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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8253

Regulasiekoerant

Vol. 481

Pretoria, 1 July 2005
Julie

No. 27713



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PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. R. 29

1 July 2005

**NOTIFICATION BY PRESIDENT IN RESPECT OF ENTITIES IDENTIFIED
BY THE UNITED NATIONS SECURITY COUNCIL: SECTION 25 OF THE
PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORIST
AND RELATED ACTIVITIES ACT, 2004**

I, Thabo Mvuyelwa Mbeki, President of the Republic of South Africa, hereby, in terms of section 25 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004), give notice that the Security Council of the United Nations, under Chapter VII of the Charter of the United Nations, has identified the entities mentioned in the Annexure, as being-

- (a) entities that commit, or attempt to commit, any terrorist and related activity or participate in or facilitate the commission of any terrorist and related activity; or
- (b) entities against whom Member States of the United Nations must take the actions specified in the Resolutions of the said Security Council, in order to combat or prevent terrorist and related activities.

This proclamation and the Annexure, shall also be published on the South African Police Service Internet website:

<http://www.saps.gov.za>

The United Nations Security Council regularly updates the consolidated list in respect of additions and deletions. The updated consolidated list and key thereto are electronically available on the following websites on the Internet:

<http://www.un.org/Docs/sc/committees/1267/1267ListEng>

<http://www.un.org/Docs/sc/committees/1267/tablelist>

<http://www.saps.gov.za> (link to above website)

Future deletions or additions to the lists will be published as and when information to that effect is received from the United Nations Security Council.

The updated consolidated list will be published annually in the *Gazette*.

Signed at Pretoria on this Eighteenth day of June Two Thousand and Five.



PRESIDENT

By Order of the President -in -Cabinet



MINISTER OF THE CABINET

PROKLAMASIE**VAN DIE****PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA**

No. R. 29

1 Julie 2005

**KENNISGEWING DEUR PRESIDENT TEN OPSIGTE VAN ENTITEITE
DEUR VEILIGHEIDSRAAD VAN VERENIGDE NASIES GEÏDENTIFISEER:
ARTIKEL 25 VAN DIE WET OP DIE BESKERMING VAN TERRORISTE-EN
VERWANTE AKTIWITEITE, 2004**

Hiermee gee ek, Thabo Mvuyelwa Mbeki, President van die Republiek van Suid-Afrika, ingevolge artikel 25 van die Wet op die Beskerming van Konstitusionele Demokrasie teen Terroriste-en verwante Aktiwiteite, 2004 (Wet No. 33 van 2004), kennis dat die Veiligheidsraad van die Verenigde Nasies, ingevolge Hoofstuk VII van die Handves van die Verenigde Nasies die entiteite in die Aanhangsel geïdentifiseer het as synde-

- (a) entiteite wat terroriste- of verwante aktiwiteite pleeg of poog om dit te

pleeg, of daaraan deelneem of die pleging van terroriste- of verwante aktiwiteite fasiliteer; of

- (b) entiteite teen wie Ledestate van die Verenigde Nasies die stappe moet doen wat in Resolusies van die bedoelde Veiligheidsraad bepaal is, ten einde terroriste- en verwante aktiwiteite te bekamp.

Hierdie Proklamasie, sowel as die Aanghansel, moet ook op die Suid-Afrikaanse Polisie se Internet webwerf gepubliseer word:

<http://www.saps.gov.za>

Die Veiligheidsraad van die Verenigde Nasies dateer gereeld die gekonsolideerde lys op ten opsigte van byvoegings en weglatings. Die lys en die sleutel daartoe is beskikbaar op die volgende webwerwe op die Internet:

<http://www.un.org/Docs/sc/committees/1267/1267ListEng>.

<http://www.un.org/Docs/sc/committees/1267/tablelist>

<http://www.saps.gov.za> (skakel met bovermelde webwerwe)

Toekomstige invoegings by of weglatings uit die lys, sal in die *Staatskoerant* gepubliseer word soos en wanneer inligting daaroor van die Veiligheidsraad van die Verenigde Nasies ontvang word.

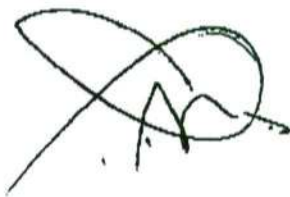
Die opgedateerde gekonsolideerde lys sal jaarliks in die *Staatskoerant* gepubliseer word.

Geteken te Pretoria hierdie Agtiende dag van Junie Tweeduisend-en-vyf.



PRESIDENT

Op las van die President-in-Kabinet



MINISTER VAN DIE KABINET

Annexure

UPDATING OF THE CONSOLIDATED LIST OF INDIVIDUALS AND ENTITIES BELONGING TO OR ASSOCIATED WITH THE TALIBAN AND AL-QAIDA ORGANISATION AS ESTABLISHED AND MAINTAINED BY THE 1267 COMMITTEE OF THE SECURITY COUNCIL OF THE UNITED NATIONS

The following amendments have been effected on 17 May 2005, to the consolidated list that was published by Proclamation in Gazette No. 27598, on 17 May 2005:

**SECURITY COUNCIL COMMITTEE ADDS THREE INDIVIDUALS TO
AL-QAIDA SECTION
OF CONSOLIDATED LIST, MAKES ONE CORRECTION TO ONE ENTITY**

The Al-Qaida and Taliban Sanctions Committee on 16 May 2005 approved the addition of three individuals to its consolidated list (Al-Qaida section).

152. *Name: 1: JOKO 2: PITONO 3: na 4: na

Title: na **Designation:** na **DOB:** a) 16 Jun 1970 b) 6 Jun 1970 **POB:** Petarukan village, Pemalang, Central Java, Indonesia ***Good quality a.k.a.:** a) Pitoyo, Joko b) Pintono, Joko c) Dulmatin d) Dul Matin e) Abdul Martin f) Abdul Matin g) Amar Umar h) Amar Usman i) Anar Usman j) Djoko Supriyanto k) Jak Imron l) Muktamar m) Novarianto n) Topel **Low quality a.k.a.:** na ***Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na ***Listed on:** 16 May 2005 ***Other information:** na

156. *Name: 1: ABU 2: RUSDAN 3: na 4: na

Title: na **Designation:** na **DOB:** 16 Aug 1960 **POB:** Kudus, Central Java, Indonesia ***Good quality a.k.a.:** a) Abu Thoriq b) Rusdjan c) Rusjan d) Rusydan e) Thoriquddin f) Thoriquiddin g) Thoriquidin h) Toriquuddin **Low quality a.k.a.:** na ***Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na ***Listed on:** 16 May 2005 ***Other information:** na

182. *Name: 1: ZULKARNAEN 2: na 3: na 4: na
Title: na **Designation:** na **DOB:** 1963 **POB:** Gebang village, Masaran, Sragen, Central Java, Indonesia ***Good quality a.k.a.:** a) Zulkarnan b) Zulkarnain c) Zulkarnin d) Arif Sunarso e) Aris Sumarsono f) Aris Sunarso g) Ustad Daud Zulkarnaen h) Murshid **Low quality a.k.a.:** na
***Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na ***Listed on:** 16 May 2005 ***Other information:** na

The Secretariat also corrected a typographical error in the spelling of one entity added to the list on 5 May 2005. The correction has been underlined in the entry below.

82. *Name: LASHKAR-E-TAYYIBA
***A.k.a.:** a) Lashkar-e-Toiba; b) Lashkar-i-Taiba; c) al Mansoorian; d) al Mansooreen; e) Army of the Pure; f) Army of the Righteous; g) Army of the Pure and Righteous; h) Paasban-e-Kashmir; i) Paasban-l-Ahle-Hadith; j) Pasban-e-Kashmir; k) Pasban-e-Ahle-Hadith; l) Paasban-e-Ahle-Hadis **F.k.a.:** na ***Address:** na ***Listed on:** 2 May 2005 ***Other information:** na

The list is updated regularly, on the basis of relevant information provided by MemberStates and regional organizations. This is the fourth update of the list in 2005. An updated list is accessible at the Committee's Web site: <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>.

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

No. R. 619

1 July 2005

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

REGULATIONS RELATING TO IDENTIFICATION OF ENVIRONMENTAL MANAGEMENT INSPECTORS

The Minister of Environmental Affairs and Tourism has in terms of section 47(1) of the National Environmental Management Act 1998 (Act 107 of 1998), made the regulations set out in the Schedule hereto.

SCHEDULE

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Act has the same meaning, and –

“**Act**” means the National Environmental Management Act 1998 (Act 107 of 1998);

“**designating authority**” means –

- (a) a person to whom the Minister's power contained in section 31B of the Act to designate persons as environmental management inspectors has been delegated in terms of section 42 of the Act;
- (b) an MEC acting in terms of section 31C of the Act; or

- (c) a person to whom the MEC's power contained in section 31C of the Act to designate persons as environmental management inspectors has been delegated in terms of section 42A of the Act;

Identity cards

2. (1) The identity card that must in terms of section 31F of the Act be issued to each person designated as an environmental management inspector –

- (a) must comply with subregulation (2); and
- (b) may only be issued by the Department of Environmental Affairs and Tourism, or a person authorised to do so by the Director-General of the Department of Environmental Affairs and Tourism; and
- (c) must be in the standard format and layout prescribed by the Director-General of the Department of Environmental Affairs and Tourism.

(2) An identity card must contain –

- (a) the full names and ID number of the person designated as an environmental management inspector;
- (b) a recent photograph of that person;
- (c) the organ of state of which that person is an employee and the employee number of that person;
- (d) the Act or specific environmental management Act, or the specific provisions of the Act or a specific environmental management Act, for which the person is designated as an environmental management inspector in terms of section 31D (1) or (2) of the Act;
- (e) the full names and post description of the designating authority who designated the person as an environmental management inspector;

- (f) the signature of the designating authority; and
- (g) the date on which the person was designated as an environmental management inspector.

(3) The Department of Environmental Affairs and Tourism must issue an identity card on request from a designating authority and on receipt of the information detailed in subregulation (2), (a) to (g).

(4) The Department of Environmental Affairs and Tourism must keep a detailed record of all persons in respect of whom an identity card was issued.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 609****1 July 2005**

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE TEAROOM, RESTAURANT AND CATERING TRADE, PRETORIA: RENEWAL OF
PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 244 of 16 March 2001, R. 1105 of 9 November 2001 and R. 1048 of 25 July 2003, to be effective from the date of publication of this notice and for the further period ending 31 August 2005.

T. MKALIPI**Executive Manager: Collective Bargaining****No. R. 609****1 Julie 2005**

WET OP ARBEIDSVARHOUDINGE, 1995

**BEDINGINGSRAAD VIR DIE TEEKAMER, RESTAURANT EN VERVERSINGSBEDRYF, PRETORIA: HERNUWING VAN
TYDPERK VAN HOOF KOLLEKTIEWE OOREENKOMS**

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32 (6) (a) (ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermmentskennisgewings Nos. R. 244 van 16 Maart 2001, R. 1105 van 9 November 2001 en R. 1048 van 25 Julie 2003, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Augustus 2005 eindig.

T. MKALIPI**Uitvoerende Bestuurder: Kollektiewe Bedinging****No. R. 610****1 July 2005**

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE FISHING INDUSTRY: EXTENSION OF PERIOD OF OPERATION OF MAIN
COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, 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 period fixed in Government Notice No. R. 1476 of 31 December 2004 by a further period ending 30 November 2005.

T. MKALIPI**Executive Manager: Collective Bargaining****No. R. 610****1 Julie 2005**

WET OP ARBEIDSVARHOUDINGE, 1995

**BEDINGINGSRAAD VIR DIE VISNYWERHEID: VERLENGING VAN TYDPERK VAN HOOF KOLLEKTIEWE
OOREENKOMS**

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, die tydperk vasgestel in Goewermmentskennisgewing No. R. 1476 van 31 Desember 2004, met 'n verdere tydperk wat op 30 November 2005 eindig.

T. MKALIPI**Uitvoerende Bestuurder: Kollektiewe Bedinging**

No. R. 611**1 July 2005**

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF PROVIDENT FUND COLLECTIVE AGREEMENT TO NON-PARTIES**CANCELLATION OF GOVERNMENT NOTICE**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notice No. R. 499 of 27 May 2005 with effect from 18 July 2005.

M. M. S. MDLADLANA**Minister of Labour****No. R. 611****1 Julie 2005**

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE OOREENKOMS NA NIE-PARTYE**INTREKKING VAN GOEWERMENSKENNISGEWING**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermenskennisgewing No. R. 499 van 27 Mei 2005, in met ingang van 18 Julie 2005.

M. M. S. MDLADLANA**Minister van Arbeid****No. R. 612****1 July 2005**

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY: EXTENSION OF PROVIDENT FUND 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 National Bargaining Council for the Road Freight 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 18 July 2005, and for the period ending 28 February 2006.

M. M. S. MDLADLANA**Minister of Labour****No. R. 612****1 Julie 2005**

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN VOORSORGFONDS 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 hierby verskyn en wat in die Nasionale Bedingsraad vir die Padvragnywerheid 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 18 Julie 2005, en vir die tydperk wat op 28 Februarie 2006 eindig.

M. M. S. MDLADLANA**Minister van Arbeid****SCHEDULE****NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY: PROVIDENT FUND COLLECTIVE AGREEMENT**

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

Road Freight Employers' Association

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

Africa Miners' and Allied Workers' Union**Motor Transport Workers' Union (South Africa)**

Professional Transport Workers' Union of South Africa**South African Transport and Allied Workers' Union**

and

Transport and Allied Workers' Union

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

the parties to the National Bargaining Council for the Road Freight Industry.

1. SCOPE OF APPLICATION

(1) With effect from the date upon which Government Notice No. R. 612 of 1 July 2005 becomes binding, the terms of this Agreement shall be observed in the Road Freight Industry in the Republic of South Africa, by all employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed in the said Industry, respectively.

(2) Notwithstanding the provisions of sub-clause (1), the Mandatory terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in the Main Agreement and to the employers of such employees.

(3) Notwithstanding the provisions of sub-clause (1), but subject to clause 6 (1) (h), the provisions of this Agreement shall not apply to—

- (a) the owner of only one vehicle who is the permanent driver of such vehicle or to the employees employed by such owner;
- (b) an employer, the majority of whose Bargaining Unit Employees—
 - (i) do not belong to a trade union or trade unions;
 - (ii) belong to an Occupational Retirement Fund to which the employer contributes;
 - (iii) were not bound by the provisions of the Provident Fund Collective Agreement as it was worded prior to the coming into operation of this Agreement by virtue of the operation of clause 1 (3) of Government Notice No. R. 921 of 24 July 1998, as amended as extended from time to time.
 - (iv) have not agreed with the employer to be bound by the provisions of this Agreement, for so long as all of these exclusions continue to apply to the employer. If any of these exclusions cease to apply to the employer, the Mandatory terms of this Agreement will apply to the employer and his Bargaining Unit Employees from the date on which the exclusion cease to apply.

(4) The provisions of clause 1 (1) (a), 2 and 8 (1) of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, respectively, who entered into this Agreement unless the Minister of Labour, by promulgation in the *Government Gazette*, declares the Agreement binding on such employers and employees in terms of section 32 (2) of the Act.

(5) The exclusion contained in subclause (3) above shall not apply in respect of clause 7 (4).

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 Act and shall remain in force until 28 February 2006.

