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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 889

30 July 2004

DESIGNATION OF A BODY FOR THE PURPOSES OF SECTION 212(4)(a) AND (8)(a) OF THE CRIMINAL PROCEDURE ACT, 1977

Under section 212(4)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, hereby designate the Agricultural Research Council, a council established in terms of section 2 of the Agricultural Research Act, 1990 (Act No. 86 of 1990), as a body for the purposes of the said section 212(4)(a) and (8)(a).

B S MABANDLA

MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 889

30 Julie 2004

**AANWYSING VAN 'N LIGGAAM VIR DIE DOELEINDES VAN ARTIKEL
212(4)(a) EN 8(a) VAN DIE STRAFPROSESWET, 1977**

Kragtens artikel 212(4)(a) van die Strafproseswet, 1977 (Wet No. 51 van 1977), wys ek, Brigitte Sylvia Mabandla, Minister vir Justisie en Staatkundige Ontwikkeling, hierby die Landbounavorsingsraad, 'n raad ingestel kragtens artikel 2 van die Wet op Landbounavorsing, 1990 (Wet No. 86 van 1990), aan as 'n liggaam vir die doeleindes van genoemde artikel 212(4)(a) en (8)(a).

B S MABANDLA**MINISTER VIR JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 883****30 July 2004****LABOUR RELATIONS ACT, 1995****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: EXTENSION OF PROVIDENT FUND
COLLECTIVE AMENDING AGREEMENT FOR THE WESTERN CAPE
REGION TO NON-PARTIES**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Clothing Manufacturing Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the agreement, shall be binding on the other employers and employees in that Industry, with effect from 2 August 2004 and for the period ending 30 June 2005.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R. 883

30 Julie 2004

WET OP ARBEIDSVERHOUDINGE, 1995

**NASIONALE BEDINGINGSRAAD VIR DIE
KLERASIEVERVAARDIGINGSNYWERHEID:
UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE
WYSIGINGSOOREENKOMS VIR DIE WES-KAAP STREEK 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 Nasionale Bedingingsraad vir die Klerasievervaardigingsnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 2 Augustus 2004, en vir die tydperk wat op 30 Junie 2005 eindig.

M M S MDLADLANA
MINISTER VAN ARBEID

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY PROVIDENT FUND
COLLECTIVE AGREEMENT FOR THE WESTERN CAPE REGION**

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

Cape Clothing Association

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

Southern African Clothing and Textile Workers' Union

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

being the parties to the National Bargaining Council for the Clothing Manufacturing Industry, to amend the Agreement published under Government Notice No. R. 1293 of 19 September 2003, as amended and extended by Government Notices Nos R. 503 and R. 504 of 30 April 2004.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Clothing Industry —

- (a) by employers and employees who are members of the employers' organisation and the trade union, respectively, and who are engaged and employed in the Industry;
- (b) in the Magisterial Districts of —
 - (i) The Cape, Simonstown, Bellville, Goodwood, including those portions of the Magisterial District of Goodwood, Simonstown and Bellville from which the Magisterial District of Mitchells Plain was constituted on 2 March 1992, Somerset West, Strand, George and Worcester, on the operations set forth in paragraphs (a) and (b) of the definition of "Clothing Industry" in clause 3 of the Collective Agreement published under Government Notice No. R. 629 of 28 May 1999;
 - (ii) Malmesbury, including that portion from which the Magisterial District of Moorreesburg was constituted on 29 November 1985 by Government Notice No. 2649, in respect of that part of the Industry in which employers and their employees are associated for the making of all classes of womens' and girls' wear, including parts of such garments and cloth belts;
 - (iii) Wynberg, including that portion of the Magisterial District of Wynberg included when the Magisterial District of Mitchells Plain was constituted on 2 March 1992, on the operations set forth in paragraphs (a), (b) and (c) of the definition of "Clothing Industry" in clause 3 of the Collective Agreement published under Government Notice No. R. 629 of 28 May 1999.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall —

- (a) apply in respect of employees for whom wages are prescribed in the Main Collective Agreement, the Knitting Division Collective Agreement and the Country Areas Collective Agreement for the Western Cape Region of the Council;
- (b) not apply to employees and working directors whose wages are more than the amount referred to in clause 1(2)(b) of the Main Collective Agreement of the Regional Council.

