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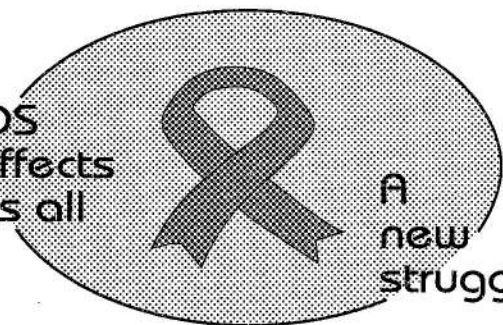
Vol. 423

PRETORIA, 1 SEPTEMBER 2000

No. 21504

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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PROCLAMATION*by the**President of the Republic of South Africa***No. R. 51, 2000****COMMENCEMENT OF THE COMPETITION AMENDMENT ACT, 2000 (No. 15 OF 2000)**

In terms of section 6 of the Competition Amendment Act, 2000 (No. 15 of 2000), I hereby determine **1 September 2000** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this Twenty-third day of August, Two Thousand.

T. M. MBEKI**President**

By Order of the President-in-Cabinet:

A. ERWIN**Minister of the Cabinet****PROKLAMASIE***van die**President van die Republiek van Suid-Afrika***No. R. 51, 2000****INWERKINGTREDING VAN DIE WYSIGINGSWET OP MEDEDINGING, 2000 (No. 15 VAN 2000)**

Kragtens artikel 6 van die Wysigingswet op Mededinging, 2000 (No. 15 van 2000), bepaal ek hierby **1 September 2000** as die datum waarop die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hierdie Drie-en-twintigste dag van Augustus Tweeduisend.

T. M. MBEKI**President**

Op las van die President-in-Kabinet:

A. ERWIN**Minister van die Kabinet****GOVERNMENT NOTICES
GOEWERMENSKENNISGEWINGS****DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING****No. R. 850****1 September 2000****PREVENTION OF ORGANISED CRIME ACT, 1998 (ACT No. 121 OF 1998)****AMENDMENT OF REGULATIONS**

The Minister for Justice and Constitutional Development has, under section 77 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the Prevention of Organised Crime Regulations, 1999, published by Government Notice No. R. 416 of 1 April 1999.

Insertion of regulation 6A in the Regulations

2. The following regulation is hereby inserted after regulation 6 of the Regulations:

"Notice in terms of section 51 (3) of the Act

6A. The notice contemplated in section 51 (3) of the Act must substantially correspond to Form 3 of the Annexure."

Insertion of Form 3 in the Annexure to the Regulations

3. The following Form is hereby inserted after Form 2 of the Annexure to the Regulations:

"FORM 3

*IN THE HIGH COURTDIVISION/IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT CASE No.

**NOTICE IN TERMS OF SECTION 51 (3) OF THE PREVENTION OF ORGANISED CRIME ACT, 1998
(ACT No. 121 OF 1998)**

TO.....

(Name)

(Residential address)

(Business/work address)

You are hereby notified that on the day of, 20....., the above-mentioned Court made an order to the effect that there are reasonable grounds to believe that the following property in which you have an interest or over which you have control, namely,

....., is an instrumentality of an offence referred to in Schedule 1 to the Prevention of Organised Crime Act, 1998.

A copy of—

- (i) the order of the Court; and
- (ii) the application for the order,

is attached hereto.

You are further notified of the following:

- 1. The National Director of Public Prosecutions may, in terms of section 48 of the Act, apply for the forfeiture of the above-mentioned property to the State. In terms of section 52 of the Act you may bring an application to the High Court to have any interests you may have in the property excluded from the operation of the forfeiture order.
- 2. The return of service of this notice will, in terms of section 52 (3) (a) of the Act, be admissible as evidence to show that since the date of service of this notice you knew or had reasonable grounds to suspect that the property is an instrumentality of an offence referred to in Schedule 1 to the Act.

3. To protect your interest in the property you will, in terms of section 52 (3) (b) of the Act, have to prove on a balance of probabilities that since the date of service of this notice, you have taken all reasonable steps to prevent the further use of the property as an instrumentality of an offence referred to in Schedule 1 to the Act.

Signed at this day of20.....

*CLERK OF THE COURT/REGISTRAR

DATE

*Delete whichever is not applicable".

No. R. 850

1 September 2000

WET OP DIE VOORKOMING VAN GEORGANISEERDE MISDAAD, 1998 (WET No. 121 VAN 1998)

WYSIGING VAN REGULASIES

Die Minister vir Justisie en Staatkundige Ontwikkeling het kragtens artikel 77 van die Wet op die Voorkoming van Georganiseerde Misdaad, 1998 (Wet No. 121 van 1998), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die Regulasies betreffende die Voorkoming van Georganiseerde Misdaad, 1999, gepubliseer by Goewermentskennisgewing No. R. 416 van 1 April 1999.

Invoeging van regulasie 6A in die Regulasies

2. Die volgende regulasie word hierby na regulasie 6 van die Regulasies ingevoeg:

"Kennisgewing ingevolge artikel 51 (3) van die Wet

6A. Die kennisgewing in artikel 51 (3) van die Wet beoog, moet wesenlik met Vorm 3 van die Aanhangsel ooreenstem."

Invoeging van Vorm 3 in die Aanhangsel by die Regulasies

3. Die volgende Vorm word hierby na Vorm 2 van die Aanhangsel by die Regulasies ingevoeg:

"VORM 3

*IN DIE HOË HOF.....AFDELING/IN DIE LANDDROSHOF VIR DIE DISTRIK.....

GEHOU TE

SAAK No.

KENNISGEWING INGEVOLGE ARTIKEL 51 (3) VAN DIE WET OP DIE VOORKOMING VAN GEORGANISEERDE MISDAAD, 1998 (WET No. 121 VAN 1998)

AAN.....

(Naam)

(Woonadres)

(Besigheids-/Werkadres)

U word hierby in kennis gestel dat op die..... dag van..... 20....., bogenoemde Hof 'n bevel gemaak het tot die effek dat daar redelike gronde is om te glo dat die volgende eiendom waarin u 'n belang het of waaroor u beheer het, naamlik,.....

'n misdadaansinstrument van 'n misdryf vermeld in Bylae 1 tot die Wet op die Voorkoming van Georganiseerde Misdad, 1998, is.

'n Afskrif van—

- (i) die bevel van die Hof; en
- (ii) die aansoek vir die bevel,

is hierby aangeheg.

