1) A party may appear in person at any proceedings before the Council or be represented by—
 - (a) a legal practitioner;
 - (b) a member, official or office bearer of a registered trade union of which the party was a member at the time the dispute arose;
 - (c) an official or office bearer of a registered employers' organisation, or registered employer federation of which the party was a member at the time the dispute arose;
 - (d) a director, employee, trustee or partner in a partnership of that party;
 - (e) if proceedings are brought or opposed by more than one party, another party to the dispute.
- (2) Notwithstanding subrule (1) (a), if the dispute is about the fairness of a dismissal and a party has alleged that the reason for the dismissal relates to the employee's conduct or incapacity, the parties are not entitled to be represented by practising lawyers in the proceedings unless—
 - (a) the Council commissioner and the other parties consent;
 - (b) the Council commissioner concludes that it is unreasonable to expect the party to deal with the dispute without legal representation, after considering—
 - (i) the nature of the questions of law raised by the dispute;
 - (ii) the complexity of the dispute;
 - (iii) the public interest; and
 - (iv) the comparative ability of the opposing parties or their representatives to deal with the dispute.

17. How to join or substitute parties to proceedings

- (1) The Council or a Council commissioner may join any number of persons as parties in proceedings, if the right to relief depends on substantially the same question of law or fact.
- (2) A Council commissioner may make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.

- (3) A Council commissioner may make an order in terms of subrule (2)—
 - (a) of the Council commissioner's own accord;
 - (b) on application by a party; or
 - (c) if a person entitled to join the proceedings applies at any time during the proceedings to intervene as a party.
- (4) An application in terms of this rule must be made in terms of rule 23.
- (5) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply to the Council for an order substituting that person for an existing party, and a Council commissioner may make such order or give appropriate directions as to the further procedure of the proceedings.
- (6) An application to join any person as a party to proceedings or to be substituted for an existing party must be accompanied by copies of all documents previously delivered, unless the person concerned or that person's representative is already in possession of the documents.
- (7) Subject to any order made in terms of subrules (2) and (5), a joinder or substitution in terms of this rule does not affect any steps already taken in the proceedings.

18. How to correct the citation of a party

If a party to any proceedings has been incorrectly or defectively cited, the Council may, on application and on notice to the parties concerned, correct the error or defect.

19. When the Council may consolidate disputes

The Council or a Council commissioner, of its own accord or on application, may consolidate more than one dispute so that the disputes may be dealt with in the same proceedings.

20. Disclosure of documents

Any party may request a Council commissioner to make an order requiring any other party to the dispute to disclose all relevant documents.

21. What happens if a party fails to attend proceedings in rights disputes

- (1) In a rights dispute, if a party to a dispute fails to attend or be represented at any proceedings before the Council, and that party—
 - (a) has referred the dispute to the Council, a Council commissioner may dismiss the matter by making an order; or
 - (b) has not referred the matter to the Council, the Council commissioner may—
 - (i) continue with the proceedings in the absence of that party; or
 - (ii) adjourn the proceedings to a later date.
- (2) A Council commissioner must be satisfied that the party has been properly notified of the date, time and venue of the proceedings, before making any decision in terms of subrule (1).
- (3) If a matter is dismissed, the Council must send a copy of the ruling to the parties.

22. What happens if a party fails to attend proceedings in interest disputes

- (1) In an interest dispute, if a party to the dispute fails to attend the conciliation hearing or be represented at the hearing, and that party—
 - (a) has referred the dispute to the Council, a Council commissioner may extend the conciliation period for another thirty days and notify the parties of the extension in writing; or
 - (b) has not referred the dispute to the Council, the Council commissioner may immediately issue a certificate stating that the dispute remains unresolved.
- (2) A council commissioner must be satisfied that the party has been properly notified of the date, time and venue of the proceedings, before making any decision in terms of subrule (1).

PART F

APPLICATIONS

23. How to bring an application

- (1) An application must be brought on notice to all persons who have an interest in the application.
- (2) The party bringing the application must sign the notice of application and must state—
 - (a) the title of the matter;
 - (b) the case number assigned to the matter by the Council;
 - (c) the relief sought;
 - (d) the address at which the party delivering the document will accept delivery of all documents and proceedings;

