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SOUTH AFRICA



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No. 20219

PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 74, 1999

COMMENCEMENT OF THE ABOLITION OF PUBLIC ADMINISTRATION COMMISSION ACT, 1997 (ACT No. 48 OF 1997)

In terms of section 2 of the Abolition of Public Administration Commissions Act, 1997 (Act No. 48 of 1997), I hereby determine **1 July 1999** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fourth day of June, One thousand Nine hundred and Ninety-nine.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

Z. S. T. SKWEIYA

Minister of the Cabinet

PROKLAMASIES*van die****President van die Republiek van Suid-Afrika*****No. R. 74, 1999****INWERKINGTREDING VAN DIE WET OP DIE AFSKAFFING VAN KOMMISSIES VIR OPENBARE ADMINISTRASIE, 1997
(WET No. 48 VAN 1997)**

Ingevolge artikel 2 van die Wet op die Afskaffing van Kommissies vir Openbare Administrasie, 1997 (Wet No. 48 van 1997), bepaal ek hierby **1 Julie 1999** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vierde dag van Junie Eenduiseend Negehonderd Nege-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

Z. S. T. SKWEIYA**Minister van die Kabinet****No. R. 75, 1999****COMMENCEMENT OF SECTION 15 OF THE PUBLIC SERVICE COMMISSION ACT, 1997
(ACT No. 46 OF 1997)**

In terms of section 17 (1) of the Public Service Commission Act, 1997 (Act No. 46 of 1997), I hereby determine **1 July 1999** as the date on which section 15 of the said Act shall come into operation.

The coming into operation of section 15 of the said Act also brings into operation the Public Service Laws Amendment Act, 1997 (Act No. 47 of 1997), and the Public Service Laws Amendment Act, 1998 (Act No. 86 of 1998). The operation of section 3 (3) (b) of the Public Service Act, 1994 (Act No. 103 of 1994), as amended by section 2 (b) of the Public Service Laws Amendment Act, 1998 (Act No. 86 of 1998) is subject to the following determination made by the Constitutional Court in the case of *The Premier of the Province of the Western Cape v. The President of the Republic of South Africa and Another* (CCT 26/98):

"Section 3 (3) (b) of the Public Service Act, 1994, as amended by section 2 (b) of the Public Service Laws Amendment Act, 1998, is declared to be inconsistent with the Constitution and invalid to the extent that it empowers the Minister, without the consent of the Premier concerned, to make determinations regarding the transfer of functions of a provincial administration or a provincial department to a national department or any body not established by or under a provincial law, or the transfer of functions to a provincial administration or a provincial department from a national department or any such body."

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fourth day of June, One thousand Nine hundred and Ninety-nine.

N. R. MANDELA**President**

By Order of the President-in-Cabinet:

Z. S. T. SKWEIYA**Minister of the Cabinet****No. R. 75, 1999****INWERKINGTREDING VAN ARTIKEL 15 VAN DIE WET OP DIE STAATSDIENSKOMMISSIE, 1997
(WET No. 46 VAN 1997)**

Kragtens artikel 17 (1) van die Staatsdienskommissiewet, 1997 (Wet No. 46 van 1997), bepaal ek hierby **1 Julie 1999** as die datum waarop artikel 15 van genoemde Wet in werking tree.

Die inwerkingtreding van artikel 15 van die genoemde Wet bring ook die inwerkingtreding van die Wysigingswet op Staatsdienswetgewing, 1997 (Wet No. 47 van 1997), en die Wysigingswet op Staatsdienswetgewing, 1998 (Wet No. 86 van 1998), mee. Die werking van artikel 3 (3) (b) van die Staatsdienswet, 1994 (Wet No. 103 van 1994), soos gewysig deur artikel 2 (b) van die Wysigingswet op Staatsdienswetgewing, 1998 (Wet No. 86 van 1998), is onderworpe aan die volgende bepaling gemaak in die saak van *Die Premier van die provinsie van die Wes-Kaap v. die President van die Republiek van Suid-Afrika en 'n Ander* (CCT 26/98):

"Artikel 3 (3) (b) van die Staatsdienswet, 1994, soos gewysig deur artikel 2 (b) van die Wysigingswet op Staatsdienswetgewing, 1998, word verklaar om teenstrydig met die Grondwet en ongeldig te wees in soverre dat dit die Minister magtig om, sonder die instemming van die betrokke Premier, vasstellings te maak betreffende die oordrag van werksaamhede van 'n provinsiale administrasie of 'n provinsiale departement aan 'n nasionale departement of enige liggaam by of kragtens 'n provinsiale wet ingestel, of die oordrag van werksaamhede aan 'n provinsiale administrasie of 'n provinsiale departement van 'n nasionale departement of enige sodanige liggaam."