U word verder van die volgende in kennis gestel:

1. Die Nasionale Direkteur van Openbare Vervolgings kan ingevolge artikel 48 van die Wet aansoek doen vir die verbeurdverklaring van bovermelde eiendom aan die Staat. Ingevolge artikel 52 van die Wet kan u by die Hoë Hof 'n aansoek bring om enige belange wat u in die eiendom mag hê, van die werking van die verbeurdverklaringsbevel uit te sluit.
2. Die relaas van betekening van hierdie kennisgewing sal, ingevolge artikel 52 (3) (a) van die Wet, toelaatbaar wees as getuienis om aan te toon dat vanaf die datum van betekening van hierdie kennisgewing u geweet het of redelike gronde gehad het om te vermoed dat die eiendom 'n misdadaansinstrument van 'n misdad bedoel in Bylae 1 tot die Wet is.
3. Ten einde u belange in die eiendom te beskerm sal u, ingevolge artikel 52 (3) (b) van die Wet, op 'n oorwig van waarskynlikhede moet bewys dat sedert die datum van betekening van hierdie kennisgewing, u alle redelike stappe gedoen het om die verdere gebruik van die eiendom as 'n misdadaansinstrument van 'n misdryf bedoel in Bylae 1 tot die Wet te voorkom.

Geteken te..... hierdie dag van20.....

*KLERK VAN DIE HOF/GRIFFIER

DATUM

Skrap wat nie van toepassing is nie.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 846

1 September 2000

MANPOWER TRAINING ACT, 1981, READ WITH SECTION 6 OF SCHEDULE 2 OF THE SKILLS DEVELOPMENT ACT, 1998

TRAINING OF TRAINEES: PHASING OUT OF GOVERNMENT NOTICE No. R. 710 OF 29 MARCH 1985, AS AMENDED BY GOVERNMENT NOTICES NOS. R. 2015 OF 22 OCTOBER 1993 AND R. 188 OF 10 FEBRUARY 1995

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, acting in terms of section 6 of the Transitional Provisions of the Skills Development Act, 1998, hereby determine that—

- (a) with effect from the date of publication of this notice the practical training of trainees registered in terms of section 30 of the Manpower Training Act, will continue for a maximum period of (three) 3 years whereafter all agreements shall expire;
- (b) the Government Notices referred to above shall remain in force for a maximum period of (three) 3 years whereafter the said Notices shall expire.

M. M. S. MDLADLANA
Minister of Labour

No. R. 862**1 September 2000**

LABOUR RELATIONS ACT, 1995

MOTOR INDUSTRY BARGAINING COUNCIL: EXTENSION OF PERIOD OF OPERATION OF THE ADMINISTRATIVE COLLECTIVE AGREEMENT

I, Lisa Seftel, Chief Director: Labour Relations, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (i) of the Labour Relations Act, 1995, extend the periods fixed in Government Notices Nos. R. 959 of 7 August 1998, R. 1467 of 20 November 1998, R. 985 of 20 August 1999, R. 503 of 26 May 2000 and R. 628 of 23 June 2000, by a further period ending 30 November 2000.

L. SEFTEL**Chief Director: Labour Relations****No. R. 862****1 September 2000**

WET OP ARBEIDSVERHOUDINGE, 1995

MOTORNYWERHEID BEDINGINGSRAAD: VERLENGING VAN TYDPERK VAN ADMINISTRATIEWE KOLLEKTIEWE OOREENKOMS

Ek, Lisa Seftel, Hoof Direkteur: Arbeidsverhoudinge, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, die tydperke vasgestel in Goewermenskennisgewings Nos. R. 959 van 7 Augustus 1998, R. 1467 van 20 November 1998, R. 985 van 20 Augustus 1999, R. 503 van 26 Mei 2000 en R. 628 van 23 Junie 2000, met 'n verdere tydperk wat op 30 November 2000 eindig.

L. SEFTEL**Hoof Direkteur: Arbeidsverhoudinge****DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID****No. R. 857****1 September 2000****RULES FOR THE CONDUCT OF PROCEEDINGS IN THE COMPETITION APPEAL COURT**

In terms of section 38 (1) (c) of the Competition Act, 1998 (Act No. 89 of 1998), the Judge President of the Competition Appeal Court has made the following Rules relating to the functions of the Competition Appeal Court, to come into operation on 1 September 2000.

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COMPETITION APPEAL COURT RULES

REGULATING THE FUNCTIONS OF THE COMPETITION APPEAL COURT

Part 1–General Provisions

Division A–Interpretation

1. Short title

These rules may be cited as the *Competition Appeal Court Rules*.

2. Interpretation

(1) A word or expression that is defined in the Act bears the same meaning in these rules as in the Act.

(2) In these Rules,

- (a) a reference to a section by number refers to the corresponding section of the Act;
- (b) a reference to a rule by number refers to the corresponding item of these Rules; and
- (c) a reference to a sub-rule or paragraph by number refers to the corresponding item of the Rule in which the reference appears.

(3) In these Rules,

- (a) "Act" means the Competition Act, 1998 (Act No. 89 of 1998);
- (b) "Answer" means a document as described in Rule 24 and filed by a respondent;
- (c) "appellant" means a party who initiates an appeal from a decision of the Tribunal;
- (d) "Commission" means the body established by section 19;
- (e) "Competition Commission Rules" means the rules promulgated in terms of the Act for the regulation of the Commission;
- (f) "Competition Tribunal Rules" means the rules promulgated in terms of the Act for the regulation of the Tribunal;
- (g) "Court", depending on the context, means either—
 - (i) the Competition Appeal Court established by section 36;
 - (ii) a judge of the Court, hearing a matter alone in terms of section 38(2A); or
 - (iii) the registrar;
- (h) "deliver" means to serve and file;
- (i) "Duty Judge" means a judge contemplated in Rule 15;
- (j) "file", when used as a verb, means to deposit with the registrar;
- (k) "High Court Rules" means the *Rules Regulating the Conduct of the Several Provincial and Local Divisions of the High Court of South Africa*, published by Government Notice R48 in *Government Gazette* 999 of 12 January, 1965, as amended;
- (l) "Judge President" means the Judge President of the Court;
- (m) "Notice of Appeal" means a document as described in Rule 16;
- (n) "Notice of Motion" means a document described in Rule 23;
- (o) "party", when used in respect of particular proceedings before the court, means—
 - (i) the appellant,
 - (ii) a respondent; or
 - (iii) in the case of proceedings concerning a merger, the Minister;
- (p) "public holiday" means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);
- (q) "registrar" means the officer of the Court appointed in terms of Rule 5, and includes any acting or assistant registrar;
- (r) "respondent" means a party against whom the relief is sought;
- (s) "Rule" includes any Table attached as an annexure, and referred to in a rule;
- (t) "serve" means to serve in accordance with section 76 or Rule 6, and "service" has a corresponding meaning; and
- (u) "Tribunal", depending on the context, means either—
 - (i) the body established by section 26;
 - (ii) a panel of the Tribunal convened in terms of section 31(1); or
 - (iii) the registrar of the Tribunal.