3. DEFINITIONS

Unless less the contrary intention appears, any expression used in this Agreement which is defined in the Labour Relations Act, 1995, shall have the same meaning as in that Act; any reference to an Act shall include any amendment to such Act; any reference to the singular shall include the plural and vice versa; and reference to any gender shall include the other gender, and further unless inconsistent with the context—

"Act" means the Labour Relations Act, 1995, Act No. 66 of 1995, as amended;

"Associated Fund" means an Occupational Retirement Fund established by a trade union which meets the conditions set out in clause 5 (3) and is in terms of this Agreement deemed to be an Associate Fund, or which has been approved by the Council as an Associated Fund to which an employee may belong in place of the Bargaining Council Fund;

"auditor" means any person who is registered to practice in the Republic of South Africa as a public accountant and auditor;

"Bargaining Council Fund" means the Provident Fund of the Council as provided for in this Agreement;

"Bargaining Unit Employee" means an employee for whom minimum wages are prescribed in the Main Agreement and includes—

- (i) a part-time employee who works 15 hours or more per week; and
- (ii) a part-time employee who works less than 15 hours per week and has chosen to join a Fund, but excludes a relief employee;

“Committee” or **“Management Committee”** means the Management Committee appointed in terms of rule 12.1 of the Rules of the Bargaining Council Fund;

“contributions” means the money payable to an Occupational Retirement Fund in terms of this Agreement;

“Council” means the National Bargaining Council for the Road Freight Industry;

“dependent” means a dependant as defined in the Rules of the Bargaining Council Fund;

“employee” for the purpose of this Agreement only, means an employee employed in the Industry who is a Bargaining Unit Employee or a Non-Bargaining Unit Employee, as the case may be;

“employer” means any person whomsoever who employs or provides work for any other person and who remunerates or expressly or tacitly undertakes to remunerate such other person or who, subject to section 3 of the Act, permits any other person whomsoever in any manner to assist him in carrying on or conducting of this business or undertaking and **“employ”** has a corresponding meaning;

“Employer Fund” means an Occupational Retirement Fund registered in terms of the Pension Funds Act to which an employer contributes for the benefit of its employees;

“Fund” means the Bargaining Council Fund or an Associated Fund;

“Main Agreement” means the Collective Agreement of the Council, published in terms of section 32 of the Act under Government Notice No. R. 493 of 30 April 2004, as amended, and extended from time to time, in which minimum wages are prescribed;

“Mandatory terms” means terms of this Agreement which impose an obligation on, and do not just create a right for, an employee;

“member” when used in relation to a fund, means an employee who is a member of an Occupational Retirement Fund and **“membership”** has a corresponding meaning;

“Non-Bargaining Unit Employee” means an employee for whom minimum wages are not prescribed in the Main Agreement;

“normal retirement age”, in relation to a member, means the normal retirement age specified in an employee's conditions of service, provided that it is not earlier than 60 and not later than 65 years of age;

“Occupational Retirement Fund” means the Bargaining Council Fund, an Associate Fund or an Employer Fund to which an employee belongs;

“ordinary wage” means—

- (i) in respect of a Bargaining Unit Employee, the wage based on the employee's earnings and payable had he worked the maximum ordinary hours, excluding overtime, bonuses and allowances for the week, as regulated by the Main Agreement; and
- (ii) in respect of a Non-Bargaining Unit Employee who is a member of the Bargaining Council Fund, such amount as the employer of that employee advises the Council in writing;

“part-time employee” means an employee not working full-time, but who is employed on a permanent bases and who is only required to work a fixed and limited number of hours per day, per week or per month;

“Pension Funds Act” means means the Pension Funds Act, 1956, Act No. 24 of 1956, as amended;

“relief employee” means an employee, other than a temporary employee of a temporary employment service, who is employed by the same employer for not more than 16 shifts in a 30 day period and not more than 114 shifts in a 52 week period;

“retirement” means permanent retirement from the Industry through incapacity, ill-health or the attainment of normal retirement age, and, and **“retire”** has a corresponding meaning;

“Road Freight Industry” or **“Industry”** means the Industry in which employers and their employees are associated for carrying out one or more of the following activities for hire or reward:

- (1) The transportation of goods by means of motor transport;
- (2) the storage of goods, including the receiving, opening, unpacking, packing, dispatching and clearing or accounting for of goods where these activities are ancillary or incidental to paragraph (1) above; and
- (3) the hiring out by temporary employment services of employees for activities or operations which ordinarily or naturally fall within the transportation of goods, irrespective of the class of undertaking, industry, trade or occupation in which the client is engaged as an employer.

The ‘transportation of goods’ does not include the following:

- (1) The undertakings, industries, trades or occupations in respect of which the Transnet Industrial Council was registered on 2 October 1991. The interests in respect of which that Council was registered where the undertakings, industries, trades or occupations of Transnet Limited known as Spoornet, South African Airways, Autonet, Portnet, Transnet, Transwork, Promat, Protekon, or any other business, undertaking, industry, trade, occupation, unit, department or section of Transnet Limited.

- (2) The Motor Ferry Industry, which means the Industry in which employers and their employees are associated for the transportation of motor vehicles by road, sea or rail between vehicle manufacturers and motor dealerships;

"Rules" means only the Rules of the Bargaining Council Fund made in terms of clause 12 of this Agreement.

"rules" means the rules of the Occupational Retirement Fund to which an employee belongs.

4. CONTINUATION OF THE BARGAINING COUNCIL FUND

The Bargaining Council Fund established by the Council under the provisions of the Agreement published under Government Notice No. R. 3146 of 20 December 1991, is hereby continued.

5. OBJECTS OF THE BARGAINING COUNCIL FUND AND ASSOCIATE FUNDS AND CONDITIONS WITH WHICH THEY MUST COMPLY

- (1) The object of each Fund shall be to provide benefits for members and their dependants.
- (2) The Bargaining Council Fund must comply with the following conditions:
 - (i) It must be and remain in a 'pension fund' or a 'provident fund' as defined in the Income Tax Act, 1962, Act No. 58 of 1962, as amended;
 - (ii) it must be and remain a defined contribution fund which provides no benefits other than those which are funded by means of contributions payable by employers and employees at the fixed rates determined in accordance with this Agreement;
 - (iii) its Rules—
 - (a) must, subject to clause 7 (1) (a) (ii), provide for rates of contribution by employers and employees which are no greater and no less than those determined in terms of this Agreement;
 - (b) may not expose any employer to the risk of liability in excess of the liability to make contributions at the fixed rate determined in terms of this Agreement;
 - (c) must provide that the whole of the contribution payable by an employee to the Fund must be used to fund retirement benefits for that employee;
 - (d) must provide that, of the contribution that an employer may be required to make to the Fund in terms of its Rules in respect of an employee employed by such employer—
 - (aa) not less than 20% must be used to fund retirement benefits for the member;
 - (aa) up to 80% as is determined from time to time by the Management Committee may be used to—
 - (1) pay the Fund's fees and expenses; and
 - (2) pay premiums to insurers in respect of Fund death, disability and funeral benefits;
 - (e) must provide that, in the event that the premium payable for the insured benefits provided for in terms of the Rules exceeds the share of the employer contributions referred to in subclause (2) (ii), the value of the insured benefits will be immediately reduced to the extent required to make them affordable to the Fund in terms of its Rules;
 - (f) must be consistent with clause 6;
 - (g) must, in particular, provide that in the event that a member's membership of a trade union changes, he will terminate membership of the Fund to which he belonged immediately before such change in order to comply with the provisions of clause 6;
 - (h) must provide that the costs to a Fund of any transfer of assets and liabilities in respect of an employee from one Fund to another Fund, other than the first such transfer following the coming into operation of this Agreement, will be drawn from the Fund credit of the member concerned and that no more than two transfers between Funds in respect of that member will be permitted within any period of 52 weeks;
 - (i) must provide that the Council will appoint two members of the Management Committee, but may not require the participation of the employers' organisation in the appointment of any other members of the Management Committee, or in any other aspect of the management of the Fund;
 - (j) must allow for the early retirement of a member, with the consent of his employer, at any time from the age of 55;
 - (k) must allow for the retirement of a member on the attainment of his normal retirement age: Provided that, in the case of an employee who is a member as at the date of coming into operation of this Agreement, the member will be entitled to retire at the age of 65;
 - (l) must provide that, in the event that the Fund ceases to meet any of the conditions set out in this Agreement, the assets and liabilities of members who are employees as defined in clause 3 will, subject to any applicable provisions of any law, immediately be transferred to another Occupational Retirement Fund which is either an Associate Fund or which has been approved for that purpose by the Council, or to both;

(iv) it must—

- (a) within 10 days after the date of the conclusion or amendment of a policy in terms of which an insurer agrees to underwrite any of the Fund's actual or potential liabilities—
 - (aa) furnish a copy of that policy or endorsement, as the case may be, to the Council; and
 - (bb) furnish the Council with such information as it may reasonably require to determine compliance with these conditions;
- (b) at the commencement of each Fund financial year, furnish to the Council a statement by its auditor in which it is certified that—
 - (1) the cost to the Fund of its insured benefits does not exceed the limit referred to in sub-clause (2) (iii) (d) (bb) (2);
 - (2) the Fund continues to comply and, for the foreseeable future will continue to comply, with the conditions set out in this subclause;
- (c) have and maintain a level of fidelity insurance cover which is acceptable to the auditor;
- (d) have and maintain risk management controls which are acceptable to the auditor;
- (e) provide the auditor within a reasonable period of time before the end of each financial year with such information as he may reasonably require to determine compliance with these conditions;

(3) No Occupational Retirement Fund will be an Associate Fund unless it demonstrates to the satisfaction of the Council that—

- (i) it is an Occupational Retirement Fund registered in terms of the Pension Funds Act; and
- (ii) it is a Fund established by a party to the Council; and
- (iii) it complies with the conditions set out in sub-clause (2), other than the condition in subclause (2) (iii) (i) that the Council will appoint two members of the Management Committee.

6. MEMBERSHIP OF OCCUPATIONAL RETIREMENT FUNDS

(1) With effect from the date upon which Government Notice No. R. 612 of 1 July 2005 comes into operation and subject to the rules of any Occupational Retirement Fund to which an employee belongs which may be inconsistent with these provisions—

- (i) a Bargaining Unit Employee, other than an employee specified in clause 1 (3), who is a member of a trade union which has established an Associate Fund must belong to that Associate Fund;
- (ii) a Bargaining Unit Employee, other than an employee specified in clause 1 (3), who is not a member of a trade union which has established an Associate Fund must belong to the Bargaining Council Fund;
- (iii) a Bargaining Unit Employee, other than an employee specified in clause 1 (3), who becomes a member of a trade union which has established an Associate Fund must, subject to the rules of the Bargaining Council Fund or Employer Fund to which he belongs, cease to be a member of the Bargaining Council Fund or Employer Fund, as the case may be, and become a member of that Associate Fund;
- (iv) a Bargaining Unit Employee, other than an employee specified in clause 1 (3), who is a member of an Associate Fund because he is a member of the trade union which established it and who ceased to be a member of that trade union, must cease to belong to that Associate Fund and—
 - (a) if he joins another trade union which has established an Associate Fund, become a member of that Associate Fund; or
 - (b) become a member of the Bargaining Council Fund;
- (v) a Bargaining Unit Employee, other than an employee specified in clause 1 (3), who—
 - (a) is employed as a Bargaining Unit Employee after the date of coming into operation of this Agreement; and
 - (b) is not at that date a member of a trade union which has established an Associate Fund, must in writing within 13 weeks after the date of his employment, elect—
 - (aa) to join a trade union which has established an Associate Fund, in which event he must become a member of that Associate Fund; or
 - (bb) not to join a trade union which has established an Associate Fund, in which event, or if he does not make any election within the 13 week period, he must become a member of the Bargaining Council Fund, pending which election—
 - (1) he will not be a member of any Occupational Retirement Fund and the Council must procure death and disability cover for him of equivalent value to that to which he would have been entitled had he been a member of the Bargaining Council Fund from the date of his employment;
 - (2) the contributions which would have been payable by him and his employer had he joined a Fund with effect from the date of his employment must be paid to the Council, kept in a suspense account, and, following the expiry of the 13 week period, paid to the Fund of which he becomes a member;

- (vi) a Bargaining Unit Employee who is a member of an Associate Fund because he was a member of the trade union which established it and who ceases to be a member of that trade union must cease to belong to the Associate Fund and become a member of the Bargaining Council Fund;
- (vii) a Bargaining Unit Employee who—
 - (a) becomes a Non-Bargaining Unit Employee; and
 - (b) in writing within 13 weeks of ceasing to be a Bargaining Unit Employee elects—
 - (aa) to remain a member of the Associate Fund of which he is a member; or
 - (bb) to remain a member of the Bargaining Council Fund if he is already a member thereof; or
 - (cc) if the rules of the Employer Fund, if any, permit him to become a member thereof, a cease to be a member of the Associate Fund or the Bargaining Council Fund, as the case may be, and join the Employer Fund to which his employer contributes for the benefit of his employees, must be permitted to do so;
- (viii) a Bargaining Unit Employee contemplated in clause 1 (3) (b) who is for any period in excess of 52 weeks (the “waiting period”), not eligible for membership of the Employer Fund contemplated in that clause must, for the duration of the waiting period, belong to the Bargaining Council Fund;
- (ix) a Non-Bargaining Unit Employee who—
 - (a) is a member of a trade union which as established an Associate Fund; and
 - (b) is employed in the Industry as at the date of coming into operation of this Agreement and in writing within 13 weeks of such date, or such other period as the Council may determine, elects to—
 - (aa) join the Bargaining Council Fund; or
 - (bb) join an Associate Fund established by a trade union of which he is a member; or
 - (cc) remain a member of the Employer Fund to which he belonged as at the date of coming into operation of this Agreement, must be permitted to do so;
- (x) a Non-Bargaining Unit Employee who—
 - (a) is a member of the Bargaining Council Fund;
 - (b) is not a member of a trade union which has established an Associate Fund;
 - (c) is employed in the Industry as at the date of coming into operation of this Agreement; and
 - (d) in writing within 13 weeks of the date of coming into operation of this Agreement, or such other period as the Council may determine, elects to—
 - (aa) remain a member of the Bargaining Council Fund; or
 - (bb) join an Employer Fund to which his employer contributes, if the rules of such Fund permit him to become a member thereof, must be permitted to do so;
- (xi) a Non-Bargaining Unit Employee who—
 - (a) is a member of the Bargaining Council Fund;
 - (b) is a member of a trade union which has established an Associate Fund; and
 - (c) is employed in the Industry as at the date of coming into operation of this Agreement and who in writing within 13 weeks of the said date, or such other period as the Council may determine, elects—
 - (aa) to remain a member of the Bargaining Council Fund;
 - (bb) to join the Associate Fund established by the trade union of which he is a member; or
 - (cc) to join an Employer Fund to which his employer contributes, if the rules of such Fund permit him to become a member thereof, must be permitted to do so;
- (xii) a Non-Bargaining Unit Employee who—
 - (a) is employed after the date of coming into operation of this Agreement;
 - (b) is a member of an Employer Fund; and
 - (c) after the said date becomes a member of a trade union and who in writing within 13 weeks of the date on which he joins the trade union, or such other period as the Council may determine, elects to—
 - (aa) join the Bargaining Council Fund, if he is not a member of a trade union which has established an Associate Fund;
 - (bb) join the Associate Fund established by the trade union of which he is a member; or

- (cc) remain a member of the Employer Fund, if any, to which his employer contributes for the benefit of its employees,

must be permitted to do so.

(xiii) a Non-Bargaining Unit Employee who—

- (a) is employed after the date of coming into operation of this Agreement; and
 - (b) is at the commencement of his employment a member of, or thereafter becomes a member of, a trade union and who in writing within 13 weeks of the date of such commencement of employment, or within 13 weeks of the date on which he becomes a member of the trade union, as the case may be, elects—
 - (aa) to join the Bargaining Council Fund if he is not a member of a trade union which has established an Associate Fund; or
 - (bb) to join an Associate Fund established by a trade union of which he is a member; or
 - (cc) if the rules of an Employer Fund permit him to become a member thereof, to join such Fund,
- must be permitted to do so.