(3) Notwithstanding the provisions of subclauses (1) and (2), the terms of this Agreement shall apply in respect of employees and working directors who were contributors as at the date of coming into operation of the Agreement published under Government Notice No. R. 231 of 28 February 2003.

(4) Clauses 1(1)(a) and 2 of this Agreement shall not apply to employers who are not members of the employers' organisation and trade union, 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(2) of the Act, and shall remain in force until 30 June 2005.

3. CLAUSE 10: PAYMENT OF BENEFITS

Insert the following new subclause after subclause 8:

- "(9) (a) With effect from 1 July 2002, in the event of an employer's establishment ceasing operation in the Industry as a direct consequence of the alteration of the industrial scope of the Council, the withdrawal benefit attributable to each contributor will be his fund credit together with a proportion of any reserves or surplus as recommended by the actuary and approved by the Management Committee of the Fund.
- (b) If an approved fund, registered in terms of the Labour Relations Act or Pension Funds Act, is or has been established to receive the withdrawal benefits of affected contributors, then such withdrawal benefits must be transferred to such fund.
- (c) If the circumstances as set out in (a) above do not exist, such withdrawal benefit may be paid to the contributor as a lump sum benefit or transferred to an approved Retirement Annuity Fund.

- (d) The employer will cease to be a participating employer on a date set by the Management Committee, as soon as practically possible after the date of the employer's establishment fell outside the scope of the Council and the Fund, or such date as agreed to by the Management Committee, but which date shall be no later than 31 August 2004 or the gazettal of this amendment to the Agreement, whichever is the later. The date so set or agreed is hereinafter referred to as the 'effective date'. Current contributions to the Fund shall cease from the effective date.
- (e) During the period between the employer's establishment being excluded from the scope of the Fund and the effective date, the employers and employees may continue to contribute to the Fund, with the same rights and obligations as were applicable to them prior to the exclusion of their employer from the scope of the Council.
- (f) For the purposes of clause 9(4)(b) and 9(6)(a), the date of termination of employment of a contributor will be deemed to be no later than the effective date."

Signed at Cape Town on behalf of the parties this 28th day of June 2004.

C O JEFTHA

Chairperson

M W SIDDONS

Vice-Chairperson

W A ROBERTS

Acting General Secretary

No. R. 899

30 July 2004

LABOUR RELATIONS ACT, 1995**SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL:
EXTENSION OF AGENCY SHOP 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 and was concluded in the **South African Local Government 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 9 August 2004 and for the period ending 30 June 2005.

**MINISTER OF LABOUR**

No. R. 899

30 Julie 2004

WET OP ARBEIDSVERHOUDINGE, 1995**SUID-AFRIKAANSE PLAASLIKE REGERINGS BEDINGINGSRAAD:
UITBREIDING VAN AGENTSKAP WERKSWINKEL 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 Engelse Bylae hiervan verskyn en wat in die **Suid-Afrikaanse Plaaslike Regerings Bedingingsraad** aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie nywerheid, met ingang van 9 Augustus 2004 en vir die tydperk wat op 30 Junie 2005 eindig.


MINISTER VAN ARBEID

Nota: 'n Afrikaanse vertaling van die ooreenkoms by die Engelse kennisgewing, is op aanvraag beskikbaar by die Bedingingsraad.

SCHEDULE**SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL**

(hereinafter referred to as the "Council")

AGENCY SHOP COLLECTIVE AGREEMENT

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

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

(hereinafter referred to as "SALGA", or the "Employers' Organisation"), of the one part

and the

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU)

and the

SOUTH AFRICAN MUNICIPAL WORKERS' UNION (SAMWU)

(hereinafter referred to as the "trade unions"), of the other part, being the parties to the South African Local Government Bargaining Council.

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1. SCOPE OF APPLICATION OF AGREEMENT

1.1 The terms of this Agreement shall be observed in the Local Government Undertaking in the Republic of South Africa and in terms of section 25 of the Labour Relations Act by all employers and employees who fall within the registered scope of the Council.

1.2 Clauses 3.2 and 8.7 shall not apply to non-parties.

2. DEFINITIONS

All expressions used in this Agreement which are defined in the Labour Relations Act, 1995, shall bear the same meaning as in the Act and, unless the contrary intention appears, words importing the masculine gender shall include the feminine, and vice versa.

3. PERIOD OF OPERATION

3.1 This Agreement shall come into operation in respect of non-parties, on a date to be determined by the Minister of Labour and shall remain in force until 30 June 2005.