DIVISION B — COURT OFFICE FUNCTIONS**3. Office hours and address of Court**

(1) The Offices of the registrar of the Court are open to the public every Monday to Friday, excluding public holidays, from 08h30 to 13:00 and from 13h30 to 15h30.

(2) Despite sub-paragraph (1)—

- (a) in exceptional circumstances the registrar may accept documents for filing on any day and at any time; and
- (b) the registrar must accept documents for filing as directed by either the Judge-President or a member of the court assigned by the Judge-President.

(3) Subject to Rule 6 and 7, any communication to the Court or to the registrar may be—

- (a) Delivered by hand at:
The registrar, Competition Appeal Court
Glenfield Office Park
Cnr. Glenwood Road and Oberon Street
Faerie Glen, Pretoria
Republic of South Africa
- (b) Addressed by post to:
The registrar, Competition Appeal Court
Private Bag X28
Lynwood Ridge Pretoria, 0040
Republic of South Africa
- (c) Transmitted by Fax on 27 012 482 9201;
- (d) Communicated by telephone on 27 012 482 9200; or
- (e) Transmitted by electronic mail to: registrar@compcourt.co.za.

4. Time limits

- (1) When a particular number of days is prescribed for doing an act, the number of days must be calculated by excluding the first day and including the last day.
- (2) When the time for doing an act expires on a public holiday, a Saturday or a Sunday, the act may be done on the next day that is not a public holiday, a Saturday, or a Sunday.¹
- (3) When a particular number of business days is prescribed for doing an act, the provisions of sub-rule (1) apply, but public holidays, Saturdays and Sundays must not be included in the calculation of the time limit.
- (4) On good cause shown, the court may condone late performance of an act in respect of which these rules prescribe a time limit.

5. Registrar

The Judge President must appoint a suitably qualified person to act as registrar of the Court, with the authority to carry out the functions of that office in terms of these Rules.

PART 2

Delivery of Documents

6. Delivery of documents

- (1) A notice or document—
 - (a) that is required to be delivered may be filed or served as provided for in section 76; or
 - (b) in any way permitted in accordance with Table 1.
- (2) Subject to sub-rule (4), a document delivered by a method listed in the second column of Table 1 will be deemed to have been delivered to the intended recipient on the date and at the time shown opposite that method, in the third column of that Table.
- (3) If, in a particular matter, it proves impossible to deliver a document in any manner provided for in these Rules, the person concerned may apply to the Court for an order of substituted service.
- (4) Subject to Rule 3 (2), if the date and time for the delivery of a document referred to in Table 1 is outside of the office hours of the Court as set out in Rule 3 (1), that document will be deemed to have been delivered on the next business day.
- (5) A document that is delivered by fax must include a cover page, and a document that is transmitted by electronic mail must accompany a cover message, in either case setting out—
 - (a) The name, address and telephone number of the sender;
 - (b) The name of the person to whom it is addressed, and the name of that person's representative, if it is being sent to the representative of a person;
 - (c) The date and time of the transmission;
 - (d) The total number of pages sent, including the cover page; and
 - (e) The name and telephone number of the person to contact if the transmission appears to be incomplete or otherwise unsuccessful.

¹ Note that time periods in the Act are calculated in accordance with the Interpretation Act, which would not exclude Saturdays from the expiry date as does rule 4(2).

7. Filing documents

- (1) The registrar must assign distinctive case numbers to each proceeding commenced before the Court.
- (2) A party intending to note an appeal or request a review must—
 - (a) first obtain a case number from the registrar; and
 - (b) note the case number on the Notice of Appeal or Notice of Motion before delivering it in terms of these Rules.
- (3) The registrar may combine two or more proceedings under a common file if they concern substantially the same matter.
- (4) The registrar must ensure that every document filed in respect of the same proceedings is marked with the same case number.
- (5) The registrar may refuse to accept for filing a document that is not properly marked with the assigned case number.
- (6) The registrar may require, and must allow, a person to correct any technical error or defect in any document filed by that person.
- (7) If a person refuses to correct any document after being required to do so by the registrar, the registrar must refer the document to the Duty Judge for direction.

8. Service on Commission, Tribunal and Minister

- (1) A person filing a document in any proceedings must serve a copy of the document on the Commission and the Tribunal.
- (2) The party filing a document in any proceedings in terms of Chapter Three of the Act must serve a copy of the document on the Minister.
- (3) The Minister has the rights of a respondent in any proceedings in terms of Chapter Three of the Act.

9. Pagination

- (1) The party initiating any proceedings must—
 - (a) paginate the documents filed with the registrar; and
 - (b) compile and deliver an index of those documents before the matter is heard.
- (2) The parties must ensure that their copies of the documents filed with the registrar are paginated in accordance with the index.

10. Fees

- (1) No fee is payable for filing a document.
- (2) The registrar may charge a fee of R1,00 per A4-size page or part thereof to any person wishing to copy a record in the possession of the Court and R2,00 each for the registrar's certificate on certified copies of documents.

Part 3**Access to Court Records****11. Identifying confidential information**

When a party files a document, that party must identify to the registrar any included information—

- (a) in respect of which a claim of confidentiality was made in terms of the Competition Commission Rules or the Competition Tribunal Rules, that has not yet been determined by the Tribunal; or
- (b) that has been finally determined to be confidential information.

12. Use of confidential information

- (1) From the time information comes into the possession of the Court, until a final determination has been made concerning it, the registrar must treat as confidential information—
 - (a) any information that has been determined to be confidential information; and
 - (b) any information that has been identified as being subject to a claim that it is confidential.
- (2) Once a final determination has been made concerning any information, it is confidential only to the extent it has been held to be confidential information by the Court or the Tribunal.

13. Access to information

- (1) Any person may inspect, or upon payment of the prescribed fee, may copy, any record of the Court's proceedings—
 - (a) if it is not confidential information; or
 - (b) if it is confidential information, to the extent permitted, and subject to any conditions imposed, by
 - (i) this Rule; or
 - (ii) an order of the Court, or the Tribunal, as the case may be.