(2) Membership of the Bargaining Council Fund shall cease when a member—

- (i) leaves the Industry permanently and has received all his benefits in terms of the Rules of the Bargaining Council Fund;
- (ii) joins an Associate Fund or an Employer Fund as specified in subclause (1); or
- (iii) belongs to the Bargaining Council Fund in terms of subclause (1) (viii) and becomes eligible for membership of the Employer Fund contemplated in that subclause.

(3) Each employer and each trade union party must take such steps as are within its powers to ensure that each Fund from which and to which an employee is to transfer in terms of subclause (1), will within 13 weeks of the date on which the election referred to in that subclause was made, take all such steps as are within its powers to procure the transfer of assets and liabilities in respect of that employee to his new Fund.

(4) Each party to the Main Agreement and each employer must, within 13 weeks of the date of coming into operation of this Agreement, take such steps as are within its powers to procure such amendments to the rules of such Fund or Employer Fund to which its members or employees, as the case may be, belong, as may be required—

- (i) to give effect to the principal purpose of this Agreement which is to procure that all Bargaining Unit Employees belong to either the Bargaining Council Fund or an Associate Fund; and
- (ii) to facilitate compliance with subclause (1).

(5) If a party or an employer fails to comply with its obligations in terms of subclause (3) or (4), the Council must take such steps as are within its powers, including legal action, to procure the amendment of the rules of the Occupational Retirement Funds referred to in that subclause. Nothing in this Agreement will be construed as limiting the rights of parties to it to exercise such other rights as they may have in terms of the Act or any other statute or law to procure compliance with the Agreement.

7. CONTRIBUTIONS

(1) (a) (i) Subject to the provisions of paragraph (b), every employer shall on the first payday after the date upon which this Agreement comes into operation and thereafter on every payday of every week, deduct from the wage of each member in his employ, the amount specified in column A of Annexure A to this Agreement. To the amount so deducted the employer shall add a contribution as specified in column B of Annexure A to his Agreement.

(ii) If an employee who was a member of an Employer Fund becomes a member of the Bargaining Council Fund or an Associate Fund and the rate of contributions payable by him and by his employer to the Employer Fund was higher than the rate of contributions specified in this Agreement, he and his employer must contribute to the Bargaining Council Fund or the Associate Fund, as the case may be, at the higher rate.

(iii) The Council must pay the contributions paid to it in respect of an employee, to the Fund to which the employee belongs by no later than seven days after the date on which they are received.

(b) Notwithstanding anything to the contrary contained in this Agreement, should a member, other than an employee referred to in paragraph (d) below, work for less than 16 hours during any week, no contributions shall be made by the member or the employer.

(c) Deductions shall be made from the wages received by a member and contributions shall be made by the employer for periods of paid leave of absence from work and for paid holidays, as though the member concerned had been present at work as he normally would have been during any period of employment.

(d) (i) A temporary employment service who employs an employee on a fixed term contract of a duration of less than 2 months; or

(ii) the employer of a part-time employee who works less than 15 hours per week and who elects in writing not to join a Fund; or

(iii) the employer of a relief employee who is employed on more than 90 days in a 52 week period, shall, in addition to the normal wage due to such employee in respect of ordinary hours worked, pay the employee an allowance equal to the percentage specified in column B of Annexure A to this Agreement, of the employee's normal wage for every hour worked in a job category in lieu of contributions due by the employer in terms of subclause (1) (a) (i) and (ii).

(2) (a) Subject to the provisions of paragraph (b), an employer shall pay the total contributions referred to in subclause (1), whether they relate to membership of the Bargaining Council Fund or an Associate Fund, monthly at the Head Office of the Council on the Fifth Floor, Road Freight House, 31 De Korte Street, Braamfontein, Johannesburg, and shall also submit to the Secretary of the Council at the same address, by not later than the 7th day of the month following that during which the members' deductions were required to be made, a monthly return with the particulars in the form specified by the Council for that purpose, including each member's full names, surname, date of birth and identification number: Provided that the Council may in writing permit an employer to pay contributions due to an Associate Fund directly to such Fund.

(b) An employer who is in arrears with payments referred to in paragraph (a) and who fails, after having been warned in writing by the Council, to forward the outstanding amounts within seven days of the date of such warning, shall, on being notified by the Council in writing to do so, submit the contributions referred to in subclause (1) (a) (i) and (ii) week by week, so as to reach the Secretary of the Council not later than the Friday following the payday of the week in respect of which the contributions are due. The payment submitted in respect of the last payday of each calendar month shall be accompanied by the return referred to in paragraph (a). An employer to whom the provisions of this paragraph have been applied shall only on being notified by the Council in writing revert to the payment of contributions on the monthly basis provided for in terms of paragraph (a).

(c) If not already furnished in respect of present employees, but in any event whenever a new employee enters the industry, the first return referred to in paragraph (a) or (b) following the date upon which such employee became eligible for membership of the Bargaining Council Fund, shall be accompanied by a schedule reflecting the full names of the employee, as well as such employee's address and identity number and the addresses and identity numbers, where available, of the member's dependants and any changes therein and any other information as may be required by the Committee from time to time.

(d) Every member, if he has not already done so, but in any event on joining the Fund, shall advise his employer of his address and identity number and of the addresses and identity numbers, where available, of his dependants. Every member shall furnish his employer with any change of address of his dependants and every employer shall advise the Secretary of the Council thereof in writing.

(3) If any contribution is made in error to the Bargaining Council Fund, that Fund shall not be liable to repay that contribution after the lapse of 26 weeks from the date of such payment. From the weekly contributions received from the employer as specified in column B of Annexure A, the Bargaining Council Fund shall deduct the cost of insured benefits and pay them to a registered insurance company or companies for the purpose of providing members with the insured benefits provided for in the Rules of the Bargaining Council Fund as amended from time to time.

(4) Employees who are members of pension or provident funds referred to in clause 1 (3) and their employers shall make contributions to those funds at rates not lower than the percentage deductions specified in Annexure A to this Agreement.

8. AGENTS TO THE COUNCIL

(1) One or more persons shall be appointed by the Council as agents to assist it in enforcing the provisions of this Agreement.

(2) The Council may request the Minister of Labour to appoint any person as a designated agent of the Council in terms of section 33 of the Act.

(3) A designated agent shall have all the powers conferred on him by section 33A and Schedule 10 of the Act.

9. EXEMPTIONS

Applications from non-parties for exemption from any of the provisions of this Agreement will be considered in terms of the Exemption clause of the Council's Exemption and Dispute Resolution Collective Agreement published under Government Notice No. R. 919 of 24 July 1998, as amended.

10. NO COUNCIL LIABILITY FOR UNPAID CONTRIBUTIONS

(1) The Council and the members of the Council shall not be held responsible for any act which may result in loss to the Fund where such act was performed in good faith and shall not be liable for the debts and liabilities of the Fund.

(2) The Council shall not be held responsible for any contributions deducted and any contributions due and payable by an employer that are not paid to the Council on sequestration or liquidation of an employer's estate.

11. GENERAL PROVISIONS

(1) Any benefit, right or interest to which a member of the Fund may claim to be entitled in terms of this Agreement shall not be used as a ground for damages in any action brought by such member against his employer in respect of dismissal. Nothing in this Agreement shall in any way restrict the right of an employer to terminate the employment of such a member.

(2) No person, whether a member or otherwise, shall have any claim, right or interest in respect of a Fund or any contributions thereto, or any claim against the Council or his employer, except under and in accordance with the provisions of this Agreement and the Rules of his Fund.

(3) Subject to the provisions of the Insolvency Act, 1936, or any other law, if the estate of any member or his dependant is sequestrated or assigned, the benefit to which such member or dependant is entitled in terms of the Rules of the Fund shall not form part of the assets of his insolvent or assigned estate, but shall revert to the Fund and may be dealt with by the Management Committee in a manner calculated in the opinion of the Committee to benefit such member or dependant.

(4) Should any amount due in terms of this Agreement not be received by the Council by the 7th day of the month following that in respect of which it is payable, the employer shall forthwith be liable for and be required to pay interest on such amount, or on such lesser amount as remains unpaid, at 2% per 30 days, subject to the provisions of the Prescribed Rate of Interest Act, 1975, calculated from such 7th day to the day on which payment is actually received by the Council: Provided that the Council shall be entitled in its absolute discretion to waive payment of such interest or part thereof in any individual instance.

(5) Any interest payable in terms of subclause (4) shall be paid into the Distribution Account referred to in Rule 8, of the Rules.

12. RULES OF BARGAINING COUNCIL FUND

The Management Committee shall have the power, subject to the approval of the Council, to make, amend and withdraw Rules governing the administration of the Bargaining Council Fund: Provided that such Rules and any amendment thereof shall be inconsistent with the provisions of this Agreement or with the provisions of any law. A copy of the Rules must be forwarded to the Director-General of Labour. The Rules of the Bargaining Council Fund are binding on its members.

13. EXPIRY OF AGREEMENT, DISSOLUTION OF COUNCIL AND LIQUIDATION OF THE FUND

(1) If this Agreement expires by effluxion of time, or ceases for any other cause, and no subsequent Agreement has been negotiated for the purpose of continuing the operation of the Bargaining Council Fund, or the Bargaining Council Fund has not been transferred by the Council to any other fund constituted for the same purpose within 12 months of the date of expiry of this Agreement, the Bargaining Council Fund shall be liquidated in terms of its Rules.

(2) If the Council is dissolved or if it ceases to function during any period in which this Agreement is binding in terms of section 59 of the Act, the Bargaining Council Fund shall continue to be administered by the Committee or such persons as the Registrar of Labour Relations may designate in terms of that section. Any vacancy occurring on the Committee filled by the Registrar of Labour Relations from employers or employees in the Industry, as the case may be, so as to ensure the equality of employer and employee representatives on the Committee. If the Committee is unable or unwilling to discharge its duties, or a deadlock arises thereon which renders the administration of the fund impracticable or undesirable in the opinion of the Registrar, he shall appoint a person who shall forthwith co-opt two more persons, one being as member of the Fund or a paid official of one of the trade unions and the other being a member of the employers' organisation or a paid official thereof, and these persons together shall be the Board of Trustees in whom all power, rights and duties of the Committee shall vest. If there is no Council the Fund shall be liquidated upon the expiry of the Agreement by the Committee or the Trustees, as the case may be.

(3) Any vacancy occurring on the Board of Trustees, as constituted in terms of subclause (2), shall be filled in the manner provided for in that subclause.

14. RESOLUTION OF DISPUTES

Disputes about the interpretation, application or enforcement of this Agreement must be resolved in accordance with the procedure laid down in the Council's Exemptions and Dispute Resolution Collective Agreement, published under Government Notice No. R.919 of 24 July 1998.

ANNEXURE A

Employees for whom wages are prescribed in the Main Agreement	A Weekly deductions from employee's wages	B Employer's weekly contribution
	8% of ordinary wage	8% of ordinary wage

Signed at Johannesburg for and on behalf of the parties to the Council on this 30th day of September 2004.

G. F. VAN NIEKERK

Chairman of the Council

J. J. DUBE

Vice-Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 618**1 July 2005****LABOUR RELATIONS ACT, 1995****BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL:
EXTENSION OF PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, 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 Notice Nos. R. 396 of 2 April 2004 and R. 1142 of 8 October 2004 by a further period ending 31 December 2005.

T. MKALIPI**Executive Manager: Collective Bargaining**

No. R. 618**1 Julie 2005****WET OP ARBEIDSVERHOUDINGE, 1995****BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU-NATAL: VERLENGING VAN
TYDPERK VAN HOOF KOLLEKTIEWE OOREENKOMS**

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, die tydperk vasgestel in Goewermentskennisgewing Nos. R. 396 van 2 April 2004, R. 1142 van 8 Oktober 2004, met 'n verdere tydperk wat op 31 Desember 2005 eindig.

T. MKALIPI**Uitvoerende Bestuurder: Kollektiewe Bedinging**

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

No. R. 608

1 July 2005

**CUSTOMS AND EXCISE ACT, 91 OF 1964.
AMENDMENT OF SCHEDULE NO. 5 (NO. 5/74)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**J MOLEKETI
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the deletion of the following tariff heading to rebate item 536.00:

Drawback Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate
536.00	87.06	01.04	48	Chassis fitted with engines, in such quantities and at such times as the International Trade Administration Commission may allow by specific permit, used in the manufacture of motor vehicles, provided proof is submitted to the Commissioner six months after the date of issue of the permit, that such motor vehicles comply with the description of motor vehicles of subheading 8702.10.10 in Schedule No. 1	Full duty in Part 1 of Schedule No.1 less 30%

No. R. 608

1 Julie 2005

**DOEANE- EN AKSYNSWET, 91 VAN 1964.
WYSIGING VAN BYLAE NR. 5 (NO. 5/74)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 5 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**J MOLEKETI
ADJUNKMINISTER VAN FINANSIES**

BYLAE

Deur die skraping van die volgende tariefpos by kortingitem 536.00:

Teruggawe= item	Tariefpos	Kortingkode	T S	Beskrywing	Mate van Korting
536.00	87.06	01.04	48	Onderstelle met enjins toegerus, in die tye en op die voorwaardes wat die Internasionale Handelsadministrasie Kommissie by bepaalde permit toelaat, gebruik vir die vervaardiging van motorvoertuie op voorwaarde bewys aan die Kommissaris gelewer word ses maande na die datum waarop die permit uitgereik is, dat sodanige voertuie voldoen aan die beskrywing van motorvoertuie van subpos 8702.10.10 in Bylae No.1	Volle reg in Deel 1 van Bylae No.1 min 30%

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

No. R. 602

1 July 2005

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE

**AMENDMENT OF THE REGULATIONS ISSUED UNDER THE DESIGNS ACT,
1993 (195 OF 1993)**

I, MANDISI MPAHLWA, the Minister of Trade and Industry has under section 54 of the Designs Act, 1993 (Act 195 of 1993) read with section 28 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), amended the Designs Regulations, 1999, in accordance with the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definitions

1. In these regulations "the Regulations" mean the Designs Regulations, 1999, published under Government Notice No. R.844 of 2 July 1999.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations any expression to which a meaning has been assigned in the Designs Act, 1993 (Act 195 of 1993), shall, unless the context otherwise indicates, bear the meaning so assigned, and-

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Patents Act, 1978 (Act 194 of 1993), the Trade Marks Act, 1993 (Act 194 of 1993), the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984) and the Companies Act, 1973 (Act 61 Of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

'office' means the designs office established under section 4 of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' includes a document and vice versa;"

'specimen' means an article with a design applied to it; and

'the Act' means the Designs Act, 1993 (Act No. 195 of 1993)."

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

(a) registration procedures;

(b) identification, authentication and verification;

(c) form and format of records;

(d) manner and form of payment;

- (e) information security requirements; and
 - (f) record retention requirements.
- (3) The operational requirements may be published in different forms over different parts of the CIPRO portal.
- (4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO user entering his access code on the CIPRO system and any record lodged after the CIPRO user having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.
- (5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.
- (6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.
- (7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that such suspension or termination will not effect existing rights of any person who has been using such electronic services."

Amendment of regulation 3 of the Regulations

4. Regulation 3 is hereby amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The fees to be paid in terms of the Act shall be the fees specified Schedule 1 hereto, and shall be payable **[as follows:**

(a) By affixing or applying revenue stamps to any relevant document, which stamps may be cancelled by a receiver of revenue or the registrar; or

(b)] in such [other] manner as the registrar may direct.”; and

- (b) by the deletion of sub-regulation (2).