- (e) that any party that intends to oppose the matter must deliver a notice of opposition and answering affidavit within 14 days after the application has been delivered to it;
 - (f) that the application may be heard in the absence of a party that does not comply with subparagraph (e);
 - (g) a schedule listing the documents that are material and relevant to the application.
- (3) The application must be supported by an affidavit that must clearly and concisely set out—
- (a) the names, description and addresses of the parties;
 - (b) a statement of the material facts, in chronological order, on which the application is based, in sufficient detail to enable any person opposing the application to reply to the facts;
 - (c) a statement of legal issues that arise from the material facts, in sufficient detail to enable any party to reply to the document;
 - (d) if the application is filed outside the relevant time period, grounds for condonation in accordance with rule 6; and
 - (e) if the application is brought urgently, the circumstances why the matter is urgent and the reasons why it cannot be dealt with in accordance with the time frames prescribed in these Rules.
- (4) (a) Any party opposing the application may deliver a notice of opposition and an answering affidavit within 14 days from the day on which the application was served on that party.
- (b) A notice of opposition and an answering affidavit must contain, with the changes required by the context, the information required by subrules (3) and (4), respectively.
- (5) (a) The party initiating the proceedings may deliver a replying affidavit within seven days from the day on which any notice of opposition and answering affidavit are served on it;
- (b) The replying affidavit must address only issues raised in the answering affidavit and may not introduce new issues of fact or law.
- (6) A Council commissioner may permit the affidavits referred to in this rule to be substituted by a written statement.
- (7) In an urgent application, the Council or a Council commissioner may—
- (a) dispense with the requirements of this rule; and
 - (b) grant an order only against a party that has had reasonable notice of the application.
- (8) (a) The Council may allocate a date for a hearing of the application once a replying affidavit is delivered, or once the time limit for delivering a replying affidavit has lapsed, whichever occurs first.
- (b) The Council must notify the parties of the date, time and place of the hearing of the application.
- (c) Applications may be heard on a motion roll on a day determined by the Council.
- (9) Notwithstanding this rule, the Council or a Council commissioner may determine an application in any manner it deems fit.

24. How to apply to vary or rescind arbitration awards or rulings

- (1) An application for the variation or rescission of an arbitration award or ruling must be made within 14 days of the date on which the applicant became aware of—
 - (a) the arbitration award or ruling; or
 - (b) a mistake common to the parties to the proceedings.
- (2) A ruling made by a Council commissioner, which has the effect of a final order, will be regarded as a ruling for the purposes of this rule.

25. How to refer a dismissal dispute to the Labour Court

- (1) An application in terms of section 191(6) of the Act to refer a matter to the Labour Court, must be made within 14 days of the dispute being certified unresolved in conciliation.
- (2) Notwithstanding subrule (1), a party that requests arbitration may not thereafter make an application in terms of section 191 (6).
- (3) The application must state the grounds on which a party relies in requesting that the dispute be referred to the Labour Court.
- (4) If any party to the dispute objects to the matter being referred to the Labour Court, that party must state the grounds for the objection within seven days of receipt of the application.
- (5) The Council must notify the parties of its decision in terms of section 191 (8) within 14 days of receiving the objection.

PART G**PRE-DISMISSAL ARBITRATIONS****26. How to request a pre-dismissal arbitration in terms of section 188A of the Act**

- (1) An employer requesting the Council to conduct a pre-dismissal arbitration, must do so by delivering a completed referral form to the Council.
- (2) The employee must sign the referral form consenting to pre-dismissal arbitration. If an employee has consented in terms of section 188A(4)(b)¹, the referral form does not have to be signed by the employee, but the copy of the contract containing the consent must be attached to the form.
- (3) When filing the referral form, the employer must pay the prescribed fee to the Council. Payment of the fee may only be made by—
 - (a) bank guaranteed cheque; or
 - (b) electronic transfer into the bank account of the Council.
- (4) Within 14 days of receiving a request in terms of subrule (1) and payment of the prescribed fee the Council must notify the parties to the pre-dismissal arbitration when and where the pre-dismissal arbitration will be held.
- (5) Unless the parties agree otherwise, the Council must give the parties at least 14 days' notice of the commencement of the pre-dismissal arbitration.
- (6) The Council will be required to refund a fee paid in terms of subrule (3), only if the Council is notified of the resolution of the matter prior to issuing a notice in terms of subrule (4).

PART H**GENERAL****27. Unrepresented applicants without postal addresses and fax numbers**

- (1) An unrepresented applicant who intends to refer a dispute to the Council and who does not have a postal address or fax number must hand-deliver the referral form to the Council.
- (2) If a referral form is received by hand delivery by an unrepresented applicant, the Council must provide the applicant with a case number and written instructions to contact the Council by telephone or in person, within seven days of the date of referral, in order for the Council to notify the applicant of the details of the hearing.
- (3) The administrator who notifies the applicant of the hearing in terms of subrule (2) must record on the case file and on the case management system that the applicant has been notified of the details of the hearing.
- (4) The record made in terms of subrule (3) will constitute proof that the applicant was notified of the hearing.

28. Condonation for failure to comply with the Rules

The Council or a Council commissioner may condone any failure to comply with the time frames in these rules, on good cause shown.

29. Recordings of Council proceedings

- (1) The Council must keep a record of—
 - (a) any evidence given in an arbitration hearing;
 - (b) any sworn testimony given in any proceedings before the Council; and
 - (c) any arbitration award or ruling made by a Council commissioner.
- (2) The record may be kept by legible handwritten notes or by means of an electronic recording.
- (3) A party may request a copy of the transcript of a record or a portion of a record kept in terms of subrule (2), on payment of the costs of the transcription.
- (4) After the person who makes the transcript of the record has certified that it is correct, the record must be returned to the Council.
- (5) The transcript of a record certified correct in terms of subrule (4) is presumed to be correct, unless the Labour Court decides otherwise.