- (2) In addition to the provisions of sub-rule (1), the registrar may release confidential information to, or permit access to it by, only the following persons:
 - (a) the person who provided that information to the Court, the Tribunal, or the Commission, as the case may be;
 - (b) the firm to whom the confidential information belongs;
 - (c) a person who requires it for a purpose mentioned in section 69(2)(a) or (b);
 - (d) a person mentioned in section 69(2)(c); or
 - (e) The Minister, if the information concerns a merger.
- (3) A party wishing to refer to confidential information must apply to the Duty Judge for directions as to whether that information may be disclosed in documents to be filed with the registrar.
- (4) The Duty Judge may give directions to protect confidential information, including ordering that a relevant affidavit, document or heads of argument be filed under a separate cover and sealed by the registrar.
- (5) The registrar may allow a person to inspect a document filed under seal only if the Judge President has given that person written permission to inspect that document.

Part 4

The Court

14. Sittings

- (1) The Court will sit at Pretoria.
- (2) Despite sub-rule (1), the Judge President may direct that an appeal be heard at a place other than Pretoria, if it is in the interest of justice to do so.
- (3) At any time, at least one judge will be available to perform duties that the Judge-President directs, including the hearing of matters in terms of section 38 (2A).

15. Matters before a single judge

- (1) Each matter to be heard before a single judge in terms of Rule 14(3), when set down for hearing, will be entered in the registry in a list, and the applicant—
 - (a) may set it down for hearing on not less than three business days' notice;
 - (b) must, so far as is practical, indicate whether it is of a time-consuming or contentious nature.
- (2) An application will be heard in a place open to the public, unless the court, in the case of a particular application, directs that for special reasons the application ought to be dealt with in private.
- (3) On an application the Duty Judge may—
 - (a) grant or refuse the relief claimed in whole or in part, or dispose of any question arising on the application; and
 - (b) adjourn the application from time to time, either to a particular date or generally.
- (4) If on the hearing of an application the court is of the opinion that a person to whom notice has not been given ought to have had notice, the court may either dismiss the application or adjourn the hearing.
- (5) The registrar or the registrar's clerk must attend all proceedings before a single judge, and keep notes of those proceedings, with a short statement of the questions or points decided or orders made.

Part 5

Procedure on Appeal

16. Notice of Appeal

- (1) A person who has a right of appeal to the Court may file a Notice of Appeal, which must satisfy the requirements of sub-rule (3),—
 - (a) within the time, if any, prescribed by the Act or the Competition Tribunal Rules, within 15 business days after the date of the decision or order that is the subject to the appeal;
 - (b) if no time is prescribed by the Act or the Competition Tribunal Rules, within 15 business days after the date of the decision or order that is the subject of the appeal.
- (2) A copy of the Notice of Appeal must be delivered to any person who was a party to the matter before the Tribunal.
- (3) A Notice of Appeal—
 - (a) must identify the decision appealed against;
 - (b) must state whether the whole or only part of the decision is the subject of the appeal;
 - (c) if only part of the decision is appealed against, must state which part is the subject of the appeal and specify the finding of fact or ruling of law that is the subject of the appeal;
 - (d) must set out the grounds on which the appeal is founded; and
 - (e) must state the relief sought.

17. Urgent matters

- (1) A Notice of Appeal may include a request that the registrar expedite the setting down of the hearing of the appeal.
- (2) A request in terms of sub-rule (1) will be heard by the Duty Judge.
- (3) Upon hearing a request in terms of sub-rule (1), the Duty Judge may give directions as to the future conduct of the appeal.

18. Cross appeals

A respondent who wishes to cross-appeal must deliver a Notice of Cross-Appeal, which must satisfy the requirements of Rule 16, read with the changes required by the context, within ten business days after receiving a Notice of Appeal from the appellant.

19. Appeal Record

- (1) Within 40 business days after filing a Notice of Appeal, the appellant must—
 - (a) serve on the Commission and on each respondent a copy of the record of the proceedings in the Tribunal; and
 - (b) file with the registrar four copies of that record, one of which must be certified by the registrar of the Tribunal.
- (2) An appellant may apply to the Judge President for an order to extend the time for filing the Appeal Record, if—
 - (a) the Appellant has requested the respondent to consent to an extension; and
 - (b) the respondent has refused that request.
- (3) An appellant who fails to file the Appeal Record as required by this Rule will be deemed to have withdrawn the appeal unless, within the prescribed period, the appellant has filed either—
 - (a) the respondent's consent to extend time; or
 - (b) an order of the Judge President extending the time for filing the Appeal Record.
- (4) If an appellant has withdrawn the appeal, or, in terms of sub-rule (3), is deemed to have withdrawn the appeal, any respondent who has noted a Cross-Appeal may, within ten business days of the date on which a notice of withdrawal is delivered by the appellant or the date on which the appellant is deemed to have withdrawn the appeal, deliver a notice of intention to prosecute the cross-appeal.
- (5) A respondent who has delivered a notice in terms of sub-rule (4).
 - (a) is, for the purposes of sub-rule (1), deemed to be the appellant; and
 - (b) must file the Appeal Record within 40 business days after the date on which the appellant withdrew the appeal, or on which the appeal was deemed to have been withdrawn.

20. Contents of Appeal Record

- (1) Every copy of the Appeal Record must—
 - (a) be clearly typed or printed in double spacing on A4 standard paper;
 - (b) be paginated;
 - (c) be numbered on every tenth line, beginning the numbering afresh on each page;
 - (d) be securely bound in suitable covers disclosing the names of the parties and the names of the representatives of the parties;
 - (e) be divided into separate conveniently-sized volumes;
 - (f) include the decision and written reasons given by the Tribunal;
 - (g) contain a correct and complete index of the evidence and of all the documents and exhibits in the case, the nature of the exhibits being briefly stated in the index; and
 - (h) contain only those documents that were referred to in the Tribunal proceedings.
- (2) The Appeal Record must not include—
 - (a) more than one copy of a document; or
 - (b) any of the following procedural documents, unless they affect the merits of the appeal:
 - (i) Copies of subpoenas.
 - (ii) Notices of hearing.
 - (iii) Consents to postponement.
 - (iv) Schedules of documents.
 - (v) Notices to produce or permit inspection.
 - (vi) Other documents of a formal nature.
 - (vii) Opening addresses.
 - (viii) The record of oral argument.
 - (ix) Heads of argument.

- (3) The Appeal Record must include a statement listing any documents referred to in sub-rule (2) that are excluded from the Appeal Record.
- (4) The documents that were referred to in the Tribunal proceedings must be arranged in chronological order.
- (5) The record of the evidence of any witness must contain references to the bundle of documents in the Tribunal and to documents in the Tribunal and to documents contained in the Appeal Record.
- (6) The costs of preparing copies of the Appeal Record are part of the costs of appeal.
- (7) The registrar may refuse to accept an Appeal record that does not, in the registrar's opinion, comply with the provisions of this Rule.