Amendment of regulation 4 of the Regulations

5. Regulation 4 is hereby substituted by the following regulation:

“(4) The forms referred to in these regulations are the forms contained in Schedule 2 hereto, and such forms whether in paper form or in any electronic form authorized by the registrar for electronic services, shall be used substantially in the manner prescribed for those cases to which they are applicable, but they may be modified or amended with the approval of the registrar and to the extent necessary to meet the requirements of other cases.”.

Amendment of regulation 7 of the Regulations

6. Regulation 7 is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) An address or an address for service may, in addition, include a facsimile transmission number and an e-mail address.”.

Amendment of regulation 10 of the Regulations

7. Regulation 10 is hereby amended-

(a) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) All such documents shall be so presented as to permit reproduction by photography, [or] reprography or electronic means of an unlimited number of copies. Where paper forms are used, [Only] only one side of a sheet shall be used, except where otherwise specified.";

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) Save as specifically provided otherwise, all documents shall be on A4 paper, which shall be strong, pliable and durable or in such electronic form as authorized by the registrar for electronic services. Each sheet shall be used with its short sides at the top and bottom (except where inappropriate in the case of representations).".

No. R. 603

1 July 2005

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE**AMENDMENT OF THE REGULATIONS ISSUED UNDER THE TRADE MARKS
ACT, 1993 (ACT 194 OF 1993)**

I, MANDISI MPAHLWA, the Minister of Trade and Industry have under section 69 of the Trade Marks Act, 1993 (Act 194 of 1993), read with section 28 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), amended the Trade Marks Regulations, 1995, in accordance with the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definitions

1. In these regulations "the Regulations" mean the Trade Marks Regulations, 1995, published under Government Notice No. R.578 of 21 April 1995, as amended by Government Notice No. R.51 of 19 January 1996, rectified by Government Notice No. R. 368 of 1 March 1996 and amended by Government Notice No. R.310 of 28 February 1997 and Government Notice No 211 of 15 February 2002.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

- "1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Trade Marks Act, 1993 (Act 194 of 1993), bears a meaning so assigned, and-

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'the Act' means the Trade Marks Act, 1993 (Act 194 of 1993);

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Patents Act, 1978 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984) and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

"Patent Journal" means the official journal of patents, designs, trade marks and copyright in cinematograph films of the Republic of South Africa;

"Office " means the Trade Marks Office referred to in section 5 of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' includes a document and vice versa.";

'send' includes give;

'specification' means the designation of goods or services in respect of which a trade mark is registered or proposed to be registered.".

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

- (2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

 - (a) registration procedures;
 - (b) identification, authentication and verification;
 - (c) form and format of records;
 - (d) manner and form of payment;
 - (e) information security requirements; and
 - (f) record retention requirements.
- (3) The operational requirements may be published in different forms over different parts of the CIPRO portal.
- (4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO customer entering his access code on the CIPRO system and any record lodged after the CIPRO customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.
- (5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.
- (6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly

authorized representative acting within the scope of such person's authority.

- (7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that such suspension or termination will not effect existing rights of any person who has been using such electronic services."

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby amended –

- (a) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) All such fees shall, subject to such conditions as the Registrar may impose, be payable **[by means of revenue stamps or]** in such a manner as the Registrar may direct."; and

- (b) by the deletion of sub-regulation (3).

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

- "(1) The forms referred to in these regulations are the forms contained in Schedule 2, and such forms, whether in paper form or in any electronic form authorized by the Registrar for electronic services, shall be used in all cases to which they are applicable, but may be modified or amended to the extent necessary in the circumstances of a particular case."

Amendment of regulation 5 of the Regulations

6. Regulation 5 is hereby amended by the insertion of the following proviso at the end thereof:

"Provided that the requirements of this regulation are met if documents have been lodged in accordance with the operational requirements and proof of payment of the prescribed fee (if any), has been provided."

Amendment of regulation 6 of the Regulations

7. Regulation 6 is hereby amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Any document to be filed with the Registrar may be send through the post or in such electronic form and by such electronic means as authorized by the Registrar for electronic services. Any such document so sent shall not be deemed to has been duly sent until it is received by the Registrar.";

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) Any affidavit to be filed with the Registrar or served on any other person in terms of regulations 19 and 52 (2) may be sent by facsimile transmission or in such electronic form and by such electronic means as authorized by the Registrar for electronic services. Such transmitted copy or original electronic document, as the case may be, shall be received and accepted by the Registrar and any such other person and shall be deemed to be in compliance with these regulations: Provided that the original version of such affidavit is filled with the Registrar before noon on the court day but one day preceding the day upon which the matter is to be heard, or within 15 court days of the date of signature of the document, whichever is earlier.";

(c) by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) Any other document or copy to be filed with the Registrar or served on any other person in terms of the Act may be filed or served by facsimile transmission or by means of electronic transfer: Provided that the original document or copy, as the case may be, is filed or

served within 15 court days of the date of the signature thereof, unless the document or copy so transmitted complies with the requirements of regulation 1A(4) and is, therefore, deemed to be original.”.

Amendment of regulation 7 of the Regulations

8. Regulation 7 is hereby amended by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) An address for service may, in addition, contain a post office box number **[and]**, a facsimile transmission number and an e-mail address.”.

Amendment of forms in Schedule 2 of the Regulations

9. The forms contained in Schedule 2 are hereby amended by the deletion of the expression “Revenue stamp or revenue franking machine impression” where it appears therein.

No. R. 603

1 Julie 2005

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE

DEPARTEMENT VAN HANDEL EN NYWERHEID

WYSIGING VAN DIE REGULASIES KRAGTENS DIE WET OP HANDELSMERKE,
1993 (WET 194 VAN 1993)

Ek, MANDISI MPAHLWA, die Minister van Handel en Nywerheid het kragtens artikel 69 van die Wet op Handelsmerke, 1993 (Wet 194 van 1993) gelees met artikel 28 van die Wet op Elektroniese Kommunikasie en Transaksie, 2002 (Wet 25 van 2002), die Regulasies in die Bylae uitgevaardig.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hakies dui skrapings uit bestaande regulasies aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande regulasies aan.

Woordomskrywings

1. In hierdie regulasies beteken "die Regulasies" die Handelsmerkregulasies, 1995, gepubliseer by Goewermentskennisgewing No. R. 578 van 21 April 1995, soos gewysig by Goewermentskennisgewing No. R. 51 van 19 Januarie 1996, reggestel by Goewermentskennisgewing No. R. 368 van 1 Maart 1996 en gewysig by Goewermentskennisgewing No. R. 310 van 28 Februarie 1997 en Goewermentskennisgewing No. 211 van 15 Februarie 2002.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 word hierby vervang deur die volgende regulasie:

- "1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan in die Wet op Handelsmerke, 1993 (Wet 194 van 1993), 'n betekenis geheg is, die betekenis wat aldus daaraan geheg is, en beteken-

'aanteken' ook die skepping van 'n rekord op die CIPRO-stelsel;

'CIPRO' die "Companies and Intellectual Property Registration Office" wat 'n gekombineerde administratiewe kantoor is vir die onderskeie registrasiekantore ingestel of geag word ingestel te wees ingevolge die Wet, die Wet op Patente, 1978 (Wet No. 57 van 1978), die Wet op Modelle, 1993 (Wet No. 195 van 1993), die Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet No. 62 van 1977), die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984) en die Maatskappywet, 1973 (Wet No. 61 van 1973);

'CIPRO-kliënt' enige persoon wat elektroniese dienste gebruik en omvat enige persoon wat deur die registrateur toegelaat is om elektroniese dienste te gebruik, wat regtens namens 'n natuurlike of juristiese persoon mag optree, en wat derhalwe toegelaat is om elektroniese dienste te gebruik of te verskaf of om as tussenganger op te tree ten opsigte van elektroniese dienste;

'CIPRO-portaal' die Internet-webruimte of ander elektroniese portaal wat deel vorm van die CIPRO-stelsel;

'CIPRO-rekordbehoudstelsel' die stelsel wat deur CIPRO gebruik word om rekords te berg vir latere toegang, hetsy in papier, mikrofilm, elektronies of enige ander vorm;

'CIPRO-stelsel' die rekenaarsstelsel, insluitende die CIPRO-portaal, waardeur CIPRO elektroniese dienste verskaf, ongeag die medium of vorm van tegnologie wat onderliggend is aan sodanige dienste of deel daarvan vorm;

'die Wet' die Wet op Handelsmerke, 1993 (Wet 194 van 1993);

'elektroniese dienste' die dienste verskaf of beskikbaar gemaak deur CIPRO deur die CIPRO-stelsel ingevolge regulasie 1A;

'inspekteer' ook om toegang tot 'n rekord via die CIPRO-stelsel te verkry;

'Kantoor' die Kantoor van Handelsmerke bedoel in artikel 5 van die Wet;

'operasionele vereistes' die vereistes bepaal in regulasie 1A(2);

'Patentjoernaal' die amptelike joernaal van patente, modelle, handelsmerke en outeursreg in rolprentfilms van die Republiek van Suid-Afrika;

'rekord' insluitend 'n dokument en omgekeerd;

'spesifikasie' die aanwysing van goedere of dienste ten opsigte waarvan 'n handelsmerk geregistreer is of waarvan die registrasie voorgestel word;

'stuur' ook gee;

'toegangskode', die unieke identifikasiebesonderhede, hetsy alfa-numeries, biometries of andersins, wat die CIPRO-stelsel in staat stel om 'n persoon te identifiseer.'"

Invoeging van regulasie 1A in die Regulasies

3. Die volgende opskrif en regulasie word hierby na regulasie 1 ingevoeg:

"ELEKTRONIESE DIENSTE

- 1A. (1) Die Registrateur kan direk deur kennisgewing in die *Staatskoerant* opdrag gee dat aan enige vereiste ingevolge die Wet of hierdie regulasies, insluitende vereistes ten opsigte van inligting, rekords en betaling, kan of moet voldoen word in elektroniese vorm, behoudens die bepalings van die operasionele vereistes.

- (2) Die Registrateur moet operasionele vereistes vir die CIPRO-portaal publiseer waarin die vereistes, prosesse en prosedures ten opsigte van alle of bepaalde elektroniese dienste uiteengesit word, insluitend –
- (a) registrasieprosedures;
 - (b) identifikasie, outentisiteit en verifikasie;
 - (c) vorm en formaat van rekords;
 - (d) wyse en vorm van betaling;
 - (e) inligtingsekuriteitsvereistes; en
 - (f) rekordbehoudsvereistes.
- (3) Die operasionele vereistes kan in verskillende vorme oor verskillende dele van die CIPRO-portaal gepubliseer word.
- (4) Tensy enige ander vorm van elektroniese handtekening in die bedryfsvereistes gespesifiseer word, moet ingevolge die Wet of hierdie regulasies aan 'n ondertekeningvereiste ten opsigte van 'n rekord wat van CIPRO verkry moet word of by CIPRO ingedien moet word, voldoen word deur die CIPRO-kliënt wat sy toegangskode op die CIPRO-stelsel aanteken en enige rekord wat ingedien word nadat die CIPRO-kliënt sy eie toegangskode aangeteken het, word geag regtens onderteken te wees deur die persoon wie se handtekening ingevolge die Wet of hierdie regulasies vereis word vir doeleindes van sodanige rekord.
- (5) Waar enige vorm ingevolge die Wet of regulasies voorsiening maak vir 'n handtekening en sodanige vorm geag word onderteken te wees soos bepaal in subregulasie (4), sal dit nie nodig wees om op sodanige vorm aan te teken dat dit reeds onderteken is nie.

- (6) Tensy CIPRO vooraf skriftelik deur die houer van 'n toegangskode verwittig word om sodanige toegangskode te versper, is CIPRO daarop geregtig om te aanvaar dat die persoon wat elektroniese dienste gebruik, die persoon is aan wie die toegangskode uitgereik is of sodanige persoon se behoorlik gemagtigde verteenwoordiger wat binne die bestek van sodanige persoon se gesag optree.
- (7) CIPRO kan te eniger tyd elektroniese dienste opskort of beëindig sonder om aanspreeklik te wees vir sodanige optrede: Met dien verstande dat behoorlike kennis van sodanige opskorting of beëindiging gegee sal word en dat sodanige opskorting of beëindiging nie die bestaande regte van enige persoon wie die elektroniese dienste gebruik het, sal beïnvloed nie."

Wysiging van regulasie 2 van die Regulasies

4. Regulasie 2 word hierby gewysig –

- (a) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Alle sodanige gelde moet, behoudens sodanige voorwaardes as wat die Registrateur stel, **[by wyse van inkomsteseëls]** betaal word **[of]** op die **[ander]** wyse wat die Registrateur gelas."; en

- (b) deur die weglating van subregulasie (3).

Wysiging van regulasie 3 van die Regulasies

5. Regulasie 3 word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Die vorms bedoel in hierdie regulasies is die vorms vervat in Bylae 2, en sodanige vorms, hetsy in papiervorm of in enige elektroniese vorm deur die Registrateur gemagtig vir elektroniese dienste, word gebruik in alle gevalle waarop hulle van toepassing is, maar hulle kan gewysig of verander word in die mate wat onder die omstandighede van 'n bepaalde geval nodig is."

Wysiging van regulasie 5 van die Regulasies

6. Regulasie 5 word hierby gewysig deur die invoeging van die volgende voorbehoudsbepaling aan die einde daarvan:

"Met dien verstande dat die vereistes van hierdie regulasie nagekom word indien dokumente aangeteken is ooreenkomstig die operasionele vereistes, en bewys van betaling van die voorgeskrewe geld (as daar is) verskaf is."

Wysiging van regulasie 6 van die Regulasies

7. Regulasie 6 word hierby gewysig -

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Enige dokument wat by die Registrateur ingedien moet word, kan per pos gestuur word of in sodanige elektroniese vorm en op sodanige elektroniese wyse as wat deur die Registrateur gemagtig is vir elektroniese dienste. 'n Dokument wat aldus so gestuur word, word nie geag behoorlik gestuur te wees nie alvorens dit deur die Registrateur ontvang is.";

- (b) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) 'n Beëdigde verklaring wat by die Registrateur ingedien of aan 'n ander persoon beteken moet word ingevolge regulasies 19 en 56(2), kan per faksimileëversending gestuur word of in sodanige elektroniese vorm en op sodanige elektroniese wyse soos deur die Registrateur gemagtig vir elektroniese dienste. Sodanige dokument of oorspronklike elektroniese dokument, na gelang van die geval, aldus gestuur moet deur die Registrateur en sodanige ander persoon ontvang en aanvaar word en moet geag word in ooreenstemming met hierdie regulasies te wees: Met dien verstande dat die oorspronklike weergawe van sodanige beëdigde verklaring by die Registrateur ingedien word voor middag op

die tweede hofdag voor die dag waarop die aangeleentheid verhoor moet word, of binne 15 hofdae na die datum van ondertekening van die dokument, watter ook al die vroegste is.";

(c) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) Enige ander dokument of afskrif wat ingevolge die Wet by die Registrateur ingedien of aan 'n ander persoon beteken moet word, kan per faksimileeversending of elektroniese oordrag ingedien of beteken word: Met dien verstande dat die oorspronklike dokument of afskrif, na gelang van die geval, binne 15 hofdae na die datum van die ondertekening daarvan ingedien of beteken is, tensy die dokument of afskrif aldus oorgedra, aan die vereistes van regulasie 1A(4) voldoen en derhalwe geag word oorspronklik te wees.".