3.2 This Agreement shall come into operation in respect of the parties to the Agreement on 1 July 2001 and shall remain in force until 30 June 2005.

4. OBJECTIVE

The objective of this Agreement is to provide for an agency shop for all employees who fall within the registered scope of the Council.

5. DEDUCTIONS**5.1**

5.1.1 Every employer who falls within the scope of this Agreement, shall deduct an agreed agency fee from the wages of its employees identified in this Agreement who are eligible for membership but who are not members of representative unions.

5.1.2 The employers shall pay this agency fee deduction over to the Council, in a separate account, before the 15th of the following month.

5.1.3 The agency shop fee is determined as one (1) per cent of an employee's monthly salary up to a maximum of R40,00 as determined in terms of section 25(3)(b) of the Act.

5.1.4 The amount referred to in clause 5.1.3 above may be varied by parties to this Agreement in terms of section 32(6)(b) of the Act.

5.1.5 The total agency shop fee deducted monthly in terms of clause 5.1.1 shall be divided by the Council between the trade union parties in proportion to their members in the scope of this Agreement, and paid over to the trade unions on a quarterly basis.

5.2 RECORDALS

5.2.1 The agreed agency fee shall at no time exceed the subscription payable by members of the trade union which has the highest subscription.

5.2.2 An account shall be opened and administered by the trade unions and all amounts deducted in relation to the agency shop shall be paid into the separate account.

5.2.3 No agency fee deducted shall be —

- (a) paid to a political party as affiliation fee;
- (b) contributed in cash or kind to a political party or person standing for election on any political office; or
- (c) used for any expenditure which does not advance or protect the socio-economic interests of employees.

6. MEMBERSHIP OF TRADE UNIONS

Employees who are not members of the representative trade union shall not be compelled to become members of that trade union.

7. DISPUTE ABOUT INTERPRETATION AND APPLICATION OF THIS AGREEMENT

Any dispute about the application and interpretation of this Agreement shall be referred to the CCMA in terms of section 24 (6) of the Labour Relations Act.

8. EXEMPTIONS

8.1 Any person bound by this Agreement shall be entitled to apply for exemption from this Agreement.

8.2 All applications for exemption from any provisions of this Agreement shall be in writing and lodged with the General Secretary. Such application shall set out—

8.2.1 all material details of the applicant;

8.2.2 the specific provisions of this Agreement from which the applicant seeks exemption;

8.2.3 detailed grounds on which such exemption is sought, taking into consideration the criteria contained in clause 8.7 below.

8.3 The Executive Committee shall consider all applications made by a party/non-party to this Agreement (which shall include the members of such party), and may, subject to clause 8.7, and on giving its reasons therefor, grant an exemption on any conditions and for any period it considers appropriate.

8.4 A party aggrieved by a decision of the Executive Committee may appeal to the Council who shall consider the application subject to clause 8.7 and, on giving its reasons therefor, may grant an exemption on any conditions and for any period it considers appropriate. The decision of the Council shall be final.

8.5 All applications for an appeal from non-parties shall be referred to the Independent Exemptions Body established by the Council in terms of clause 8.11 below.

8.6 The Independent Exemptions Body shall consider all such applications in a manner it considers appropriate to determine the applications fairly and quickly, which may include the hearing of evidence and arguments.

8.7 When considering an application for exemption, an appeal against an executive committee decision or an application for the withdrawal of a certificate of exemption, the Council or the Independent Exemptions Body, as the case may be, shall take into account the following (the order not indicating any form of priority):

- (a) Any written and/or verbal substantiation provided by the applicant;
- (b) fairness to the employer, its employees and other employers and the employees in the Industry;
- (c) whether an exemption, if granted, would undermine this agreement or the collective bargaining process;
- (d) unexpected economic hardship occurring during the currency of this Agreement and job creation and/or loss;
- (e) the infringement of basic conditions of employment;
- (f) the fact that a competitive advantage might be created by the exemption;
- (g) comparable benefits or provisions where applicable;
- (h) the applicant's compliance with other statutory requirements such as the Compensation for Occupational Injuries and Diseases Act, 1993, the Basic Conditions of Employment Act, 1997, the Employment Equity Act, 1998, the Skills Development Act, 1998, the Skills Development Levies Act, 1999, or the Unemployment Insurance Act, 2001; or
- (i) any other factor which is considered appropriate.