30. How to have a subpoena issued

- (1) Any party who requires the Council or a Council commissioner to subpoena a person in terms of section 142 (1) of the Act, must file a completed subpoena form, requesting a subpoena together with a written substantiation setting out why the evidence of the person to be subpoenaed is necessary.
- (2) A party requesting the Council to waive the requirement for the party to pay witness fees in terms of section 142 (7) (c) must set out the reasons for the request in writing at the time of requesting the Council to issue a subpoena in respect of that witness.
- (3) An application in terms of subrule (1) must be filed with the Council at least ten days before the arbitration hearing, or as directed by the Council commissioner hearing the arbitration.

¹ Only an employee whose earnings exceed the amount determined by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act, (currently R89 499 per annum), may consent to pre-dismissal arbitration in a contract of employment.

- (4) The Council or a Council commissioner may refuse to issue a subpoena if—
 - (a) the party does not establish why the evidence of the person is necessary;
 - (b) the party subpoenaed does not have a reasonable period in which to comply with the subpoena;
 - (c) the Council or a Council commissioner is not satisfied that the party has made arrangements to pay the witness fees and the reasonable travel costs of the person subpoenaed.
- (5) A subpoena must be served on the witness subpoenaed—
 - (a) by the person who has requested the subpoena or by the Sheriff, at least seven days before the scheduled date of the arbitration;
 - (b) and if so directed by the Council, accompanied by payment of the prescribed witness fees for one day in accordance with the tariff of allowances published by notice in the *Gazette* in terms of section 142 (7) of the Act and the witnesses' reasonable travel costs.
- (6) Subrules 4 (c) and 5 (b) do not apply if the Council, in terms of section 142 (7) (c), has waived the requirement for the party to pay witness fees.

31. *Payment of witness fees*

- (1) A witness subpoenaed in any proceedings in the Council must be paid a witness fee in accordance with the tariff of allowances published by notice in the *Gazette* in terms of section 142 (7) of the Act.
- (2) The witness fee must be paid by—
 - (a) the party who requested the Council to issue the subpoena; or
 - (b) the Council, if the issue of the subpoena was not requested by a party or if the Council waives the requirement to pay witness fees in terms of section 142 (7) (c).
- (3) Notwithstanding subrule (1), the Council commissioner may, in appropriate circumstances, order that a witness receive no fee or only part of the prescribed fee.

32. *Taxation of bills of cost*

- (1) The basis on which a Council commissioner may make an order as to costs in any arbitration is regulated by section 138 (10) of the Act.
- (2) The Secretary of the Council may appoint taxing officers to perform the functions of a taxing officer in terms of these Rules.
- (3) The taxing officer must tax any bill of costs for services rendered in connection with proceedings in the Council, on Schedule A of the prescribed Magistrates' Courts tariff, in terms of the Magistrates' Courts Act, No. 32 of 1944, unless the parties have agreed to a different tariff.
- (4) At the taxation of any bill of costs, the taxing officer may call for any book, document, paper or account that in the taxing officer's opinion is necessary to properly determine any matter arising from the taxation.
- (5) Any person requesting a taxation must complete a referral form requesting taxation and must satisfy the taxing officer—
 - (a) of that party's entitlement to be present at the taxation; and
 - (b) that the party liable to pay the bill has received notice of the date, time and place of the taxation.
- (6) Notwithstanding subrule (4), notice need not be given to a party—
 - (a) who failed to appear or to be represented at the hearing; or
 - (b) who consented in writing to the taxation taking place in that party's absence.
- (7) Any decision by a taxing officer is subject to review by the Labour Court.

33. *What words mean in these Rules*

Any expression in these Rules that is defined in the Labour Relations Act², 1995 (Act No. 66 of 1995), has the same meaning as in that Act and—

"Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995), and includes any regulation made in terms of that Act;

"con-arb" means proceedings held in terms of section 191 (5A) of the Act, where an arbitration commences immediately after certifying that the dispute remains unresolved in conciliation;

"Council" means the Metal and Engineering Industries Bargaining Council registered in terms of section 29 of the Act;

"Council commissioner" means an individual appointed by the Council to resolve disputes;

"deliver" means serve on other parties and file with the Commission;

² The following words used in the Rules are defined in section 213 of the Act: Commission, dispute, dismissal, employee, employers' organisation, trade union and workplace.