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die 4de dag van Junie Eenduisend Negehonderd Nege-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

Z. S. T. SKWEYIYA

Minister van die Kabinet

No. R. 76, 1999

COMMENCEMENT OF THE PUBLIC SERVICE AMENDMENT ACT, 1999 (ACT No. 5 OF 1999)

In terms of section 2 of the Public Service Amendment Act, 1999 (Act No. 5 of 1999), I hereby determine **1 July 1999** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Fourth day of June, One thousand Nine hundred and Ninety-nine.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

Z. S. T. SKWEYIYA

Minister of the Cabinet

No. R. 76, 1999

INWERKINGTREDING VAN DIE STAATSDIENSWYSIGINGSWET, 1999 (WET No. 5 VAN 1999)

Kragtens artikel 2 van die Staatsdienswysigingswet, 1999 (Wet No. 5 van 1999), bepaal ek hierby **1 Julie 1999** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vierde dag van Junie Eenduisend Negehonderd Nege-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

Z. S. T. SKWEYIYA

Minister van die Kabinet

GOVERNMENT NOTICES

GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 797**25 June 1999**

LIVESTOCK IMPROVEMENT ACT, 1977 (ACT No. 25 OF 1977)

REGULATIONS: AMENDMENT*

The Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, has under section 34 of the Livestock Improvement Act, 1977 (Act No. 25 of 1977)—

- (a) made the regulations in the Schedule; and
- (b) determine that the said regulations shall come into operation on 1 June 1999.

* Amendment of Table 1.

SCHEDULE**Definition**

1. In this Schedule "the Regulation" means the regulations published by Government Notice No. R. 894 of 26 April 1991, as amended by Government Notices No. R. 132 of 29 January 1993, R. 1562 of 20 August 1993 and R. 1015 of 14 August 1998.

Amendment of Table 1 of the Regulations.

2. Table 1 of the Regulations is hereby amended by the substitution for items 11 and 13 of the following items respectively:

No. R. 797**25 Junie 1999**

VEEVERBETERINGSWET, 1977 (WET No. 25 VAN 1977)

REGULASIES: WYSIGING*

Die Adjunkminister van Landbou, handelende namens die Minister van Landbou, het kragtens artikel 34 van die Veeverbeteringswet, 1977 (Wet No. 25 van 1977)—

- (a) die regulasies in die Bylae uitgevaardig; en
- (b) bepaal dat voormelde regulasies op 1 Junie 1999 in werking tree.

* Wysiging van Tabel 1.

BYLAE**Woordomskriving**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermenskennisgewing No. R. 894 van 26 April 1991, soos gewysig deur Goewermenskennisgewings Nos. R. 132 van 29 Januarie 1993, R. 1562 van 20 Augustus 1993 en R. 1015 van 14 Augustus 1998.

Wysiging van Tabel 1 van die Regulasies

2. Tabel 1 van die Regulasies word hierby gewysig deur items 11 en 13 deur die volgende items onderskeidelik te vervang:

TABLE 1 • TABEL 1
FEES PAYABLE • GELDE BETAALBAAR

Purpose /Doel	Amount /Bedrag
"11 Appeal against a decision or action/Appél teen beslissing of optrede [Reg. 15 (1) (f)]	R2 000
13 Temporary import authorisation for animals for specific purposes such as shows, races, etc./Tydelike invoermagtiging vir diere vir spesifieke redes soos skoue, wedrenne, ens. [Reg. 12]	R105"

**DEPARTMENT OF FINANCE
DEPARTEMENT VAN FINANSIES**

No. R. 804

25 June 1999

FINANCIAL SERVICES BOARD

**REGULATIONS UNDER THE UNIT TRUSTS
CONTROL ACT, 1981**

The Minister of Finance has,
under sections 37A(1) and 42 of the Unit Trusts Control Act, 1981
(Act No. 54 of 1981), made the Regulations in the
Schedule.

SCHEDULE

Definitions

1. In these Regulations "the Act" means the Unit Trusts Control Act, 1981 (Act No. 54 of 1981), and any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned to it.

Lodging of certain copies by management companies with registrar

- 2.1 Subject to the provisos to sections 10 (4) (a) and 33 (5) (a) of the Act, a management company must not less than 14 days before the intended date of publication of any advertisement, brochure or pamphlet referred to in those sections, lodge two copies thereof with the registrar.
- 2.2 The copies referred to in subregulation 2.1 must bear or be accompanied by a covering certificate, signed by the directors of the management company, or by a director or responsible officer of the management company properly authorised thereto, on behalf of the directors, to the effect that there has been compliance with the applicable requirements of section 12 or 34 of the Act, as the case may be.
- 2.3 No management company may publish any advertisement, brochure or pamphlet referred to in subregulation 2.1, before the management company has been informed by the registrar that he has no objection to the terms thereof or before a direction by the registrar contemplated in section 13 of the Act has been complied with.
- 2.4 Subregulations 2.1, 2.2 and 2.3 apply with the necessary changes required by the context to any addition to or variation of a published advertisement, brochure or pamphlet.
- 2.5 If the registrar has exempted a management company of the obligation contemplated in the proviso to section 10 (4) (a) or 33 (5) (a) of the Act, the management company concerned must within 14 days after the date of first publication of the relevant advertisement, brochure or pamphlet, lodge two copies thereof with the registrar.