21. Heads of Argument

- (1) The appellant must file four copies of the heads of arguments not later than—
 - (a) fifteen business days before the hearing; or
 - (b) any earlier date determined by the Judge President.
- (2) The respondent must file four copies of the heads of argument not later than—
 - (a) ten business days before the hearing; or
 - (b) any earlier date that may be determined by the Judge President.
- (3) The heads of argument of the applicant and the respondent must each include—
 - (a) a summary of the main contentions on matters of fact and/or law;
 - (b) a chronology of the material facts; and
 - (c) a list of the authorities referred to in the heads of argument.

22. Hearing date

The registrar must notify the parties of the date, time and place for the hearing.

Part 6

PROCEDURE ON REVIEW

23. Application to review

- (1) An application to review a decision of the Tribunal must be brought within the time period set out in sub-rule (2), by Notice of Motion, which must satisfy the requirements of sub-rules (4) and (5).
- (2) An application in terms of sub-rule (1) must be brought—
 - (a) within the time, if any, prescribed by the Act or the Competition Tribunal Rules; or
 - (b) if no time is prescribed by the Act or the Competition Tribunal Rules, within 15 business days after the date of the decision or order that is the subject of the review.
- (3) A copy of the Notice of Motion must be served on any person who was a party to the matter before the Tribunal.
- (4) An application must contain the following information:
 - (a) The title of the matter.
 - (b) The case number assigned by the registrar of the Court to the matter.
 - (c) The relief sought.
 - (d) A notice requiring the Tribunal to provide a written record of the proceedings, and the reasons for the decision, within fifteen business days of delivery of the application.
 - (e) An address of the party delivering the document at which that party will accept notices and service of all documents in the proceedings.
 - (f) A notice advising the other party that—
 - (i) if it intends opposing the matter, that party must deliver an answering affidavit within ten business days after the application has been served, and
 - (ii) that if the party fails to do so, the matter may be heard in the party's absence and an order of costs may be made.
 - (g) A schedule listing the documents that are material and relevant to the application.
- (5) An application must be supported by affidavit, which must clearly and concisely set out—
 - (a) the names, description and addresses of the parties;
 - (b) a statement in chronological order of the material facts on which the application is based, with sufficient detail to enable a person opposing the application to reply to the document; and
 - (c) a statement of the legal issues that arise from the material facts, with sufficient detail to enable a party to reply to the document.

- (6) Within ten business days after the Tribunal has made the record available, the applicant may amend, add to or vary the terms of the application, or supplement the supporting affidavit.
- (7) Rule 17, read with the changes required by the context, applies to an application.
- (8) Rule 20, read with the changes required by the context, applies to the record.

24. Answer

- (1) The Commission, Tribunal or any party wishing to oppose an application may deliver an Answer and supporting affidavit within fifteen business days after receiving the application or amended application.
- (2) An answer must include the address at which that party will accept notices and service of all documents in the proceedings.
- (3) An answering affidavit must contain the following information:
 - (a) A statement of the material facts, in chronological order, on which the opposition to the application is based. The statement of facts must be sufficiently particular to enable the applicant to reply to the document.
 - (b) A statement of the legal issues that arise from the material facts. The statement of legal issues must be sufficiently particular to enable the applicant to reply to the document.
- (4) If a party fails to file an Answer as provided for in this Rule, the matter may be heard in that party's absence and an order of costs may be made.

25. Reply

- (1) If an Answer raises new issues of fact or law, the applicant may deliver a replying affidavit within five business days after the date on which the answer is filed.

26. Set down

- (1) The registrar must allocate a date for the hearing of an application once a replying affidavit is delivered, or once the time limit for delivering a replying affidavit has lapsed, whichever occurs first.
- (2) The registrar must notify the parties of the date, time and place for the hearing of the application.

27. Heads of Argument

Rule 21, read with the changes required by the context, applies to the heads of argument in an application.

Part 9**Miscellaneous Provisions****28. Amicus curiae submissions**

Rule 16 of the *Rules of the Supreme Court of Appeal*, read with the changes required by the context, apply to proceedings before the Court, except that a reference in that Rule to the Chief Justice must be read as a reference to the Judge President.

29. Procedure for leave to appeal a decision of the Court²**30. Consolidation of Proceedings**

- (1) The Judge President may make an order consolidating any separate proceedings pending before the court if it is expedient and just to do so.
- (2) The Judge President may make an order referred to in sub-rule (1) on application by any interested party, or on the motion of the Court.

31. Representation of parties

- (1) A person who represents a party in any proceedings must notify the registrar and all other parties, advising them of the following particulars:
 - (a) The representative's name;
 - (b) The representative's postal address and place of employment or business; and
 - (c) The representative's fax and telephone numbers, if available.
- (2) A party who terminates a representative's authority to act, and then acts in person or appoints another representative, must give notice to the registrar and all other parties concerned of that termination, and of the appointment of any other representative, and include the particulars referred to in sub-rule (1) (a)–(c).
- (3) Upon filing a notice in terms of sub-rule (1) or (2), the address of the representative or the party, as the case may be, will become the address for notice to, or service of documents on, the relevant party.
- (4) A representative who ceases to act for a party must deliver a notice to that effect to the registrar, that party and to all other parties concerned.

² Rule 29, cannot be brought into effect on the basis of the current Act. It reflects proposed amendments to the Act, which are contemplated for introduction in Parliament later this year.

- (5) Upon filing a notice referred to in sub-rule (4), the address of the party formerly represented becomes the address for notices to and for service on that party, until a new address is notified in terms of sub-rule (1).
- (6) Despite sub-rule (3), if, before receiving a notice referred to in this section, a person sends a notice to, or serves a document on, a party at that party's former address for service, that person will have validly sent the notice or served the document as the case may be, unless the Court orders otherwise.

32. Court may condone non-compliance with Rules

The Court may, for sufficient cause shown,

- (a) excuse the parties from compliance with any of these rules; or
- (b) condone any technical irregularity arising in any of its proceedings.