Wysiging van regulasie 7 van die Regulasies

8. Regulasie 7 word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

(3) 'n Adres vir betekening kan daarbenewens 'n posbusnommer [en], 'n faksimileeversendingsnommer en 'n e-posadres bevat."

Wysiging van vorms in Bylae 2 van die Regulasies

9. Die vorms vervat in Bylae 2 word hierby gewysig deur die uitdrukking "Inkomsteseëls of inkomstefrankeermasjienafdruk" weg te laat waar ook al dit daarin verskyn.

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE**AMENDMENT OF THE REGULATIONS ISSUED UNDER THE PATENTS ACT,
1978, (ACT 57 OF 1978)**

I, MANDISI MPAHLWA, the Minister of Trade and Industry have under section 91 of the Patents Act, 1978 (Act 57 of 1978), read with section 28 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), amended the Patent Regulations, 1978, in accordance with the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definitions

1. In these regulations "the Regulations" mean the Patent Regulations, 1978, published under Government Notice No. R.2470 of 15 December 1978, as corrected by Government Notice No. R.697 of 30 March 1979 and as amended by Government Notices Nos. R.1110 of 30 May 1984, R.1613 of 3 August 1984, R.1364 of 4 July 1986, R.1482 of 29 July 1988, R.2703 of 15 December 1989, R.3038 of 28 December 1990, R.687 of 28 March 1991, R.1566 of 5 July 1991, R.3163 of 27 December 1991, R.3433 of 31 December 1992, R.2514 of 31 December 1993, R.478 of 31 March 1995, R.49 of 19 January 1996, R.309 of 28 February 1997, R.963 of 11 July 1997, R.250 of 26 February 1999, R.327 of 12 March 1999, R.824 of 28 June 1999, R.1270 of 21 October 1999, R.1552 of 30 December 1999, R.1432 of 29 December 2000, R.309 of 30 March 2001, R.746 of 17 August 2001, R.1032 of 19 October 2001, R.216 of 1 March 2002, R.567 of 23 April 2003, R.1358 of 16 May 2003, R.721 of 29 May 2003, R.963 of 2 July 2003 and R.1342 of 23 September 2003.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

“1. In these regulations the expression “the Act” means the Patents Act, 1978, and, unless the context otherwise indicates, an expression used in these regulations to which a meaning has been assigned in the Act shall bear the meaning so assigned, and -

‘access code’ means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

‘CIPRO’ means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Trade Marks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), the Close Corporations Act, 1984 (Act 69 of 1984), and the Companies Act, 1973 (Act 61 of 1973);

‘CIPRO customer’ means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

‘CIPRO portal’ means the Internet website or other electronic portal forming part of the CIPRO system;

‘CIPRO record retention system’ means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

'office' means the patent office established under section 5(1) of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'priority document' means a copy of the application and all relevant documents lodged with such application in a convention country certified by the authority with whom the application in the convention country was filed."

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

(a) registration procedures;

- (b) identification, authentication and verification;
 - (c) form and format of records;
 - (d) manner and form of payment;
 - (d) information security requirements; and
 - (e) record retention requirements.
- (3) The operational requirements may be published in different forms over different parts of the CIPRO portal.
- (4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO customer entering his access code on the CIPRO system and any record lodged after the CIPRO customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.
- (5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.
- (6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.
- (7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that

such suspension or termination will not effect existing rights of any person who has been using such electronic services.”.

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby substituted by the following regulation:

“2. The fees to be paid in terms of the Act shall be the fees specified in Schedule 1 to the Regulations and shall be payable **[as follows:**

(a) **By affixing revenue stamps to any relevant document which stamps may be cancelled by a receiver of revenue or the registrar;**

(b) **by impressing a stamp on any relevant document by means of a die approved by the Secretary of Inland Revenue; or**

(c)] **in such [other] manner as the registrar may direct.”.**

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby substituted by the following regulation:

“3. The forms referred to in these regulations are the forms contained in Schedule 2 hereto and such forms, whether in paper form or in any electronic form authorized by the registrar for electronic services, shall be used substantially in the manner prescribed for those cases to which they apply, but may be modified or amended with the approval of the registrar provided that such modifications or amendments shall not substantially affect their identity.”.

Amendment of regulation 13 of the Regulations

6. Regulation 13 is hereby substituted by the following regulation:

“13. All documents shall be so presented as to permit of direct reproduction by photography, **[or]** reprography or electronic means, as the case may be, in an unlimited number of copies. Where paper forms are used, [All] all

sheets shall be free of cracks, creases and folds. Only one side of a sheet shall be used, except where otherwise specified.

Amendment of regulation 14 of the Regulations

7. Regulation 14 is hereby substituted by the following regulation:

“14. All documents which are not photocopies of other documents shall be on A4 paper which shall be strong, pliable, smooth, matt and durable or in such electronic form as authorized by the registrar for electronic services. Each sheet shall be used with its short sides at the top and bottom (except where inappropriate in the case of drawings).

Amendment of regulation 21 of the Regulations

8. Regulation 21 is hereby substituted by the following regulation:

“21. Drawings shall be on strong, pliable, smooth, matt and durable drawing paper or on strong, pliable, smooth, matt and durable tracing cloth or in such electronic form as authorized by the registrar for electronic services and shall be executed without colouring in durable, black, sufficiently dense and dark, uniformly thick and well defined lines and strokes to permit of satisfactory reproduction.

Amendment of forms in Schedule 2 of the Regulations

9. The forms contained in Schedule 2 are hereby amended by the deletion of the expression “Revenue stamps or revenue franking machine impression” where it appears therein.

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE**DEPARTEMENT VAN HANDEL EN NYWERHEID****WYSIGING VAN DIE REGULASIES KRAGTENS DIE WET OP PATENTE, 1978,
(WET 57 VAN 1978)**

Ek, MANDISI MPAHLWA, die Minister van Handel en Nywerheid het kragtens artikel 91 van die Wet op Patente, 1978 (Wet 57 van 1978) gelees met artikel 28 van die Wet op Elektroniese Kommunikasie en Transaksie, 2002 (Wet 25 van 2002), die Regulasies in die Bylae uitgevaardig.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hakies dui skappings uit bestaande regulasies aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande regulasies aan.

Woordomskrywings

1. In hierdie regulasies beteken "die Regulasies" die Patenteregulasies, 1978, gepubliseer by Goewermentskennisgewing No. R. 2470 van 15 Desember 1978, reggestel by Goewermentskennisgewing No. R. 697 van 30 Maart 1979, soos gewysig by Goewermentskennisgewings No. R. 1110 van 30 Mei 1984, R. 1613 van 3 Augustus 1984, R. 1364 van 4 Julie 1986, R. 1482 van 29 Julie 1988, R. 2703 van 15 Desember 1989, R. 3038 van 28 Desember 1990, R. 687 van 28 Maart 1991, R. 1566 van 5 Julie 1991, R. 3163 van 27 Desember 1991, R. 3433 van 31 Desember 1992, R. 2514 van 31 Desember 1993, R. 478 van 31 Maart

1995, R. 49 van 19 Januarie 1996, R. 309 van 28 Februarie 1997, R. 963 van 11 Julie 1997, R. 250 van 26 Februarie 1999, R. 327 van 12 Maart 1999, R. 824 van 28 Junie 1999, R. 1270 van 21 Oktober 1999, R. 1552 van 30 Desember 1999, R. 1432 van 29 Desember 2000, R. 309 van 30 Maart 2001, R. 746 van 17 Augustus 2001, R. 1032 van 19 Oktober 2001, R. 216 van 1 Maart 2002, R. 567 van 23 April 2003, R. 1358 van 16 Mei 2003, R. 721 van 29 Mei 2003, R. 963 van 2 Julie 2003 en R. 1342 van 23 September 2003.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 word hierby vervang deur die volgende regulasie:

- "1. In hierdie regulasies, die uitdrukking "die Wet" beteken die Wet op Patente, 1978, en 'n uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken -

'aanteken' ook die skepping van 'n rekord op die CIPRO-stelsel;

'CIPRO' die "Companies and Intellectual Property Registration Office" wat 'n gekombineerde administratiewe kantoor is vir die onderskeie registrasiekantore ingestel of geag word ingestel te wees ingevolge die Wet, die Wet op Patente, 1978 (Wet No. 57 van 1978), die Wet op Modelle, 1993 (Wet No. 195 van 1993), die Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet No. 62 van 1977), die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984) en die Maatskappywet, 1973 (Wet No. 61 van 1973);

'CIPRO-kliënt' enige persoon wat elektroniese dienste gebruik en omvat enige persoon wat deur die Registrateur toegelaat is om elektroniese dienste te gebruik, wat regtens namens 'n natuurlike of juristiese persoon mag optree, en wat derhalwe toegelaat is om elektroniese dienste te gebruik of te verskaf of om as tussenganger op te tree ten opsigte van elektroniese dienste;

'CIPRO-portaal' die Internet-webruimte of ander elektroniese portaal wat deel vorm van die CIPRO-stelsel;

'CIPRO-rekordbehoudstelsel' die stelsel wat deur CIPRO gebruik word om rekords te berg vir latere toegang, hetsy in papier, mikrofilm, elektronies of enige ander vorm;

'CIPRO-stelsel' die rekenaarstelsel, insluitende die CIPRO-portaal, waardeur CIPRO elektroniese dienste verskaf, ongeag die medium of vorm van tegnologie wat onderliggend is aan sodanige dienste of deel daarvan vorm;

'elektroniese dienste' die dienste verskaf of beskikbaar gemaak deur CIPRO deur die CIPRO-stelsel ingevolge regulasie 1A;

'inspekteer' ook om toegang tot 'n rekord via die CIPRO-stelsel te verkry;

'Kantoor' die patentekantoor bedoel in artikel 5 van die Wet;

'operasionele vereistes' die vereistes bepaal in regulasie 1A(2);

'voorkeurstuk' 'n afskrif van die aansoek en alle tersaaklike stukke wat tesame met sodanige aansoek in 'n konvensiëland ingedien is, gesertifiseer deur die owerheid by wie die aansoek in die konvensiëland ingedien is;

'toegangskode', die unieke identifikasiebesonderhede, hetsy alfa-numeries, biometries of andersins, wat die CIPRO-stelsel in staat stel om 'n persoon te identifiseer.'.

Invoeging van regulasie 1A in die Regulasies

3. Die volgende opskrif en regulasie word hierby na regulasie 1 ingevoeg:

"ELEKTRONIESE DIENSTE

- 1A. (1) Die Registrateur kan direk deur kennisgewing in die *Staatskoerant* opdrag gee dat aan enige vereiste ingevolge die Wet of hierdie regulasies, insluitende vereistes ten opsigte van inligting, rekords en betaling, kan of moet voldoen word in elektroniese vorm, behoudens die bepalinge van die operasionele vereistes.
- (2) Die Registrateur moet operasionele vereistes vir die CIPRO-portaal publiseer waarin die vereistes, prosesse en prosedures ten opsigte van alle of bepaalde elektroniese dienste uiteengesit word, insluitend –
- (a) registrasieprosedures;
 - (b) identifikasie, outentisiteit en verifikasie;
 - (c) vorm en formaat van rekords;
 - (d) wyse en vorm van betaling;
 - (e) inligtingsekuriteitsvereistes; en
 - (f) rekordbehoudsvereistes.
- (3) Die operasionele vereistes kan in verskillende vorme oor verskillende dele van die CIPRO-portaal gepubliseer word.
- (4) Tensy enige ander vorm van elektroniese handtekening in die bedryfsvereistes gespesifiseer word, moet ingevolge die Wet of hierdie regulasies aan 'n ondertekeningsvereiste ten opsigte van 'n rekord wat van CIPRO verkry moet word of by CIPRO ingedien moet word, voldoen word deur die CIPRO-kliënt wat sy toegangskode op die CIPRO-stelsel aanteken en enige rekord wat ingedien word nadat die CIPRO-kliënt sy eie toegangskode aangeteken het, word geag regtens onderteken te wees deur die persoon wie se handtekening ingevolge die Wet of hierdie regulasies vereis word vir doeleindes van sodanige rekord.

- (5) Waar enige vorm ingevolge die Wet of regulasies voorsiening maak vir 'n handtekening en sodanige vorm geag word onderteken te wees soos bepaal in subregulasie (4), sal dit nie nodig wees om op sodanige vorm aan te teken dat dit reeds onderteken is nie.
- (6) Tensy CIPRO vooraf skriftelik deur die houer van 'n toegangskode verwittig word om sodanige toegangskode te versper, is CIPRO daarop geregtig om te aanvaar dat die persoon wat elektroniese dienste gebruik, die persoon is aan wie die toegangskode uitgereik is of sodanige persoon se behoorlik gemagtigde verteenwoordiger wat binne die bestek van sodanige persoon se gesag optree.
- (7) CIPRO kan te eniger tyd elektroniese dienste opskort of beëindig sonder om aanspreeklik te wees vir sodanige optrede. Met dien verstande dat behoorlike kennis van sodanige opskorting of beëindiging gegee sal word en dat sodanige opskorting of beëindiging nie die bestaande regte van enige persoon wie die elektroniese dienste gebruik het, sal beïnvloed nie."

Wysiging van regulasie 2 van die Regulasies

4. Regulasie 2 word hierby deur die volgende regulasie vervang:

"2. Die gelde wat ingevolge die Wet betaal moet word, is dié gelde wat in Bylae 1 van hierdie Regulasies voorgeskryf word en is **[soos volg]** betaalbaar [:]

[(a) Deur die opplak van inkomste seëls op 'n tersaaklike stuk, welke seëls deur 'n ontvanger van inkomste of die registrateur gekanselleer kan word; of

(b) deur 'n seël op 'n tersaaklike stuk te druk deur middle van 'n stempel wat deur die Sekretaris van Binnelandse Inkomste goedgekeur is; of

(c)] op sodanige [ander] wyse as wat die registrateur gelas."

Wysiging van regulasie 3 van die Regulasies

5. Regulasie 3 word hierby deur die volgende regulasie vervang:

"3. Die vorms wat in hierdie regulasies genoem word, is die vorms vervat in Bylae 2 hiervan en sodanige vorms, hetsy in papiervorm of in enige elektroniese vorm deur die registrateur gemagtig vir elektroniese dienste, moet in wese gebruik word op die manier voorgeskryf vir daardie gevalle waarop hulle van toepassing is, maar kan met die goedkeuring van die registrateur verander of gewysig word, mits sodanige veranderings of wysigings hulle identiteit nie wesenlik raak nie."

Wysiging van regulasie 13 van die Regulasies

6. Regulasie 13 word hierby deur die volgende regulasie vervang:

"13. Alle stukke moet só aangebied word dat die regstreekse reproduksie van 'n onbeperkte aantal afskrifte deur fotografie, [of] repografie of elektroniese dienste, na gelang van die geval, moontlik is. Waar papier vorms gebruik word, [Alle] moet alle velle [moet] vry wees van krake, kreukels en voue. Slegs een kant van 'n vel moet gebruik word, tensy anders voorgeskryf."

Wysiging van regulasie 14 van die Regulasies

7. Regulasie 14 word hierby deur die volgende regulasie vervang:

"14. Alle stukke wat nie fotokopieë van ander stukke is nie moet op A4-papier wees wat sterk, buigsaam, glad, dof en duursaam is of in sodanige elektroniese vorm is soos deur die registrateur gemagtig vir elektroniese dienste. Elke vel moet met die kort kante bo en onder gebruik word (behalwe waar dit in die geval van tekeninge ongepas is)."