- 2.6 One copy of every return or notice referred to in sections 10 (4) (b) and 33 (5) (b) of the Act, must be lodged by the management company concerned with the registrar within 14 days after the furnishing thereof to the Registrar of Companies.

Rounding-off of dividend payments in terms of section 19 (2) of Act

3. No management company may round off, in terms of subsection (2) of section 19 of the Act, any amount to be paid by way of dividends in such a manner that such amount includes any part of the underlying securities included in the unit portfolio concerned or of the proceeds of capital gains, rights or bonus issues.

Calculation of selling and repurchase prices of units as required by section 22 of Act

4. For the purposes of paragraphs (b) and (c) of section 22 (2) of the Act, the trust deed may determine that the lowest dealing offered prices and the highest dealing bid prices on a recognised stock exchange may be used to calculate the selling price and purchase price of units, respectively.

Signing of statements for purposes of sections 31 (1) and 32 (1) of Act

5. The statements which a registered management company in property shares is required to furnish to the registrar in accordance with sections 31 (1) and 32 (1) of the Act, must be signed on behalf of the directors of the company by a director or other responsible officer of the management company authorised thereto by the directors.

Furnishing of documents and particulars in applications under section 37 (2) (b) of Act

6. An application made in terms of paragraph (b) of section 37 (2) of the Act for the exemption from the provisions of the Act of a proposed scheme or arrangement permitting of participation in specified mortgage bonds must be made by or on behalf of the manager of the proposed scheme and must be accompanied by the following documents:
- 6.1 A description of the manner in which the scheme is going to be operated;
 - 6.2 two copies of the rules which govern the operation of the scheme; and
 - 6.3 two copies of the Memorandum and Articles of Association of the nominee company to be operated in connection with the scheme.

Application of Regulations for purposes of section 36 of Act

7. A provision of these Regulations which relates to a section of the Act which is by section 36 of the Act made applicable to or in respect of a management company in property shares and a trustee in terms of a unit trust scheme in property shares, applies with the necessary changes required by the context and in so far as it can be applied, also to such management company and trustee.

Fees and penalties

8. The following fees and penalties, which include VAT, are payable from the date of publication of these Regulations at the times and by the persons indicated hereunder in respect of the following matters:

- 8.1 On lodging of an application under section 4 of the Act for registration as a management company, payable by the applicant concerned, a fee of R16 500;
- 8.2 on lodging of an application under conditions imposed by the registrar under section 4(3) of the Act by a registered management company in respect of any additional unit portfolio, payable by the applicant concerned, a fee of R6 500;
- 8.3 on lodging of an application under section 23 of the Act by a management company for an amendment, rescission of or addition to a trust deed or supplemental trust deed, other than an application for an additional unit portfolio, payable by the management company, a fee of R4 000;
- 8.4 on lodging of an application under section 30 of the Act for registration as a management company in property shares, payable by the applicant concerned, a fee of R16 500;
- 8.5 on lodging of an application under conditions imposed by the registrar under section 30(3) of the Act by a registered management company in property shares in respect of any additional unit portfolio, payable by the applicant concerned, a fee of R6 500;
- 8.6 on lodging of an application in terms of paragraph (b) of section 37(2) of the Act for exemption from the provisions of the Act, payable by the applicant concerned, a fee of R5 000;
- 8.7 on lodging of an application under subparagraph (l) of section 37A(1)(b) of the Act for approval of a foreign collective investment scheme, payable by the applicant concerned, a fee of R20 000;

- 8.8 on lodging of an application under conditions imposed by the registrar under subparagraph (ii) of section 37A(1)(b) of the Act by a foreign collective investment scheme in respect of any additional fund or product in such scheme, payable by the applicant concerned, a fee of R6 500;
- 8.9 on lodging of an application under conditions imposed by the registrar under subparagraph (ii) of section 37A(1)(b) of the Act by a foreign collective investment scheme for an alteration, rescission of or addition to such scheme, other than an application for an additional fund or product, payable by the applicant concerned, a fee of R10 000;
- 8.10 on lodging of an application under conditions imposed by the registrar under subparagraph (ii) of section 37A(1)(b) of the Act by a foreign collective investment scheme for an alteration, rescission of or addition to a fund or product of such scheme, other than an application for an additional fund or product, payable by the applicant concerned, a fee of R4 000;
- 8.11 on lodging of an application for a copy of any document, per A4-sheet, or part thereof, payable by the applicant concerned, a fee of R3,50;
- 8.12 for late rendition by any person of any balance sheet, account, statement, document or report required to be furnished in terms of any provision of the Act, payable by the person concerned on receipt of a written request by the registrar, a penalty of R20,00 per day for every day during which the delay continues, to a maximum of R200,00.