33. Cost and taxation

- (1) If the Court has made an award of costs, the following provisions apply:
 - (a) The fees of one advocate and one attorney may be allowed between party and party, unless the Court, on application authorises the fees of additional advocates and attorneys.
 - (b) The fees of any additional advocates and attorneys authorised in terms of paragraph (a) must not exceed one half of those of the first advocate, unless the Court directs otherwise.
 - (c) The cost between party and party allowed in terms of an order of the Court, or any agreement between the parties, must be calculated and taxed by the taxing master at the tariff determined by the order or agreement, but if no tariff has been determined, the tariff applicable in the High Court will apply.
 - (d) Qualifying fees for expert witnesses may not be recovered as costs between party and party unless otherwise directed by the Court during the proceedings.
- (2) The registrar may perform the functions and duties of a taxing master or appoint any person as taxing master who in the registrar's opinion is fit to perform the functions and duties assigned to or imposed on a taxing master by these rules.
- (3) The taxing master is empowered to tax any bill of costs for services actually rendered in connection with proceedings in the court.
- (4) At the taxation of any bill of costs, the taxing master may call for any book, document, paper or account that in the taxing master's opinion is necessary to determine properly any matter arising from the taxation.
- (5) The taxation master must not proceed to the taxation of any bill of cost unless the taxing master has been satisfied by the party requesting the taxation (if that party is not the party liable to pay the bill) that the party liable to pay the bill has received due notice as to the time and place of the taxation and of that party's entitlement to be present at the taxation.
- (6) Despite sub-rule (5), notice need not be given to a party—
 - (a) who failed to appear at the hearing either in person or through a representative; or
 - (b) who consented in writing to the taxation taking place in that party's absence.
- (7) Any decision by a taxing master is subject to the review of the High Court on application.

34. Conduct of hearings

- (1) The Judge President may give any directions that are considered just and expedient in matters of practice and procedure.
- (2) If, in the course of proceedings, a person is uncertain as to the practice and procedure to be followed, the presiding judge—
 - (a) may give directions on how to proceed; and
 - (b) for that purpose, if a question arises as to the practice or procedure to be followed in cases not provided for by these Rules or by a direction of the Judge President in terms of sub-rule (1), the judge may have regard to the *High Court Rules* or the *Rules of the Supreme Court of Appeal*.
- (3) If a matter is not disposed of on the return date, the parties must, from time to time, attend at the appointed time for the matter to continue, without further notice.

35. Enforcement

In terms of s 64 of the Act, service and execution of the Court's decision, judgments and orders must take place in accordance with the procedure for service and execution of decisions, judgments or orders of the High Court of South Africa.

36 Transition

- (1) These Rules apply to a decision of the Tribunal whether made before or after these Rules came into operation.
- (2) With respect to a decision made before these Rules came into operation, the time for delivering a Notice of Appeal or Notice of Motion begins on the date that these Rules came into operation.

COMPETITION APPEAL COURT RULES

REGULATING THE FUNCTIONS OF THE COMPETITION APPEAL COURT

Annexure 1

Table 1 – Methods and times for delivery of Documents

Nature of Person	Method of Delivery	Date and Time of Deemed delivery
<p>ANY PERSON (OTHER THAN THE COURT)</p>	<p>By faxing the notice or a certified copy of the document to the person, if the person has a fax number; or</p>	<p>On the date and at the time recorded by the fax receiver, unless there is conclusive evidence that it was delivered on a different date or at a different time.</p>
	<p>By sending the notice or a copy of the document by electronic mail, if the person has an address for receiving electronic mail; or</p>	<p>On the date and at the time recorded by the computer used by the sender, unless there is conclusive evidence that it was delivered on a different date or at a different time.</p>
	<p>By sending the notice or a certified copy of the document by registered post to the person's last-known address; or</p>	<p>On the 7th day following the day on which the notice or document was posted as recorded by a post office, unless there is conclusive evidence that it was delivered on a different day.</p>

	If the person is a participant in any proceedings of the Court , and is represented by a representative, by delivering the notice, or handing a certified copy of the document to that representative; or	On the date and at the time recorded on a receipt for the delivery.
	By any other means authorised by the High Court, or	In accordance with the order of the High Court.
	By any other method allowed for that person in terms of the following rows of this Table.	As provided for that method of delivery.
ANY NATURAL PERSON	By handing the notice or a certified copy of the document to the person, or to any representative authorised in writing to accept service on behalf of the person; or	On the date and at the time recorded on a receipt for the delivery.
	By leaving the notice or a certified copy of the document at the person's place of residence or business with any other person who is apparently at least 16 years old and in charge of the premises at the time; or	On the date and at the time recorded on a receipt for the delivery.

	By leaving the notice or a certified copy of the document at the person's place of employment with any person who is apparently at least 16 years old and apparently in authority.	On the date and at the time recorded on a receipt for the delivery.
THE TRIBUNAL	By entering the required information in an electronic representation of that form on the Internet Web site, if any, maintained by the Tribunal, if the document is a prescribed form; or	On the date and at the time recorded by the Tribunal's computer system, as verified by fax reply to the sender of the information.
	By transmitting the document as a separate file attached to an electronic mail message addressed to the registrar of the Tribunal; or	On the date and at the time recorded by the Tribunal's computer system, unless, within 1 business day after that date, the registrar advises the sender that the file is unreadable.
	By sending a computer disk containing the document in electronic form, by registered post addressed to the registrar of the Tribunal; or	On the date and at the time of delivery of the registered post to the registrar of the Tribunal, as recorded by the post office, unless, within 1 business day after that date, the registrar advises the sender that the disk is unreadable.
	By handing the document, or a computer disk containing the document in electronic form, to the registrar of the Tribunal.	On the date and at the time noted in a receipt issued by the registrar of the Tribunal unless, the document is on a computer disk, and, within 1 business day after that date, the registrar advises the sender that the disk is unreadable.

<p>THE COMMISSION</p>	<p>By entering the required information in an electronic representation of that form on the Internet Web site, if any, maintained by the Commission, if the document is a prescribed form; or</p>	<p>On the date and at the time recorded by the Commission's computer system, as verified by fax reply to the sender of the information.</p>
	<p>By transmitting the document as a separate file attached to an electronic mail message addressed to the Commission; or</p>	<p>On the date and at the time recorded by the Commission's computer system, unless, within 1 business day after that date, the Commission advises the sender that the file is unreadable.</p>
	<p>By sending a computer disk containing the document in electronic form, by registered post addressed to the Commission; or</p>	<p>On the date and at the time of delivery of the registered post to the Commission, as recorded by the post office, unless, within 1 business day after that date, the Commission advises the sender that the disk is unreadable.</p>
	<p>By handing the document, or a computer disk containing the document in electronic form, to the Commission, or a responsible employee who is apparently in charge of the Commission's office.</p>	<p>On the date and at the time noted in a receipt issued by the Commission unless, the document is on a computer disk, and, within 1 business day after that date, the Commission advises the sender that the disk is unreadable.</p>