"dispute of interest" means any dispute concerning a matter of mutual interest; excluding any dispute that a party has the right to refer to arbitration or to the Labour Court under the Act, a collective agreement or an arbitration agreement;

"dispute of right" means a legal claim to which a party in the employment relationship is entitled by virtue of the employment contract, a collective agreement, a statute or the common law;

"Director" means the Director of the Commission appointed in terms of section 118 of the Act, and includes any person delegated by the Director to perform any of the functions of the Director;

"file" means to lodge with the Council in terms of rule 4;

"Labour Court" means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court;

"party" means any party to proceedings before the Council;

"legal practitioner" means a practising advocate, a practising attorney and a candidate attorney;

"public holiday" means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994). These currently include—

- 1 January, New Year's Day
- 21 March, Human Rights Day
- Easter Friday and Monday
- 27 April, Freedom Day
- 1 May, Worker's Day
- 16 June, Yough Day
- 9 August, National Women's Day
- 24 September, Heritage Day
- 16 December, Day of Reconciliation
- 25 December, Christmas Day
- 26 December, Day of Goodwill;

"Rules" means these rules;

"Secretary" means secretary of the Council;

"serve" means to serve in accordance with rule 3 and "service" has a corresponding meaning; and

"taxing officer" means any competent person appointed by the Secretary in terms of rule 32.

SCHEDULE 1

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No. R. 1178**15 August 2003****LABOUR RELATIONS ACT, 1995**

**BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL:
EXTENSION OF MAIN AMENDING 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 Furniture Manufacturing Industry, 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 Industry, with effect from 25 August 2003, and for the period ending 30 June 2005.

M. M. S. MDLADLANA**Minister of Labour****No. R. 1178****15 Augustus 2003****WET OP ARBEIDSVERHOUDINGE, 1995**

**BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, 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 Engelse Bylae hiervan verskyn, en wat in die Meubelnywerheid, 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 Nywerheid, met ingang van 25 Augustus 2003, en vir die tydperk wat op 30 Junie 2005 eindig.

M. M. S. MDLADLANA**Minister van Arbeid****SCHEDULE****BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL****MAIN COLLECTIVE AGREEMENT**

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

KwaZulu-Natal Furniture Manufacturers' Association

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

and the

**National Union of Furniture and
Allied Workers of South Africa**

and the

Chemical Energy Paper, Printing, Wood and Allied Workers' Union

(hereinafter referred to as the "employees" or the "trade unions") of the other part, being the parties to the Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal, to amend the Main Collective Agreement published under Government Notices No. R. 685 of 18 May 1998, as amended, re-enacted and corrected by Government Notices Nos. R. 1660 of 18 December 1998, R. 312 of 12 March 1999, R. 1217 of 22 October 1999, R. 369 of 14 April 2000, R. 1033 of 27 October 2000, R. 90 of 1 February 2002, R. 165 of 7 February 2003, R. 264 of 21 February 2003, R. 264 of 21 February 2003, R. 400 of 28 March 2003 and R. 649 of 16 May 2003.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Furniture Manufacturing Industry, KwaZulu-Natal—
 - (a) by all employers who are members of the employers' organisation and all employees who are members of the trade unions, who are engaged or employed therein, respectively;
 - (b) in Area A, which consists of the Magisterial Districts of Camperdown, Chatsworth, Durban, Indanda, Mount Currie, Pietermaritzburg and Pinetown;
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—
 - (a) apply only in respect of employees for whom minimum wages are prescribed in this Agreement;
 - (b) apply to learners in so far as they are not inconsistent with the provisions of the Skills Development Act, 1998, or any contracts entered into or any conditions fixed thereunder;
 - (c) not apply to professional, technical, administrative, sales and office staff: Provided that such employees are in receipt of regular remuneration in excess of the maximum rate prescribed in Schedule A of the Agreement, excluding paragraph (XXI), plus R35,00;
 - (d) not apply to managers, submanagers, foremen and supervisory staff if such employees are in receipt of regular remuneration of R40 920 or more per annum or, where the employer of such staff does not provide or maintain a registered pension or registered provident fund and a registered medical aid fund, R48 140 or more per annum. These amounts shall be increased each year by the same percentage as the increases granted to employees earning the highest rate set out in Schedule A or the Agreement.
- (3) Notwithstanding the provisions of subclauses (1) and (2), employers who carry on not more than one business within the scope of application of this Agreement and who employ fewer than five employees at all times in or in connection with such business, will, if their employees consent to this, be entitled to the following phasing-in concessions:

Phase One (first two years of registration):

During this period, the employer will be exempt from Schedule A and clause 38B.

Any pro-rata holiday pay benefits accrued by employees during the first two years of registration with the Council must be paid when due by the employer in terms of the Basic Conditions of Employment Act, 1997.

Phase Two (third year of registration):

During this period, the employees must be remunerated at not less than 60% of the rate of pay prescribed in Schedule A and clause 38B.

Any pro-rata holiday pay benefits accrued by employees during the third year of registration with the Council must be paid when due by the employer in terms of the Basic Conditions of Employment Act, 1997.

Phase Three (fourth year of registration):

During this period, employees must be remunerated at not less than 75% of the rate of pay prescribed in Schedule A and clause 38B.

In addition, the contributions required in terms of clause 13 shall come into effect.

Phase Four (fifth year of registration):

During this period, employees must be remunerated at not less than 90% of the rate of pay prescribed in Schedule A and clause 38B.