8.8 Having made a decision to grant or refuse an exemption application, the Independent Exemptions Body shall advise the applicants and the Council within 14 days of its decision, giving full reasons. The decision of the Independent Exemptions Body shall be final.

8.9 The Council shall issue to every person granted an exemption in terms of this clause, a certificate of exemption setting out—

- (a) the applicant's name;
- (b) the provisions of this Agreement from which exemption has been granted;
- (c) the conditions relating to the exemption; and
- (d) the period for which the exemption shall operate.

8.10 The Council may withdraw a certificate of exemption granted to a party to this Agreement by giving one month's notice to the party concerned, or may, in the case of a non-party, apply to the Independent Exemptions Body for the withdrawal of a certificate granted.

8.11 The Independent Exemptions Body shall be constituted on an ad hoc basis and shall be appointed by the SALGBC from its panel of arbitrators set up in terms of its constitution.

9. ENFORCEMENT

9.1 This Agreement shall be monitored and enforced by the Council's agents or designated agents appointed by the Minister of Labour.

Signed by the parties at Kempton Park this 10th day of February 2004.

S. SOMYO

Member of the Council

Representing SALGA

C. DUSTAN

Member of the Council

Representing IMATU

P. MASHISHI

Member of the Council

Representing SAMWU

S. GOVENDER

General Secretary of the Council

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 888

30 July 2004

SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT No. 70 OF 1970)

REGULATIONS—APPLICATIONS RELATING TO DECISIONS BY DELEGATE OF THE MINISTER—AMENDMENT

The Minister of Agriculture, acting under section 10 of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), has made the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 373 of 9 March 1979, as amended by Government Notices Nos. R. 2080 of 21 September 1984, R. 233 of 6 February 1987, R. 1012 of 26 May 1989, R. 2136 of 30 August 1991 and R. 824 of 29 April 1994.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by the substitution for the expression "R600" in paragraph (g) of subregulation (2) of the expression "R3 300".

No. R. 888**30 Julie 2004**

WET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1970 (WET No. 70 VAN 1970)

REGULASIES—AANSOEKE BETREFFENDE BESLISSINGS DEUR MINISTER SE GEDELEGEERDE—WYSIGING.

Die Minister van Landbou, het kragtens artikel 10 van die Wet op die Onderverdeling van Landbougrond, 1970 (Wet 70 van 1970), die volgende regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasie" die regulasies gepubliseer by Goewermentskennisgewing No. R.373, van 9 Maart 1979, soos gewysig deur die regulasies gepubliseer by Goewermentskennisgewings Nos. R. 2080 van 21 September 1984, R. 233 van 6 Februarie 1987, R. 1012 van 26 Mei 1989, R. 2136 van 30 Augustus 1991 en R. 824 van 29 April 1994.

Wysiging van regulasie 2 van die Regulasies

2. Regulasie 2 van die Regulasies word hierby gewysig deur die uitdrukking "R600" in paragraaf (g) van subregulasie (2) deur die uitdrukking "R3 300" te vervang.

**NATIONAL TREASURY
NASIONALE TESOURIE****No. R. 896****30 July 2004**

EXCHANGE CONTROL REGULATIONS

CANCELLATION OF APPOINTMENT OF AN AUTHORISED DEALER IN FOREIGN EXCHANGE

Paragraph 3(a) of Government Notice No. R. 1112 of 1 December 1961, as amended, is hereby further amended by the deletion, with immediate effect, of the following from the list of Authorised Dealers for the purpose of the Exchange Control Regulations published under Government Notice No. R. 1111 of 1 December 1961:

Regal Treasury Private Bank Limited**TA MANUEL, MP****Minister of Finance***Date: 22 July 2004.*

No. R. 896**30 Julie 2004**

DEVIESEBEHEERREGULASIES

KANSELLASIE VAN AANSTELLING VAN 'N GEMAGTIGDE HANDELAAR IN VREEMDE VALUTA

Paragraaf 3(a) van die Goewermentskennisgewing No. R. 1112 van 1 Desember 1961, soos gewysig, word hiermee verder gewysig deur die skraping, met onmiddellike effek, van die volgende van die lys van Gemagtigde Handelaars vir die doeleindes van die Deviesebeheerregulasies gepubliseer onder Goewermentskennisgewing No. R. 1111 van 1 Desember 1961:

Regal Treasury Private Bank Limited**TA MANUEL, LP****Minister van Finasies***Datum: 22 Julie 2004.*

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