THE COURT	By handing the document to the Registrar of the Court	On the date and time noted by the Registrar
A COMPANY OR SIMILAR BODY CORPORATE	By handing the notice or a certified copy of the document to a responsible employee of the company or body corporate at its registered office or its principal place of business within the Republic; or	On the date and at the time recorded on a receipt for the delivery.
	If there is no employee willing to accept service, by affixing the notice or a certified copy of the document to the main door of the office or place of business.	On the date and at the time sworn to by affidavit of the person who affixed the document, unless there is conclusive evidence that the document was affixed on a different date or at a different time.
A TRADE UNION	By handing the notice or a certified copy of the document to a responsible employee who is apparently in charge of the main office of the union or for the purposes of section 13(2), if there is a union office within the magisterial district of the firm required to notify its employees in terms of these Rules, at that office.	On the date and at the time recorded on a receipt for the delivery.
	If there is no person willing to accept service, by affixing a certified copy of the notice or document to the main door of that office.	On the date and at the time sworn to by affidavit of the person who affixed the document, unless there is conclusive evidence that the document was affixed on a different date or at a different time.

EMPLOYEES OF FIRM	By fixing the notice or certified copy of the document, in a prominent place in the workplace where it can be easily read by employees.	On the date and at the time sworn to by affidavit of the person who affixed the document, unless there is conclusive evidence that the document was affixed on a different date or at a different time.
A PARTNERSHIP, FIRM OR ASSOCIATION	By handing the notice or a certified copy of the document to a person who is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of the partnership, firm or association; or	On the date and at the time recorded on a receipt for the delivery.
	If the partnership, firm or association has no place of business, by handing the notice or a certified copy of the document to a partner, the owner of the firm, or the chairman or secretary of the managing or other controlling body of the association, as the case may be.	On the date and at the time recorded on a receipt for the delivery.
A MUNICIPALITY	By handing the notice or a certified copy of the document to the town clerk, assistant town clerk or any person acting on behalf of that person.	On the date and at the time recorded on a receipt for the delivery.

<p>A STATUTORY BODY OTHER THAN THE COMMISSION AND TRIBUNAL</p>	<p>By handing the notice or a certified copy of the document to the secretary or similar officer or member of the board or committee of that body, or any person acting on behalf of that body.</p>	<p>On the date and at the time recorded on a receipt for the delivery.</p>
<p>THE STATE OR A PROVINCE</p>	<p>By handing the notice or a certified copy of the document to a responsible employee in any office of the State Attorney.</p>	<p>On the date and at the time recorded on a receipt for the delivery.</p>

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER****No. R. 851****1 September 2000****CORRECTION NOTICE**

Proclamation No. R. 46 published in *Government Gazette* No. 21425 of 31 July 2000 is hereby corrected by the insertion in the Schedule, after the line which refers to section 55, of the following line:

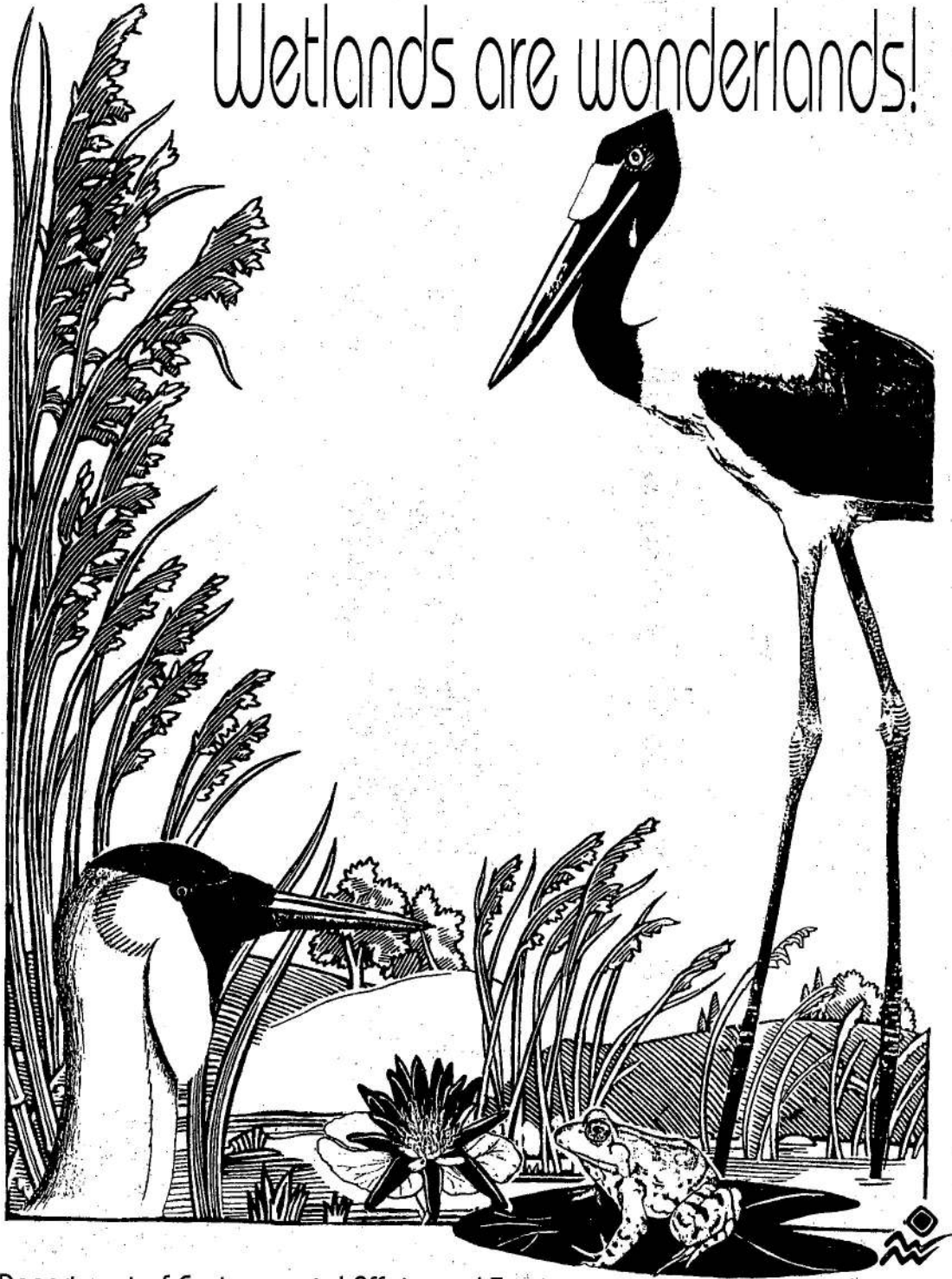
80A	Power of local authority to make by-laws
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No. R. 851**1 September 2000****VERBETERINGSKENNISGEWING**