In addition the Provident Fund and Mortality Benefit contributions prescribed in the Agreement, as amended and extended from time to time, shall come into effect.

Phase Five (from sixth year of registration onwards):

All provisions of the Main Collective and Provident Fund and Mortality Benefit Association Collective Agreements, as well as Schedule A, as amended and extended from time to time, shall apply.

- (4) The provisions of subclause (3) shall not apply where an employer has more than four employees in his employ at the date of the coming into operation of this Agreement, and subsequently reduces this number of employees to fewer than five.
- (5) The terms of this Agreement shall not apply to non-parties in respect of clause 1 (a).

2. PERIOD OF OPERATION

This Agreement shall come into operation in respect of non-parties on such date as the Minister of Labour extends the Agreement to non-parties and shall remain in force for the period ending 30 June 2005.

3. CLAUSE 15: EXEMPTIONS

Substitute the following for Clause 15:

"15. EXEMPTIONS**(1) General**

- (a) The Council may grant exemption from any of the provisions of this Agreement for any good and sufficient reason and all applications for exemption shall be dealt with in the following manner:
 - (i) *Parties*: Any application for exemption by a party to the Agreement shall be dealt with in accordance with the provisions in respect of exemptions laid down in the Council's Constitution.
 - (ii) *Non-parties*: Any application by a non-party to the Agreement shall be dealt with in accordance with the provisions set out below.

(2) Process

- (a) All applications for exemption must be sent to the Secretary in the prescribed form.
- (b) Applications for exemption must be fully motivated and shall include the following particulars:
 - (i) The period for which exemption is sought;
 - (ii) the relevant clauses from which exemption is sought;
 - (iii) if the applicant is an employee, a business plan, accompanied by the relevant financial statements, setting out the steps to be taken by the employer during the period of the proposed exemption so as to ensure compliance upon the expiry of the exemption.
- (c) Any application for exemption from the minimum wage and/or increases provided for within Schedule A and clause 38 B of the Agreement, must be received by the Secretary within 30 days after publication by the Minister of Labour, and/or the date of registration as an employer within the Industry, which application shall include a schedule reflecting the following particulars of employees:
 - (i) names and job categories; and
 - (ii) current wages earned; and
 - (iii) confirmation that the employees and/or their representatives are in support of the application.
- (d) An application for exemption shall not be considered if the employees have indicated that they are not in favour of the exemption sought.
- (e) An application for exemption shall not be considered if the contents of the application are covered by an arbitration award and/or Labour Court order binding on the applicant.

(3) Criteria to be considered when considering an application for exemption

- (a) The exemption applied for may not be in conflict with the primary objects of the Act;
- (b) the interests of the Industry/Sector shall be taken into account and whether the granting of the exemption would—
 - (i) unfairly undermine the collective bargaining process;
 - (ii) interfere with fair competition between manufacturers in the Industry;
 - (iii) encourage unfair exploitation of workers in the Industry;
 - (iv) wage and wage-related exemptions may only be granted for duration of the Agreement.

(4) Administration

- (a) The Secretary of the Council shall issue to every person granted exemption a licence signed by the Chairperson and Secretary of the Council setting out—
 - (i) the full name of the person/employer concerned;
 - (ii) the provisions of the Agreement from which exemption is granted;
 - (iii) the conditions fixed in accordance with (ii);
 - (iv) the period for which exemption is granted.
- (b) The Secretary of the Council shall—
 - (i) number consecutively all licences issued;
 - (ii) retain a copy of each licence issued;
 - (iii) forward a copy of the exemption licence to the applicant.
- (c) The Council may, on good cause shown, give the holder of an exemption licence 30 days' notice of withdrawal of the exemption, on receipt of which the holder may appeal to the Board in which case the same time limitation as contained in clause 5 (d) shall apply.

(5) Exemptions appeal board**(a) Establishment:**

In terms of section 32 of the Act, the Council hereby establishes an independent body to be known as the Exemptions Appeal Board, to consider and determine any appeal brought against a refusal and/or withdrawal of a non-party application for exemption from any provision of this Agreement by the Council.

- (b) If considering an appeal, the Board must consider the views expressed by the Council, the employer/s and the employee/s and/or their representatives, as well as representatives received in relation to the possible effect of the exemption on competitors.
- (c) In the event of the Board exercising its discretion to grant an exemption previously refused by the Council, the Board must ensure that such an exemption shall not contain terms that would have an unreasonable detrimental effect of the fair equitable and uniform application of this Collective Agreement in the Industry.
- (d) All applications to the Board must be lodged with the Secretary of the Council within six weeks from the date of the delivery of the Council's exemption finding on the applicant.
- (e) All applications must be in the form of an affidavit and must be accompanied by a processing fee of R500,00.
- (f) The applicant shall be required to attend the hearing, failing which the Board shall be entitled to hear and decide on the matter in the absence of the applicant."