Wysiging van regulasie 21 van die Regulasies

8. Regulasie 21 word hierby deur die volgende regulasie vervang:

"21. Tekeninge moet op sterk, buigsame, wit, gladde, dowwe en duursame tekenpapier wees, of op sterk, buigsame en duursame natrekdoek of in sodanige elektroniese vorm soos deur die registrateur gemagtig vir elektroniese dienste, en moet sonder kleuring uitgevoer word in duursame, swarty, voldoende dig en donker, egalig dil en skerp begrensde lyne en hale om bevredigende reproduksie te verseker."

Wysiging van vorms in Bylae 2 van die Regulasies

9. Die vorms vervat in Bylae 2 word hierby gewysig deur die uitdrukking "Inkomsteseëls of frankeermasjienafdruk" weg te laat waar ook al dit daarin verskyn.

No. R. 605**1 July 2005**

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE
AMENDMENT TO THE COMPANIES ADMINISTRATIVE REGULATIONS, 1973

I, MANDISI MPAHLWA, the Minister of Trade and Industry has under section 15 of the Companies Act, 1973 (Act 61 of 1973), read with section 28 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), amend the Companies Administrative Regulations in accordance with the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

Definition

1. In these regulations "the Regulations" mean the Companies Administrative Regulations, 1973, published under Government Notice No. R.1948 of 19 October 1973, as amended.

Amendment of forms in Schedule 2 of the Regulations

2. Schedule 2 is hereby amended –
 - (a) by the deletion of the words "Paste revenue receipt here or Affix revenue stamps here or Impress revenue franking machine impression here" where they appear in Forms CM 2, CM 4, CM 11, CM 46 and CM 49; and
 - (b) by the deletion of the expression "Revenue stamp or revenue franking machine impression" where it appears in Forms CM 5, CM 6, CM 7, CM 8, CM 8A, CM 9, CM 9A, CM 17, CM 18, CM 26, CM 32, CM 33, CM 35, CM 39, CM 45, CM 50, CM 51 and CM52.

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE
WYSIGING VAN DIE ADMINISTRATIEWE REGULASIES VIR MAATSKAPPYE,
1973

Ek, MANDISI MPAHLWA, die Minister van Handel en Nywerheid het kragtens artikel 15 van die Wet op Maatskappy, 1973 (Wet 61 van 1973) gelees met artikel 28 van die Wet op Elektroniese Kommunikasie en Transaksie, 2002 (Wet 25 van 2002), die Administratiewe Regulasies vir Maatskappy ooreenkomstig die Bylae gewysig.

BYLAE

Definisies

1. In hierdie regulasies beteken "die Regulasies" die Administratiewe Regulasies vir Maatskappy, 1973, gepubliseer by Goewermentskennisgewing No. R. 1948 van 19 Oktober 1973, soos gewysig.

Wysiging van vorms in Bylae 2 van die Regulasies

2. Bylae 2 word hierby gewysig –
 - (a) deur die skrapping van die woorde "Plak inkomstekwitansie hier of Plak inkomsteseëls hier of Stempel inkomstefrankeermasjienstempel hier" , waar dit voorkom in Vorms CM 2, CM 4, CM 11, CM 46 and CM 49; en
 - (b) deur die skrapping van die uitdrukking "Inkomsteseëls of inkomstefrankeermasjienafdruk" waar dit voorkom in Vorms CM 5, CM 6, CM 7, CM 8, CM 8A, CM 9, CM 9A, CM 17, CM 18, CM 26, CM 32, CM 33, CM 35, CM 39, CM 45, CM 50, CM 51 en CM52.

No. R. 606

1 July 2005

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE**AMENDMENT OF THE REGULATIONS ISSUED UNDER THE REGISTRATION OF
COPYRIGHT IN CINEMATOGRAPH FILMS ACT, 1977 (ACT 62 OF 1977)**

I, MANDISI MPAHLWA, The Minister of Trade and Industry have under section 45 of the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977) read with section 28 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), amended the Regulations made under the said Act in accordance with the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definitions

1. In these regulations "the Regulations" mean the Regulations made under the Registration of Copyright in Cinematograph Films Act, 1980, and published in Government Notice No. R.2140 of 24 October 1980, as amended.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977), bears the meaning so assigned, and-

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Patents Act, 1978 (Act 194 of 1993), the Trade Marks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), the Close Corporations Act, 1984 (Act 69 of 1984) and the Companies Act, 1973 (Act 61 of 1973);

'CIPRO customer' means any person using electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a natural or juristic person, and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or any other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

"Patent Journal" means the official journal of patents, designs and trade marks of the Republic of South Africa;

"Office " means the registration office for copyright in cinematograph films established under section 2 of the Act;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' includes a document and vice versa;

'The Act' means the Registration of Copyright in Cinematograph Films Act, 1977 (Act 62 of 1977).".

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

(a) registration procedures;

(b) identification, authentication and verification;

(c) form and format of records;

(d) manner and form of payment;

- (e) information security requirements; and
 - (f) record retention requirements.
- (3) The operational requirements may be published in different forms over different parts of the CIPRO portal.
- (4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO user entering his access code on the CIPRO system and any record lodged after the CIPRO user having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.
- (5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.
- (6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.
- (7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that such suspension or termination will not effect existing rights of any person who has been using such electronic services."

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby substituted by the following regulation:

"2. The fees to be paid in terms of the Act shall be the fees specified in Schedule 1 hereto, and shall be payable in such manner as the Registrar may direct."

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby substituted by the following regulation:

"3. The forms referred to in these regulations are the forms contained in Schedule 2 hereto and the forms used whether in paper form or in any electronic form authorized by the Registrar for electronic services, shall be substantially in the form of those prescribed for the cases concerned but may be modified or amended with the approval of the Registrar provided that such modification or amendments shall not substantially affect their identity."

Amendment of regulation 4 of the Regulations

6. Regulation 4 is hereby amended by the insertion of the following proviso at the end thereof:

"Provided that the requirements of this regulation are met if documents have been lodged in accordance with the operational requirements and proof of payment of the prescribed fee (if any) has been provided."

Amendment of regulation 5 of the Regulations

7. Regulation 5 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Any application, statement, notice or other document authorized or required to be lodged, left, made or given with, to or at the Office or with or to the Registrar may be sent through the post [; and] or in such electronic form and by such electronic means as authorized by the Registrar for electronic services: Provided that such document so sent shall not be deemed to have been duly sent unless and until it is actually received in the Office."

Amendment of regulation 6 of the Regulations

8. Regulation 6 is hereby amended by the substitution for sub-regulation (4) of the following sub-regulation:

“(4) An address for service may, in addition, contain a post office box number or an e-mail address in special cases if such additional information could facilitate postal delivery or e-mail notification.”.

Amendment of forms in Schedule 2 of the Regulations

9. The forms contained in Schedule 2 are hereby amended by the deletion of the expression “Revenue stamp or revenue franking machine impression” where it appears therein.

No. R. 606

1 Julie 2005

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE**DEPARTEMENT VAN HANDEL EN NYWERHEID****WYSIGING VAN DIE REGULASIES KRAGTENS DIE WET OP REGISTRASIE VAN
OUTEURSREG IN ROLPRENTE, 1977 (WET 62 VAN 1977)**

Ek, MANDISI MPAHLWA, die Minister van Handel en Nywerheid het kragtens artikel 45 van die Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet 62 van 1977) gelees met artikel 28 van die Wet op Elektroniese Kommunikasie en Transaksie, 2002 (Wet 25 van 2002), die Regulasies in die Bylae uitgevaardig.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hakies dui skappings uit bestaande regulasies aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande regulasies aan.

Woordomskrywings

1. In hierdie regulasies beteken "die Regulasies" die Regulasies uitgevaardig kragtens die Wet op Registrasie van Outeursreg in Rolprente, 1977 en gepubliseer by Goewermentskennisgewing No. R. 2140 van 24 Oktober 1980, soos gewysig.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 word hierby vervang deur die volgende regulasie:

- "1. In hierdie regulasies het 'n uitdrukking waaraan in die Wet op Registrasie van Outeursreg in Rolprente, 1977, 'n betekenis geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken –

'aanteken' ook die skepping van 'n rekord op die CIPRO-stelsel;

'CIPRO' die "Companies and Intellectual Property Registration Office" wat 'n gekombineerde administratiewe kantoor is vir die onderskeie registrasiekantore ingestel of geag word ingestel te wees ingevolge die Wet, die Wet op Patente, 1978 (Wet No. 57 van 1978), die Wet op Modelle, 1993 (Wet No. 195 van 1993), die Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet No. 62 van 1977), die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984) en die Maatskappywet, 1973 (Wet No. 61 van 1973);

'CIPRO-kliënt' enige persoon wat elektroniese dienste gebruik en omvat enige persoon wat deur die Registrateur toegelaat is om elektroniese dienste te gebruik, wat regtens namens 'n natuurlike of juristiese persoon mag optree, en wat derhalwe toegelaat is om elektroniese dienste te gebruik of te verskaf of om as tussenganger op te tree ten opsigte van elektroniese dienste;

'CIPRO-portaal' die Internet-webruimte of ander elektroniese portaal wat deel vorm van die CIPRO-stelsel;

'CIPRO-rekordbehoudstelsel' die stelsel wat deur CIPRO gebruik word om rekords te berg vir latere toegang, hetsy in papier, mikrofilm, elektronies of enige ander vorm;

'CIPRO-stelsel' die rekenaarstelsel, insluitende die CIPRO-portaal, waardeur CIPRO elektroniese dienste verskaf, ongeag die medium of vorm van tegnologie wat onderliggend is aan sodanige dienste of deel daarvan vorm;

'elektroniese dienste' die dienste verskaf of beskikbaar gemaak deur CIPRO deur die CIPRO-stelsel ingevolge regulasie 1A;

'die Wet' die Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet No. 62 of 1977);

'inspekteer' ook om toegang tot 'n rekord via die CIPRO-stelsel te verkry;

'Kantoor' die registrasiekantoor vir outeursreg in rolprente wat ingevolge artikel 2 van die Wet ingestel is;

'operasionele vereistes' die vereistes bepaal in regulasie 1A(2);

'Patentjoernaal' die amptelike joernaal van patente, modelle en handelsmerke van die Republiek van Suid-Afrika;

'rekord' insluitend 'n dokument en omgekeerd;

'toegangskode', die unieke identifikasiebesonderhede, hetsy alfa-numeries, biometries of andersins, wat die CIPRO-stelsel in staat stel om 'n persoon te identifiseer.'"

Invoeging van regulasie 1A in die Regulasies

3. Die volgende opskrif en regulasie word hierby na regulasie 1 ingevoeg:

"ELEKTRONIESE DIENSTE

1A. (1) Die Registrateur kan direk deur kennisgewing in die Staatskoerant opdrag gee dat aan enige vereiste ingevolge die Wet of hierdie regulasies, insluitende vereistes ten opsigte van inligting, rekords en betaling, kan of moet voldoen word in elektroniese vorm, behoudens die bepalings van die operasionele vereistes.

(2) Die Registrateur moet operasionele vereistes vir die CIPRO-portaal publiseer waarin die vereistes, prosesse en prosedures ten opsigte van alle of bepaalde elektroniese dienste uiteengesit word, insluitende –

- (a) registrasieprosedures;
 - (b) identifikasie, outentisiteit en verifikasie;
 - (c) vorm en formaat van rekords;
 - (d) wyse en vorm van betaling;
 - (e) inligtingsekuriteitsvereistes; en
 - (f) rekordbehoudsvereistes.
- (3) Die operasionele vereistes kan in verskillende vorme oor verskillende dele van die CIPRO-portaal gepubliseer word
- (4) Tensy enige ander vorm van elektroniese handtekening in die bedryfsvereistes gespesifiseer word, moet ingevolge die Wet of hierdie regulasies aan 'n ondertekeningvereiste ten opsigte van 'n rekord wat van CIPRO verkry moet word of by CIPRO ingedien moet word, voldoen word deur die CIPRO-kliënt wat sy toegangskode op die CIPRO-stelsel aanteken en enige rekord wat ingedien word nadat die CIPRO-kliënt sy eie toegangskode aangeteken het, word geag regtens onderteken te wees deur die persoon wie se handtekening ingevolge die Wet of hierdie regulasies vereis word vir doeleindes van sodanige rekord.
- (5) Waar enige vorm ingevolge die Wet of regulasies voorsiening maak vir 'n handtekening en sodanige vorm geag word onderteken te wees soos bepaal in subregulasie (4), sal dit nie nodig wees om op sodanige vorm aan te teken dat dit reeds onderteken is nie.
- (6) Tensy CIPRO vooraf skriftelik deur die houer van 'n toegangskode verwittig word om sodanige toegangskode te versper, is CIPRO daarop geregtig om te aanvaar dat die persoon wat elektroniese dienste gebruik, die persoon is aan wie die toegangskode uitgereik is of sodanige persoon se behoorlik

gemagtigde verteenwoordiger wat binne die bestek van sodanige persoon se gesag optree.

- (7) CIPRO kan te eniger tyd elektroniese dienste opskort of beëindig sonder om aanspreeklik te wees vir sodanige optrede: Met dien verstande dat behoorlike kennis van sodanige opskorting of beëindiging gegee sal word en dat sodanige opskorting of beëindiging nie die bestaande regte van enige persoon wie die elektroniese dienste gebruik het, sal beïnvloed nie."

Wysiging van regulasie 2 van die Regulasies

4. Deur Regulasie 2 deur die volgende subregulasie te vervang:

"2. Die gelde wat kragtens die Wet betaal moet word, sal die gelde wees gespesifiseer in Bylae 1 hiervan, en sal betaalbaar wees op sodanige wyse as wat die Registrateur bepaal."

Wysiging van regulasie 3 van die Regulasies

5. Deur Regulasie 3 deur die volgende regulasie te vervang:

"3. Die vorms wat in hierdie regulasies genoem word, is die vorms vervat in Bylae 2 hiervan, en die vorms wat gebruik word, welke in papier vorm of in 'n elektroniese vorm soos deur die Registrateur goedgekeur vir elektroniese dienste, moet in wese die vorm wees van dié wat vir die betrokke gevalle voorgeskryf is, maar kan met die goedkeuring van die Registrateur verander of gewysig word, mits sodanige veranderings of wysigings hulle identiteit nie wesentlik raak nie."

Wysiging van regulasie 4 van die Regulasies

6. Regulasie 4 word hierby gewysig deur die invoeging van die volgende voorbehoudbepaling aan die einde daarvan:

"Met dien verstande dat die vereistes van hierdie regulasie nagekom word indien dokumente aangeteken is ooreenkomstig die operasionele vereistes, en bewys van betaling van die voorgeskrewe geld (as daar is) verskaf is."

Wysiging van regulasie 5 van die Regulasies

7. Regulasie 5 word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Enige aansoek, verklaring, kennisgewing af ander dokument wat ingedien, gelaat, gerig of gegee kan of moet word by of aan die Kantoor van die Registrateur, kan per pos of in sodanige elektroniese vorm en op sodanige elektroniese wyse as wat deur die Registrateur gemagtig is vir elektroniese dienste gestuur word [; 'n] Met dien verstande dat sodanige dokument aldus versend, word nie geag behoorlik gestuur te wees nie totdat dit deur die Registrateur ontvang is."

Wysiging van regulasie 6 van die Regulasies

8. Regulasie 6 word hierby gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) In spesiale gevalle kan 'n adres vir bestelling 'n posbusnommer of 'n e-posadres bevat indien sodanige bykomende inligting posaflewering of e-pos kennisgewing kan vergemaklik."

Wysiging van vorms in Bylae 2 van die Regulasies

9. Die vorms vervat in Bylae 2 word hierby gewysig deur die uitdrukking "Inkomsteseëls of inkomstefrankeermasjienafdruk" weg te laat waar ook al dit daarin verskyn.