Proklamasie No. R. 46 gepubliseer in *Staatskoerant* No. 21425 van 31 Julie 2000 word hierby reggestel deur in die Bylae die volgende lyn in te voeg na die lyn waarin na artikel 55 verwys word:

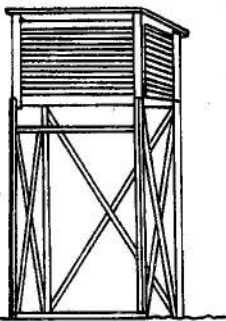
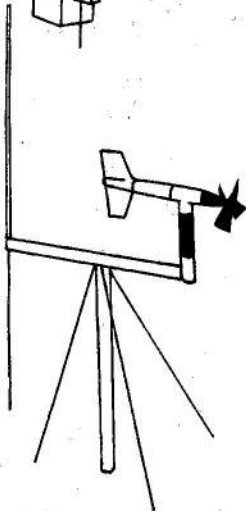
80A	Bevoegdheid van plaaslike owerheid om verordeninge uit te vaardig
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Wetlands are wonderlands!

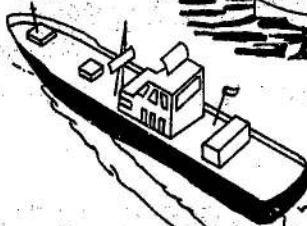
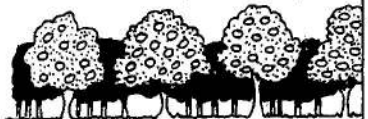
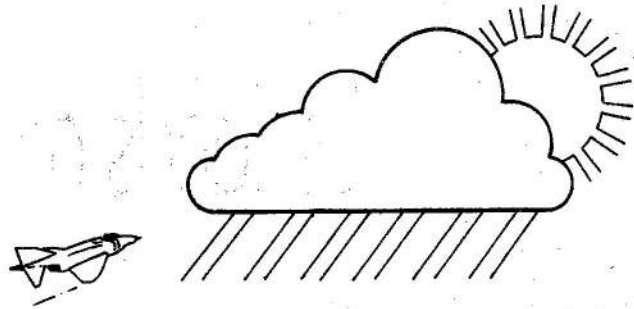


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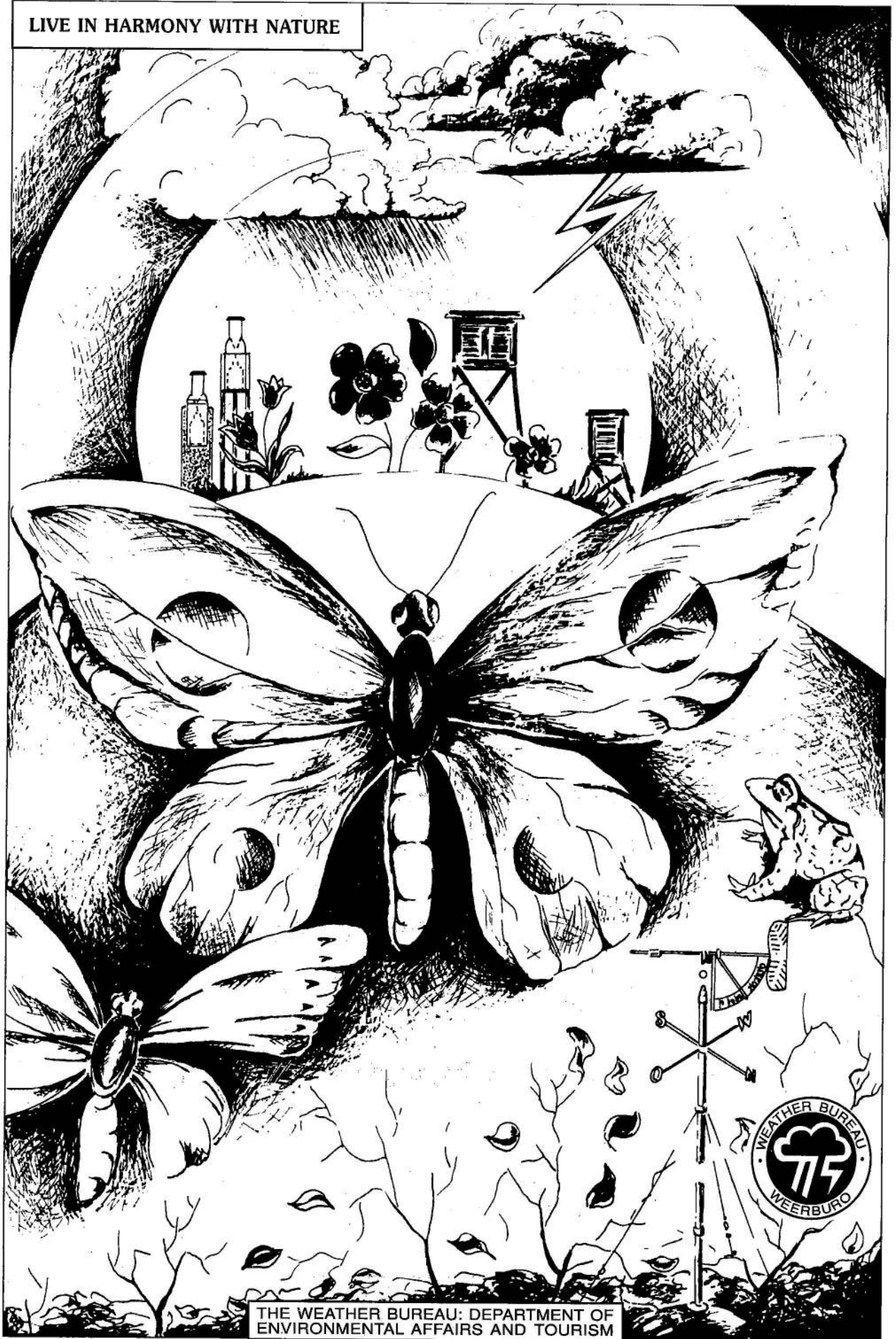
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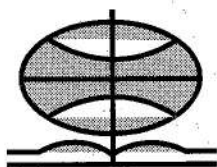
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