4. CLAUSE 32: TERMINATION OF CONTRACT OF EMPLOYMENT

Substitute the following for clause 32:

"32. TERMINATION OF CONTRACT OF EMPLOYMENT

- (1) When an employer contemplates dismissing one or more employees for reasons based on the employers' operational requirements, the employer shall have due regard for the provisions of sections 189 and 189A of the Act.
- (2) (a) Notice shall be given by the employer or employee to terminate a contract of employment in terms of subclauses (2) (b) (i), (ii), (iii) or (vi), whichever applies: Provided that this shall not affect the right of an employer or employee to terminate a contract of employment without notice for any cause recognised by law as sufficient.
- (b) In instances when it is found necessary to terminate a contract of employment of a party to the contract, the contract may be terminated only on notice of not less than—
 - (i) one week if the employee has been employed for six months or less;
 - (ii) two weeks if the employee has been employed for more than six months, but not more than one year;
 - (iii) four weeks if the employee has been employed for one year or more.
- (c) In the event of an employee having been dismissed in terms of subclause (1), an employer shall not replace such employee, in the same job category, within four weeks, without first having offered the position to the employee so dismissed: Provided that such employee reports to the trade union within 48 hours in the case of a non-party employer, the employee having been notified: Provided further that no employee shall be dismissed by reason of short time unless such employee has worked less than 35 hours ordinary time in the pay week preceding such dismissal.
- (d) Employees being dismissed in terms of subclause (1) shall be paid a retrenchment/redundancy allowance equal to one week's normal wages for each completed year of service.
- (e) Despite the provisions of subclause (2) (b), an employer and employee may agree to provide for a longer period of notice than prescribed and provided that such agreement is confirmed in writing, failure to comply with such arrangement shall be a contravention of this clause.
- (f) An employer or employee may terminate the contract of employment without notice by paying the employee, or paying or forfeiting to the employer, as the case may be, in lieu of notice an amount not less than the wages the employee would have received, calculated in accordance with subclause (2) (b) (i), (ii) or (iii), or for such longer period as agreed upon by the employer and his employee in terms of subclause (2) (b) (vi).
- (g) The notice referred to in subclause (2), shall not run concurrently with or shall not be given during—
 - (i) any period of military service;
 - (ii) the holiday period referred to in clause 13 (2);
 - (iii) any period of illness not exceeding two weeks in any one year."

Signed at Durban on this 24th day of April 2003.

B. NEETHLING

Chairperson

G. MOONSAMY

Vice-Chairperson

G. J. P. BLIGNAUT

Secretary of the Council

No. R. 1179

15 August 2003

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL: EXTENSION OF PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION 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 Bargaining Council for the Furniture Manufacturing Industry, 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 industry, with effect from 25 August 2003, and for the period ending 31 July 2006.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1179

15 Augustus 2003

WET OP ARBEIDSVERHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU-NATAL: UITBREIDING VAN VOORSORGFONDS EN STERFTEBYSTANDSVERENIGING 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 Bedingingsraad vir die Meubelnywerheid, 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 Nywerheid, met ingang van 25 Augustus 2003, en vir die tydperk wat op 31 Julie 2006 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

SCHEDULE**BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL: PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION COLLECTIVE AGREEMENT**

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

KwaZulu-Natal Furniture Manufacturers' Association

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

and the

National Union of Furniture and Allied Workers' of South Africa

and the

Chemical Energy Paper, Printing, Wood and Allied Workers' Union

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

being the parties to the Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal.

to amend the Provident Fund and Mortality Benefit Association Collective Agreement under Government Notice No. R. 749 of 5 June 1998, amended, extended and re-enacted by Government Notices Nos. R. 1690 of 24 December 1998, R. 367 of 14 April 2000, R. 1174 of 24 November 2000, R. 542 of 10 May 2002 and R. 649 of 16 May 2003.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Furniture Manufacturing Industry, KwaZulu-Natal—
 - (a) by all employers who are members of the employers' organisation and all employees who are members of the trade unions, who are engaged or employed therein, respectively;
 - (b) in Area A, which consists of the Magisterial Districts of Camperdown, Chatsworth, Durban, Inanda, Mount Currie, Pietermaritzburg, and Pinetown;
 - (c) in Area B, which consists of the Magisterial Districts of Greytown, Lions River, Port Shepstone, Richmond, Lower Tugela and Umzinto and the municipal areas of Estcourt, Ladysmith and Newcastle; and
 - (c) in Area C, which consists of the remainder of the Province of KwaZulu-Natal.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—
 - (a) apply only in respect of employees for whom minimum wages are prescribed in the Main Agreement and to working Partners, Directors or Members as defined in the Main Agreement;