No. R. 607

1 July 2005

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE
AMENDMENT TO THE CLOSE CORPORATIONS ADMINISTRATIVE
REGULATIONS, 1984

I, MANDISI MPAHLWA, the Minister of Trade and Industry has under section 10 of the Close Corporations Act, 1984, read with section 28 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), amended Close Corporations Administrative Regulations, 1984, in accordance with the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definition

1. In these regulations "the Regulations" mean the Close Corporations Administrative Regulations, 1984, published under Government Notice No. R.2487 of 16 November 1984, as amended.

Substitution of regulation 1 of the Regulations

2. Regulation 1 is hereby substituted by the following regulation:

"1. In these regulations, unless the context otherwise indicates—

'access code' means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

'Act' means the Close Corporations Act, 1984 (Act 69 of 1984);

'CIPRO' means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established under the Act, the Companies Act, 1973 (Act 61 of 1973), the Trademarks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), and the Patents Act, 1978 (Act 57 of 1978);

'CIPRO customer' means any person making use of electronic services and includes any person who has been allowed by the Registrar to use electronic services, who is legally entitled to act on behalf of a corporation and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

'CIPRO portal' means the Internet website or other electronic portal forming part of the CIPRO system;

'CIPRO record retention system' means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or other form;

'CIPRO system' means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

'electronic services' means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 1A;

'forms' means the prescribed forms contemplated in Schedule 4;

'inspect' includes obtaining access to a record via the CIPRO system;

'lodge' includes the creation of a record on the CIPRO system;

'operational requirements' means the requirements provided for in regulation 1A(2);

'record' in relation to a close corporation, includes a document and vice versa, accounting records, books and papers as contemplated in section 56 of the Act."

Insertion of regulation 1A in the Regulations

3. The following heading and regulation is hereby inserted after regulation 1:

"ELECTRONIC SERVICES

1A. (1) The Registrar may direct by notice in the Gazette that any requirement under the Act or these regulations, including requirements in respect of information, records and payment, may or must be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The Registrar must publish operational requirements on the CIPRO portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

- (a) registration procedures;
- (b) identification, authentication and verification;
- (c) form and format of records;
- (d) manner and form of payment;
- (d) information security requirements; and
- (e) record retention requirements.

(3) The operational requirements may be published in different forms over different parts of the CIPRO portal.

- (4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with CIPRO is satisfied by the CIPRO customer entering his access code on the CIPRO system and any record lodged after the CIPRO customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.
- (5) Where any form under the Act or regulations makes provision for a signature and such form is deemed to be signed as provided for in sub-regulation (4), it shall not be necessary to have recorded on such form that it had been signed.
- (6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.
- (7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that such suspension or termination will not affect existing rights of any person who has been using such electronic services."

Amendment of regulation 2 of the Regulations

4. Regulation 2 is hereby amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

'(1) All documents lodged with the Registration Office shall, unless the Registrar otherwise directs, be written in block capitals or be typewritten, lithographed or printed in legible characters, with deep permanent black ink on one side only of strong white paper approximately 298 millimeters by 207 millimeters in size (international paper size A4): Provided that [paper of different

sizes and of different colours my be specified for forms to be lodged with the Registrar] the requirements of this regulation are met if documents have been lodged in accordance with the operational requirements and proof of payment of the prescribed fee (if any), has been provided.”;

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) Documents or copies of documents to be transmitted or returned to any corporation or person may, unless the Registrar otherwise directs in any particular case, be **[carbon]** copies of originals.”;

(c) by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The Registrar may reject any document which in his opinion is unsuitable for record keeping purposes or which does not satisfy the operational requirements.”;

(d) by the substitution for sub-regulation (5) of the following sub-regulation:

“(5) A copy of any document in the Registration Office reproduced **[by microfilm]** from the CIPRO record retention system, purporting to be certified by the Registrar or an officer or employee contemplated in section 4 (3) of the Act, shall without proof or production of the original, upon the mere production thereof in proceedings, whether in a court of law or otherwise, be admissible as evidence in respect of the contents of such document.”.

Amendment of regulation 3 of the Regulations

5. Regulation 3 is hereby substituted by the following regulation:

“3. All communications to the Registrar may be made, or any document required to be sent or lodged with the Registrar may be transmitted by post or by a member or authorized agent of a corporation in such electronic form and by such electronic means as authorized by the Registrar for electronic services: Provided that Forms CK 1, CK 2 and CK 2A if not lodged personally or electronically with the Registration Office shall be transmitted by registered **[or certified]** post.”.

Amendment of regulation 4 of the Regulations

6. Regulation 4 is hereby substituted by the following regulation:

"4. Any document lodged with the Registration Office or created on the CIPRO system in terms of regulation 2 (1) may be **[reproduced by the Registrar by microfilm in accordance with the code of practice of the South African Bureau of Standards for the processing, testing and preservation of silver gelatin microfilm for archival purposes]** stored into such form and format as the Registrar may approve from time to time for the CIPRO record retention system."

Amendment of regulation 5 of the Regulations

7. Regulation 5 is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

"The Registration Office shall be open to the public from **[08h30 to 15h30]** 08:00 to 15:00 from Mondays to Fridays except on the following days:"

Amendment of regulation 7 of the Regulations

8. Regulation 7 is hereby amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) The payment of all fees and other moneys payable to the Registrar in terms of the Act, these regulations or in relation to any form prescribed in these regulations must be effected in such manner as the Registrar may direct. "

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Proof of payment of such fees, additional fees or other moneys shall be **[be affixed to the relevant form or document by means of adhesive paste or glue spread over the entire surface of the reverse side of the document to be affixed]** furnished in accordance with the Registrar's requirements for such payment or, if such payment is electronically effected through the CIPRO system, in accordance with the operational requirements."

(c) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) The date of the payment of fees, additional fees or other moneys referred to in **[section 6 (1) of the Act]** sub-regulation (1), shall be the date [, as the case may be –

[(a) on the receipt issued in respect of a payment contemplated in subregulation (1); or

(b) upon which the revenue stamps referred to in paragraph (a) of section 6 (1) of the Act are cancelled in accordance with the provisions of that paragraph; or

(c) impressed by means of a date stamp of the Registrar on a document upon which has been impressed a stamp referred to in paragraph (b) of the said section 6 (1) or in respect of] on which a payment was made in a manner contemplated in **[paragraph (c) of the said] section 6 of the Act or sub-regulation (1).**

Amendment of regulation 8 of the Regulations

9. Regulation 8 is hereby substituted by the following regulation:

"(9) Fees **[in relation to inspection or copies of documents]** and other moneys payable to the Registrar in terms of the Act, these regulations or in relation to any form prescribed in these regulations may be paid on an account, subject to such conditions as the Registrar may **[determine]** direct.".

Amendment of regulation 9 of the Regulations

10. Regulation 9 is hereby amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Any person who applies personally to inspect any document or to obtain a copy of any document kept by the Registrar under the Act shall complete a form provided by the Registration Office: Provided that the Registrar may waive such requirement for certain electronic services."; and

- (b) by the deletion of sub-regulation (2).

Amendment of regulation 10 of the Regulations

11. Regulation 10 is hereby substituted by the following regulation -

- "(1) Any person who does not personally, at the Registration Office, inspect a document kept by the Registrar under the Act, or collect a copy or extract thereof, may apply in writing to the Registrar for any information relating to the document or for a copy of or extract from such document and the Registrar must provide the information requested, in such format as he or she is able to provide.
- (2) The additional prescribed fee shall be paid in respect of inspection of documents relating to any one corporation **[by affixing uncanceled revenue stamps or a revenue franking machine impression to the written application or]** in the manner **[prescribed]** contemplated in regulation 7.
- (3) In respect of copies of documents or extracts thereof, relating to any one corporation, the additional fee shall be paid in respect of each document and the provisions of subregulation (2) shall apply *mutatis mutandis*."

Amendment of regulation 13 of the Regulations

12. Regulation 13 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

- "(1) Any document lodged with the Registration Office or any **[microfilm thereof]** record in the CIPRO record retention system may, **[with the permission of the director referred to in section 1 of the Archives Act, 1962 (Act 6 of 1962), be transferred to the appropriate archives depot or to any intermediate depot, in accordance with the provisions of section 6 of the last-mentioned Act,]** subject to the provisions of any law, be moved to other locations, stored in another form or be destroyed, as the case may be."

Amendment of regulation 15 of the Regulations

13. Regulation 15 is hereby amended –

- (a) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) **[The] An** original **[and two one copies of]** Form CK 1 shall be lodged for registration and incorporation of a corporation."; and

- (b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) Proof of payment of the prescribed fee in terms of section 13 of the Act shall be **[affixed] provided [to the original Form CK 1 in the following manner:**

(a) **If payment has been made]** in accordance with regulation 7 (1) **[, in the manner prescribed in regulation 7 (2); or**

(b) **if payment is made in accordance with section 6 (1) (a) or (b) of the Act, by affixing the revenue stamps or impressing the stamp, as the case may be, on such form in the space provided]."**

Amendment of regulation 16 of the Regulations

14. Regulation 16 is hereby amended –

- (a) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) **[The original and two copies of]** Original Forms CK 2 and CK 2A shall be lodged for registration." and

- (b) by the substitution for sub-regulation (5) of the following sub-regulation:

"(5) If a new accounting officer is appointed his written consent to such appointment shall be attached to Form **[CK 2] CK2A** .".

Amendment of regulation 17 of the Regulations

15. Sub-regulation (1) of regulation 17 is hereby amended –

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

"(a) The original **[and one copy of]** Form CK 4;" and

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

"(c) the original **[and two copies of]** Form CK 1."

Amendment of regulation 18 of the Regulations

16. Sub-regulation (2) of regulation 18 is hereby amended –

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

"(a) The original **[and one copy of]** Form CK 3;" and

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

"(b) the original **[and two copies of]** Forms CK 2 and CK 2A, if a change in respect of the matters particulars of which were stated in the founding statement in force at the time of the deregistration of the corporation has taken place or is going to take place with the restoration of the registration of the corporation."

Amendment of regulation 19 of the Regulations

17. Regulation 19 is hereby amended by the substitution for paragraph (b) of sub-regulation (1) of the following paragraph:

(b) the original **[and two copies of]** Forms CK 2 and CK 2A."

Amendment of regulation 20 of the Regulations

18. Regulation 20 is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) **[The]** An original **[and one copy of]** Form CK 6 shall be lodged for registration if a corporation resolves in terms of section 67 of the Act that the corporation should be wound up voluntarily by members or creditors."

Amendment of regulation 21 of the Regulations

19. Regulation 21 is hereby substituted by the following regulation:

"21. Any person who is a member of a profession whose members are qualified to perform the duties of an accounting officer in terms of section 60 of the Act and who signs any documents of or in respect of a corporation in his capacity as accounting officer of such corporation, shall

state the name of the said profession of which he or she is a member and his or her registration number with such profession, beneath his or her signature.”.

Amendment of regulation 22 of the Regulations

20. Regulation 22 is hereby amended by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) A corporation or the officer thereof to whom a notice referred to in subregulation (1) was sent and who failed to lodge or remained in default of lodging the copy required in that notice within the period stated in the notice shall be guilty of an offence and upon conviction liable to a fine [of R100].”

Amendment of forms in Schedule 4 of the Regulations

21. Schedule 4 is hereby amended –

- (a) by the deletion of the expression “Affix Revenue Stamp or impress revenue franking machine impression here” where it appears in Forms CK 1, CK 2, CK 3, CK 5 and CK 6; and
- (b) by the deletion of the expression “Revenue stamp or revenue stamping machine impression.” where it appears in Form CK7.

COMPANIES AND INTELLECTUAL PROPERTY REGISTRATION OFFICE**WYSIGING VAN DIE ADMINISTRATIEWE REGULASIES VIR BESLOTE
KORPORASIES, 1984**

Ek, MANDISI MPAHLWA, die Minister van Handel en Nywerheid het kragtens artikel 10 van die Wet op Beslote Korporasies, 1984 (Wet 69 van 1984) gelees met artikel 28 van die Wet op Elektroniese Kommunikasie en Transaksie, 2002 (Wet 25 van 2002), die Administratiewe Regulasies vir Beslote Korporasies ooreenkomstig die Bylae gewysig.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hakies dui skappings uit bestaande regulasies aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande regulasies aan.

Woordomskrywings

1. In hierdie regulasies beteken "die Regulasies" die Administratiewe Regulasies vir Beslote Korporasies, 1984, gepubliseer by Goewermentskennisgewing No. 2487 van 16 November 1984, soos gewysig.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 word hierby vervang deur die volgende regulasie:

"1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken-

'aanteken' sluit in die skepping van 'n rekord op die CIPRO-stelsel;

'CIPRO' die "Companies and Intellectual Property Registration Office" wat 'n gekombineerde administratiewe kantoor is vir die onderskeie registrasiekantore ingestel of geag word ingestel te wees ingevolge die Wet, die Wet op Patente, 1978 (Wet No. 57 van 1978), die Wet op Modelle, 1993 (Wet No. 195 van 1993), die Wet op Registrasie van Outeursreg in Rolprente, 1977 (Wet No. 62 van 1977), die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984) en die Maatskappywet, 1973 (Wet No. 61 van 1973);

'CIPRO-kliënt' enige persoon wat elektroniese dienste gebruik en omvat enige persoon wat deur die registrateur toegelaat is om elektroniese dienste te gebruik, wat regtens namens 'n natuurlike of juristiese persoon mag optree, en wat derhalwe toegelaat is om elektroniese dienste te gebruik of te verskaf of om as tussenganger op te tree ten opsigte van elektroniese dienste;

'CIPRO-portaal' die Internet-webruimte of ander elektroniese portaal wat deel vorm van die CIPRO-stelsel;

'CIPRO-stelsel' die rekenaarstelsel, insluitende die CIPRO-portaal, waardeur CIPRO elektroniese dienste verskaf, ongeag die medium of vorm van tegnologie wat onderliggend is aan sodanige dienste of deel daarvan vorm;

'CIPRO-rekordbehoudstelsel' die stelsel wat deur CIPRO gebruik word om rekords te berg vir latere toegang, hetsy in papier, mikrofilm, elektronies of enige ander vorm;

Wet' die Wet op Beslote Korporasies, 1984 (Wet 69 van 1984);

'elektroniese dienste' die dienste verskaf of beskikbaar gemaak deur CIPRO deur die CIPRO-stelsel ingevolge regulasie 1A;

'inspekteer' sluit in om toegang tot 'n rekord via die CIPRO-stelsel te verkry;

'operasionele vereistes' die vereistes bepaal in regulasie 1A(2);

‘rekord’ met betrekking tot ‘n korporasie, ook ‘n document en vice versa, rekeningkundige records, boeke en papiere soos in artikel 56 van die Wet bedoel;

‘toegangskode’, die unieke identifikasiebesonderhede, hetsy alfa-numeries, biometries of andersins, wat die CIPRO-stelsel in staat stel om ‘n persoon te identifiseer;

“forms” die voorgeskrewe forms in Bylae 4 bedoel.”.

Invoeging van regulasie 1A in die Regulasies

3. Die volgende opskrif en regulasie word hierby na regulasie 1 ingevoeg:

"ELEKTRONIESE DIENSTE

1A. (1) Die Registrateur kan direk deur kennisgewing in die Staatskoerant opdrag gee dat aan enige vereiste ingevolge die Wet of hierdie regulasies, insluitende vereistes ten opsigte van inligting, rekords en betaling, kan of moet voldoen word in elektroniese vorm, behoudens die bepalings van die operasionele vereistes.

(2) Die Registrateur moet operasionele vereistes vir die CIPRO-portaal publiseer waarin die vereistes, prosesse en prosedures ten opsigte van alle of bepaalde elektroniese dienste uiteengesit word, insluitende –

- (a) registrasieprosedures;
- (b) identifikasie, outentisiteit en verifikasie;
- (c) vorm en formaat van rekords;
- (d) wyse en vorm van betaling;
- (e) inligtingsekuriteitsvereistes; en
- (f) rekordbehoudsvereistes.

- (3) Die operasionele vereistes kan in verskillende vorme oor verskillende dele van die CIPRO-portaal gepubliseer word.
- (4) Tensy enige ander vorm van elektroniese handtekening in die bedryfsvereistes gespesifiseer word, moet ingevolge die Wet of hierdie regulasies aan 'n ondertekeningvereiste ten opsigte van 'n rekord wat van CIPRO verkry moet word of by CIPRO ingedien moet word, voldoen word deur die CIPRO-kliënt wat sy toegangskode op die CIPRO-stelsel aanteken en enige rekord wat ingedien word nadat die CIPRO-kliënt sy eie toegangskode aangeteken het, word geag regtens onderteken te wees deur die persoon wie se handtekening ingevolge die Wet of hierdie regulasies vereis word vir doeleindes van sodanige rekord.
- (5) Waar enige vorm ingevolge die Wet of regulasies voorsiening maak vir 'n handtekening en sodanige vorm geag word onderteken te wees soos bepaal in subregulasie (4), sal dit nie nodig wees om op sodanige vorm aan te teken dat dit reeds onderteken is nie.
- (6) Tensy CIPRO vooraf skriftelik deur die houer van 'n toegangskode verwittig word om sodanige toegangskode te versper, is CIPRO daarop geregtig om te aanvaar dat die persoon wat elektroniese dienste gebruik, die persoon is aan wie die toegangskode uitgereik is of sodanige persoon se behoorlik gemagtigde verteenwoordiger wat binne die bestek van sodanige persoon se gesag optree.
- (7) CIPRO kan te eniger tyd elektroniese dienste opskort of beëindig sonder om aanspreeklik te wees vir sodanige optrede: Met dien verstande dat behoorlike kennis van sodanige opskorting of beëindiging gegee sal word en dat sodanige opskorting of beëindiging nie die bestaande regte van enige persoon wie die elektroniese dienste gebruik het, sal beïnvloed nie."

Wysiging van regulasie 2 van die Regulasies

2. Regulation 2 word hierby gewysig -

- (a) deur subregulasie (1) met die volgende subregulasie te vervang:

"(1) Alle dokumente wat by die Registrasiekantoor ingedien word, moet, tensy die Registrateur anders gelas, in blokhoofletters geskryf wees of getik, steengedruk of gedruk wees in leesbare letters met swaar vaste swart ink slegs op die een kant van sterk wit papier, met 'n grootte ongeveer 298 millimeter by 207 millimeter (internasionale papiergrootte A4): Met dien verstande dat **[papier van verskillende groottes en van verskillende kleure voorgeskryf kan word vir vorms wat by die Registrateur ingedien moet word]** die vereistes van hierdie regulasie nagekom word indien dokumente ingedien is ooreenkomstig die operasionele vereistes, en bewys van betaling van die voorgeskrewe geld (as daar is) verskaf is.";

(b) deur die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Dokumente of afskrifte van dokumente wat gestuur of teruggestuur moet word aan 'n korporasie of persoon, kan, tensy die Registrateur in 'n besondere geval anders gelas, **[kool]**afskrifte van oorspronklikes wees.";

(c) deur die vervanging van subregulasie (3) deur die volgende subregulasie:

"(3) Die Registrateur kan 'n dokument wat, na sy mening ongeskik vir rekorddoeleindes is of wat nie aan die operasionele vereistes voldoen nie, afwys.";

(d) deur die vervanging van subregulasie (5) deur die volgende subregulasie:

"(5) 'n Afskrif van 'n dokument in die Registrasiekantoor wat **[deur middel van mikrofilm]** vanaf die CIPRO rekordbehoudstelsel gereproduseer is, wat voorgedee deur die Registrateur, 'n beamppte of werknemer bedoel in artikel 4(3) van die Wet gesertifiseer te wees, word sonder bewys of voorlegging van die oorspronklike, by die blote voorlegging daarvan in verrigtinge, hetsy in 'n geregshof of andersins, as getuienis ten opsigte van die inhoud van sodanige dokument toegelaat."

Wysiging van regulasie 3 van die Regulasies

5. Regulasie 3 word hierby deur die volgende regulasie vervang:

"3. Alle mededelings aan die Registrateur kan gedoen word, of 'n dokument wat aan hom gestuur of by hom ingedien moet word, kan gestuur word deur die pos of deur 'n lid of gemagtigde agent van 'n korporasie, in sodanige elektroniese vorm en op sodanige elektroniese wyse as wat deur die Registrateur gemagtig is vir elektroniese dienste: Met dien verstande dat Vorms CK 1, CK 2 en CK 2A, indien nie persoonlik by die Registrasiekantoor ingedien nie, per aangetekende **[of gesertifiseerde]** pos gestuur moet word."

Wysiging van regulasie 4 van die Regulasies

6. Regulasie 4 word hierby deur die volgende regulasie vervang:

"4. 'n Dokument wat ingevolge regulasie 2(1) by die Registrasiekantoor ingedien word of geskep word op die CIPRO-stelsel, kan **[deur die Registrateur deur mikrofilm ooreenkomstig die gebruikskode van die Suid-Afrikaanse Buro van Standaarde vir die prosessering, toets en bewaring van silwergelatiemikrofilm vir argief-doeleindes, gereproduseer word]** in sodanige vorm en formaat as wat die Registrateur van tyd tot tyd vir die CIPRO-rekordbehoudstelsel goedkeur, stoor."

Wysiging van regulasie 5 van die Regulasies

7. Regulasie 5 word hierby gewysig deur die vervanging van die woorde wat paragraaf (a) voorafgaan deur die volgende woorde:

"Die Registrasiekantoor is van Maandae tot Vrydae van **[08h30 tot 15h30]** 08h00 tot 15h00 vir die publiek oop behalwe op die volgende dae:"

Amendment of regulation 7 of the Regulations

8. Regulasie 7 word hierby gewysig –

(a) deur die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) Die betaling van alle gelde and ander bedrae betaalbaar aan die Registrateur kragtens die Wet, hierdie regulasies of met betrekking tot enige vorm voorgeskryf in hierdie regulasies moet teweeggebring word op sodanige wyse soos deur die Registrateur bepaal."

(b) deur die vervanging van subregulasie (2) deur die volgende subregulasie:

"(2) Bewys van betaling van bedoelde gelde, bykomende gelde of ander bedrae moet [aan die betrokke vorm of document vasgeheg word deur middle van kleefgom of lym versprei oor die hele oppervlak van die keersy van die document wat vasgeheg word] verskaf word ooreenkomstig die Registrateur se vereistes vir sodanige betaling of, indien sodanige betaling elektronies is, bewerkstellig word deur die CIPRO-stelsel, ooreenkomstig die operasionele vereistes."

(c) deur die vervanging van subregulasie (3) deur die volgende subregulasie:

"(3) Die datum van die betaling van gelde, bykomende gelde of ander bedrae bedoel in [artikel 6(1) van die Wet] subregulasie (1), word geag te wees die datum[, na gelang van die geval -

[(a) op die kwitansie wat ten opsigte van 'n betaling bedoel in subregulasie (1) uitgereik is; of

(b) waarop inkomsteseëls bedoel in paragraaf (a) van genoemde artikel 6(1) van die Wet, ooreenkomstig die bepaling van daardie paragraaf gerojear is; of

(c) afgedruk deur middle van 'n datumstempel van die Registrateur, op 'n dokument waarop 'n seël bedoel in paragraaf (b) van genoemde artikel 6(1) gestempel is of ten opsigte waarvan] waarop 'n betaling op 'n wyse bedoel in [paragraaf (c) van genoemde] artikel 6 van die Wet of subregulasie (1) gemaak is."

Wysiging van regulasie 8 van die Regulasies

9. Regulasie 8 word hierby deur die volgende regulasie vervang:

"(9) Gelde [met betrekking tot insae in of afskrifte van dokumente] en ander bedrae betaalbaar aan die Registrateur kragtens die Wet, hierdie regulasies of met betrekking tot enige vorm voorgeskryf in hierdie regulasies kan op 'n rekening betaal word, behoudens die voorwaardes wat die Registrateur [voorskryf] bepaal."

Amendment of regulation 9 of the Regulations

10. Regulasie 9 word hierby gewysig –

(a) deur die vervanging van subregulasie (1) deur die volgende subregulasie:

"(1) iemand wat persoonlik aansoek doen om insae in 'n dokument of om 'n afskrif van 'n dokument wat deur die Registrateur kragtens die Wet gehou word, moet 'n vorm wat deur die Registrasiekantoor verskaf word, invul: Met dien verstande dat die Registrateur van sodanige vereiste mag afsien vir sekere elektroniese dienste."; en

(b) deur die skapping van subregulasie (2).

Wysiging van regulasie 10 van die Regulasies

11. Regulasie 10 word hierby deur die volgende regulasie vervang -

"(1) Iemand wat nie persoonlik by die Registrasiekantoor 'n dokument, wat die Registrateur kragtens die Wet hou, insien of 'n afskrif of uittreksel daarvan afhaal nie, kan skriftelik aansoek by die Registrateur doen om inligting met betrekking tot die dokument of om 'n afskrif of uittreksel van sodanige dokument en die Registrateur moet die inligting wat versoek is, voorsien, in sodanige vorm as wat hy of sy in staat is om te voorsien.

(2) Die bykomende voorgeskrewe gelde moet ten opsigte van insae in dokumente met betrekking tot enige korporasie betaal word [deur ongekanselleerde inkomsteseëls te plak of in 'n inkomstefrankeermasjienafdruk te maak op die skriftelike aansoek, of] op die wyse [voorgeskryf] bedoel in regulasie 7.

- (3) Ten opsigte van afskrifte van dokumente of uittreksels daarvan met betrekking to enige korporasie, moet die bykomende gelde betaal word ten opsigte van elke dokument, en die beplaings van subregulasie (2) is *mutates mutandis* van toepassing.”.

Wysiging van regulasie 13 van die Regulasies

12. Regulasie 13 word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) ‘n Dokument by die Registrasiekantoor ingedien of ‘n [**microfilm daarvan**] rekord in die CIPRO-rekordbehoudstelsel, kan [**met die toestemming van die direkteur bedoel in artikel 1 van die Argiefwet, 1962 (Wet 6 van 1962), na die gepaste argiefbewaarplek of na ‘n tussen bewaarplek, ooreenkomstig die bepalings van artikel 6 van laasgenoemde Wet, oorgeplaas**] onderworpe aan die bepalings van enige wetgewing, verskuif word na ander persele, gestoor word in ander vorm of vernietig word, na gelang van die geval.”.

Wysiging van regulasie 15 van die Regulasies

13. Regulasie 15 word hierby gewysig –

- (a) deur die vervanging van subregulasie (2) deur die volgende subregulasie:

“(2) [**Die**] ‘n [**o**]Oorspronklike [en twee afskrifte van] Vorm CK1 moet ingedien word vir die registrasie en inlywing van ‘n korporasie.”; en

- (b) deur die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) Bewys van betaling van die voorgeskrewe gelde ingevolge artikel 13 van die Wet moet [**op die volgende wyse op die oorspronklike Vorm CK1 aangebring**] voorsien word[:]

- (a) **indien betaling**] ooreenkomstig regulasie 7(1) [**gedoen is, op die wyse in regulasie 7(2) voorgeskryf; of**]

- (b) if payment is made in accordance with section 6 (1) (a) or (b) of the Act, by affixing the revenue stamps or impressing the stamp, as the case may be, on such form in the space provided].”.

Wysiging van regulasie 16 van die Regulasies

14. Regulasie 16 word hierby gewysig –

- (a) deur die vervanging van subregulasie (2) deur die volgende subregulasie:

“(2) **[Die oorspronklike en twee afskrifte van]** Oorspronklike Vorms CK 2 en CK 2A moet vir registrasie ingedien word.” en

- (b) deur die vervanging van subregulasie (5) deur die volgende subregulasie:

“(5) Indien ‘n nuwe rekeningkundige beampte aangestel word, moet sy skriftelike toestemming tot daardie aanstelling by Vorm **[CK2]** CK2A aangeheg word.”.

Wysiging van regulasie 17 van die Regulasies

15. Subregulasie (1) van regulasie 17 word hierby gewysig –

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

“(a) Die oorspronklike **[en een afskrif van]** Vorm CK 4;” en

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

“(c) die oorspronklike **[en twee afskrifte van]** Vorm CK 1.”.

Wysiging van regulasie 18 van die Regulasies

16. Subregulasie (2) van regulasie 18 word hierby gewysig –

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

- “(a) Die oorspronklike [en een afskrif van] Vorm CK 3;” and
- (b) deur die vervanging van paragraaf (b) deur die volgende paragraaf:

“(b) die oorspronklike [en twee afskrifte van] Vorms CK 2 en CK 2A indien ‘n verandering plaasgevind het of by die herstel van die registrasie van die korporasie gaan plaasvind, ten opsigte van die aangeleenthede waarvan besonderhede vermeld is in die stigtingsverklaring wat ten tyde van die deregistrasie van die korporasie gegeld het.”.

Wysiging van regulasie 19 van die Regulasies

17. Regulasie 19 word hierby gewysig deur die vervanging van paragraaf (b) van subregulasie (1) deur die volgende paragraaf:

(b) die oorspronklike [en twee afskrifte van] Vorms CK 2 en CK 2A.”.

Wysiging van regulasie 20 van die Regulasies

18. Regulasie 20 word hierby gewysig deur die vervanging van subregulasie (1) deur die volgende subregulasie:

“(1) Indien ‘n korporasie ingevolge artikel 67 van die Wet besluit dat die korporasie vrywillig deur lede of skuldeisers gelikwedeer moet word, moet [die] ‘n oorspronklike [en een afskrif van] Vorm CK 6 vir registrasie ingedien word.”.

Wysiging van regulasie 21 van die Regulasies

19. Regulasie 21 word hierby deur die volgende regulasie vervang:

“21. Iemand wat ‘n lid is van ‘n professie waarvan die lede ingevolge artikel 60 van die Wet kwalifiseer om die pligte van rekeningkundige beampte uit te voer en wat ‘n dokument van of ten opsigte van ‘n korporasie in sy hoedanigheid as rekeningkundige beampte onderteken, moet die naam van die bedoelde professie waarvan hy of sy ‘n lid is en sy of haar

registrasie nommer met sodanige professie, onder sy handtekening vermeld.”.

Wysiging van regulasie 22 van die Regulasies

20. Regulasie 22 word hierby gewysig deur die vervanging van subregulasie (3) deur die volgende subregulasie:

“(3) ‘n Korporasie of die beampte daarvan aan wie ‘n kennisgewing bedoel in subregulasie (1) gestuur is en wat versuim of in gebreke gebly het om, binne die tydperk in die kennisgewing vermeld, die afskrif in te dien wat in daardie kennisgewing vereis word, is aan ‘n misdryf skuldig en by skuldigbevinding strafbaar met ‘n boete [van R100].”.

Amendment of forms in Schedule 4 of the Regulations

21. Bylae 4 word hierby gewysig –

- (a) deur die skapping van die uitdrukking “Plak inkomsteseël of plaas inkomstefrankeermasjienstempel hier” waar dit voorkom in Vorms CK 1, CK 2, CK 3, CK 5 en CK 6; en
 - (b) deur die skapping van die uitdrukking “Inkomsteseëls of inkomstefrankeermasjienafdruk” waar dit voorkom in Vorm CK7.
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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
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
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