- (b) apply to learners in so far as they are not inconsistent with the provisions of the Skills Development Act, 1998, or any contracts entered into or any conditions fixed thereunder;
- (c) not apply to any employee or working Partner, Director or Member who at the date of the coming into operation of this Agreement is, or thereafter becomes, a participant in and member of any other fund providing pension and/or provident benefits, which is in existence on the said date and in which the employer of that employee is on the said date a participant, or to the employer of such employee, during such period only as such other fund continues to operate and both employer and employee are participants therein, if in the opinion of the Council the benefits which the other fund provided are on the whole not less favourable than the benefits provided by the Council's fund;
- (d) Notwithstanding the provisions of this clause, employers who carry on not more than one business within the scope of application of this Agreement and who employ fewer than five employees at all times in connection with such business shall be entitled to the phasing in concessions as contained within clause 1 (3) of the main collective agreement, provided that for the purpose of giving effect to Clause 13 (1) (d) of this agreement, the contribution shall be based on the wage prescribed for the highest paid employee in Schedule A of the Main Agreement.
- (e) The provisions of subclause 2 (d) shall not apply where an employer has more than four employees in his employ at the date of the coming into operation of this Agreement, and subsequently reduces this number of employees to fewer than five.
- (f) The terms of this agreement shall not apply to non-parties in respect of clause 1 (1) (a).

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation in respect of non-parties on such a date as the Minister of Labour extends, the Agreement to non-parties and shall remain in force for the period ending 30 June 2005.

3. CLAUSE 5: ENFORCEMENT OF AGREEMENT

Substitute the following for Clause 5:

“5. ENFORCEMENT OF COLLECTIVE AGREEMENT

- (1) Despite any other provision of this Agreement, the Council may appoint one or more specified persons and may request the Minister of Labour to appoint such person as designated agent in terms of section 33 (1) of the Act to promote, monitor and enforce compliance with this Agreement.
- (2) If, during the course of performing his duties and/or in the event that a complaint is received, the designated agent discovers what appears to be a contravention of this Agreement, the designated agent may—
 - (a) secure compliance with this agreement by—
 - (i) publicising the contents of this agreement;
 - (ii) conducting inspections;
 - (iii) investigating complaints;
 - (iv) issuing compliance orders; or
 - (v) any other means the Council may have adopted.
 - (b) perform any other function which is conferred or imposed on the agent by the Council.
- (3) Should any party to such alleged contravention as contemplated by the compliance order in terms of sub-clause (2) (a) (iv), fail to comply with the provisions of this Agreement within the specified period, the designated agent must—
 - (a) submit a report to the Secretary certifying that the matter remains unresolved; and
 - (b) attach a copy of the compliance notice which shall contain the description of the areas of non-compliance with the provisions of this Agreement.
- (4) Upon receipt of the report submitted under 3 (a), the Secretary may—
 - (a) take such steps as are necessary to give effect to any such agreement reached in the event of the contravention issued having been resolved; or
 - (b) refer the alleged contravention to arbitration by an arbitrator appointed by the Council; and
 - (c) an arbitrator appointed in terms of this clause by the Council, shall have all the powers assigned to an arbitrator, as contemplated by the Act, including but not limited to the powers to impose orders for interest costs and penalties as contemplated by section 33A of the Act read with the Regulations.
- (5) The Secretary may apply to make the arbitration award and/or settlement agreement an order of the Labour Court.

- (6) A designated agent appointed under section 33 (1) of the Act, shall in addition to the powers referred to in this sub-clause, have the powers assigned to a designated agent as set out in Schedule 10 and section 142 of the Act, read with the changes required by the context."

4. CLAUSE 6: RESOLUTION OF DISPUTES

Substitute the following clause 6:

"6. DISPUTE ABOUT INTERPRETATION OF THE AGREEMENT

- (1) If there is a dispute about the interpretation of any provision of this Agreement, any part to the dispute may refer the dispute to the Council.
- (2) The party who refers to the dispute must satisfy the Council that a copy of such referral has been served on all other parties to the dispute.
- (3) The Council must attempt to resolve the dispute through conciliation.
- (4) The Secretary of the Council may require a designated agent to conciliate the dispute.
- (5) The designated agent may investigate the facts surrounding the dispute and if the designated agent has reason to believe that there has been a contravention of this Agreement, the designated agent may endeavour to secure compliance with the Agreement in terms of clause 5.
- (6) The designated agent shall submit to the Secretary a written report on the outcome of the investigations undertaken as well as any steps taken in terms of sub-clause (5)
- (7) Should a party to such a dispute at a date set down for conciliation object to the designated agent acting as conciliator, the Council may upon request of any such party, refer the dispute for conciliation in writing to the Secretary of the Council by—
 - (a) a conciliator experienced in labour conciliation; or
 - (b) an accredited agency; or
 - (c) the Commission for Conciliation Mediation and Arbitration, subject to there being an agreement with the Commission in terms of section 51 (6) of the Act.
- (8) Upon the failure of any party to attend a scheduled conciliation meeting, the Council may—
 - (a) postpone proceedings to a date not more than 14 days from initial scheduled conciliation meeting; or issue a certificate declaring the dispute unresolved.
- (9) If the dispute has been certified as unresolved, any party to the dispute may request the Secretary of the Council to refer to dispute to arbitration by—
 - (a) an arbitrator experienced in labour arbitrations; or
 - (b) an accredited agency; or
 - (c) the Commission for Conciliation Mediation and Arbitration, subject to there being an agreement with the Commission in terms of section 51 (6).
- (10) Any party requesting the Secretary of the Council in terms of this Clause to refer the dispute to the following:
 - (a) A Conciliator and/or Arbitrator experienced in labour matters; or
 - (b) an accredited agency; or
 - (c) the Commission for Conciliation Mediation and Arbitration, shall be liable for any fee that may be charged by any person and/or institution for performing the functions in terms of this Clause and the Council may recover the fees charged, from the referring party."

5. CLAUSE 7: EXEMPTIONS

Substitute the following for clause 7:

"7. EXEMPTIONS

(1) General

- (a) The Council may grant exemption from any of the provisions of this Agreement for any good and sufficient reason and all applications for exemption shall be dealt with in the following manner:
 - (i) *Parties*: An application for exemption by a party to the Agreement shall be dealt with in accordance with the provisions in respect of exemptions laid down in the Council's Constitution.
 - (ii) *Non-parties*: Any application by a non-party to the Agreement shall be dealt with in accordance with the provisions set out below.

(2) Process

- (a) All applications for exemption must be sent to the Secretary in the prescribed form.

- (b) Applications for exemption must be fully motivated and shall include the following particulars:
- (i) The period for which exemption is sought;
 - (ii) the relevant clauses from which exemption is sought;
 - (iii) If the applicant is an employee, a business plan, accompanied by the relevant financial statements, setting out the steps to be taken by the employer during the period of the proposed exemption so as to ensure compliance upon the expiry of the exemption.
- (c) Any application for exemption from the minimum wage and/or increases provided for within Schedule A and clause 38 B of the Agreement, must be received by the Secretary within 30 days after publication by the Minister of Labour, and/or the date of registration as an employer within the Industry, which application shall include a schedule reflecting the following particulars of employees:
- (i) Names and job categories; and
 - (ii) current wages earned; and
 - (iii) confirmation that the employees and/or their representatives are in support of the application.
- (d) An application for exemption shall not be considered if the employees have indicated that they are not in favour of the exemption sought.
- (e) An application for exemption shall not be considered if the contents of the application are covered by an arbitration award and/or Labour order binding on the applicant.
- (3) **Criteria to be considered when considering an application for exemption**
- (a) The exemption applied for may not be in conflict with the primary objects of the Act;
 - (b) The interests of the Industry/Sector shall be taken into account and whether the granting of the exemption would—
 - (i) unfairly undermine the collective bargaining process;
 - (ii) interfere with fair competition between manufacturers in the Industry;
 - (iii) encourage unfair exploitation of workers in the Industry;
 - (iv) wage and wage-related exemptions may only be granted for duration of the Agreement.
- (4) **Administration**
- (a) the Secretary of the Council shall issue to every person granted exemption a licence signed by the Chairperson and Secretary of the Council setting out—
 - (i) the full name of the person/employer concerned;
 - (ii) the provisions of the Agreement from which exemption is granted;
 - (iii) the conditions fixed in accordance with (ii);
 - (iv) the period for which exemption is granted.
 - (b) The Secretary of the Council shall—
 - (i) number consecutively all licences issued;
 - (ii) retain a copy of each licence issued;
 - (iii) forward a copy of the exemption licence to the applicant.
 - (c) The Council may, on good cause shown, give the holder of an exemption licence 30 days' notice of withdrawal of the exemption, on receipt of which the holder may appeal to the Board in which case the same time limitation as contained in clause 5 (d) shall apply.
- (5) **Exemptions appeal board**
- (a) **Establishment:**
In terms of section 32 of the Act, the Council hereby establishes an independent body to be known as the Exemptions Appeal Board, to consider and determine any appeal brought against a refusal and/or withdrawal of a non-party application for exemption from any provision of this Agreement by the Council.
 - (b) In considering an appeal, the Board must consider the views expressed by the Council, the employer/s and the employee/s and/or their representatives, as well as representations received in relation to the possible effect of the exemption on competitors.
 - (c) In the event of the Board exercising its discretion to grant an exemption previously refused by the Council, the Board must ensure that such an exemption shall not contain terms that would have an unreasonable detrimental effect of the fair equitable and uniform application of this Collective Agreement in the Industry.

- (d) All applications to the Board must be lodged with the Secretary of the Council within six weeks from the date of the delivery of the Council's exemption finding on the applicant.
- (e) All applications must be in the form of an affidavit and must be accompanied by a processing fee of R500,00.
- (f) The applicant shall be required to attend the hearing, failing which the Board shall be entitled to hear and decide on the matter in the absence of the applicant."

Signed at Durban on this 24th day of April 2003.

B. NEETHLING

Chairperson

G. MOONSAMY

Vice-Chairperson

G. J. P. BLIGNAUT

Secretary of the Council

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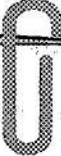
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

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