Manner of payment of fees and penalties

9. Fees and penalties referred to in regulation 8 are payable by means of a cheque, postal order or money order made out in favour of the Financial Services Board: Provided that if such fee or penalty is delivered by hand, the payment may be made in cash.

Interest in respect of unpaid fees and penalties

10. Any fees and penalties which are not paid whenever they are payable in terms of these Regulations, carry interest at a rate per annum equal to the prevailing prime overdraft rate of The Standard Bank of South Africa Limited.

Repeal of Regulations

11. The Regulations published by Government Notice No. R.728 of 22 May 1998 and Government Notice R.996 of 31 July 1998, are hereby repealed.

**RAAD OP FINANSIËLE DIENSTE
REGULASIES KRAGTENS WET OP BEHEER VAN
EFFEKTE-TRUSTSKEMAS, 1981**

Die Minister van Finansies, het kragtens artikels 37A(1) en 42
van die Wet op Beheer van Effekte-trustskemas,
1981 (Wet No. 54 van 1981),
die Regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywings

1. In hierdie Regulasies beteken "die Wet" die Wet op Beheer van Effekte-trustskemas, 1981 (Wet No. 54 van 1981), en het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word die betekenis aldus daaraan geheg.

Indien van sekere eksemplare en afskrifte deur bestuursmaatskappye by registrateur

- 2.1 Behoudens die voorbehoudsbepalings by artikels 10 (4) (a) en 33 (5) (a) van die Wet, moet elke bestuursmaatskappy minstens 14 dae voor die beoogde datum van publikasie van enige advertensie, brosjure of pamflet bedoel in daardie artikels minstens twee afskrifte daarvan by die registrateur indien.
- 2.2 Die afskrifte bedoel in subregulasie 2.1 moet voorsien wees of vergesel gaan van 'n begeleidende sertifikaat, onderteken en gesertifiseer deur die direkteure van die bestuursmaatskappy, of deur 'n direkteur of verantwoordelike beamppte behoorlik daartoe gemagtig, namens die direkteure, ten effekte dat, vir sover van toepassing, daar aan die vereistes van artikel 12 of 34 van die Wet, na gelang van die geval, voldoen word.
- 2.3 Geen bestuursmaatskappy mag enige advertensie, brosjure of pamflet bedoel in subregulasie 2.1 publiseer nie, alvorens die bestuursmaatskappy deur die registrateur meegedeel is dat hy geen beswaar daarteen het nie of alvorens daar aan 'n lasgewing beoog in artikel 13 van die Wet voldoen is.
- 2.4 Subregulasies 2.1, 2.2 en 2.3 is, met die nodige veranderings deur die samehang vereis, van toepassing op enige byvoeging by of wysiging van enige gepubliseerde advertensie, brosjure of pamflet.
- 2.5 Indien die registrateur 'n bestuursmaatskappy van 'n verpligting onthef het soos beoog in die voorbehoudsbepaling by artikel 10 (4) (a) of 33 (5) (a) van die Wet, moet die betrokke bestuursmaatskappy binne 14 dae na die datum van eerste publikasie van die betrokke advertensie, brosjure of pamflet, twee eksemplare daarvan by die registrateur indien.

- 2.6 Een afskrif van elke opgawe of kennisgewing in artikels 10 (4) (b) en 33 (5) (b) van die Wet bedoel, moet deur die betrokke bestuursmaatskappy by die registrateur ingedien word binne 14 dae na die indiening daarvan by die Registrateur van Maatskappye.

Afronding van dividendbetalings ingevolge artikel 19 (2) van Wet

3. Geen bestuursmaatskappy mag enige bedrag aan dividende wat uitgekeer staan te word ingevolge subartikel (2) van artikel 19 van die Wet, op so 'n wyse afrond dat die bedrag aan dividende vir uitkering enige deel van die groepvormende effekte wat in die betrokke effektegroepe ingesluit is of enige deel van die opbrengs van kapitaalwinste, regte of bonusuitgifte, insluit nie.

Berekening van verkoop- en terugkooppryse van onderaandele soos vereis deur artikel 22 van Wet

4. Vir die doeleindes van paragrafe (b) en (c) van artikel 22 (2) van die Wet, mag die trustakte bepaal dat die laagste verkopersprys en die hoogste kopersprys op 'n erkende effektebeurs gebruik mag word om onderskeidelik die verkoopprys en terugkoopprys van onderaandele te bereken.

Ondertekening van opgawes vir doeleindes van artikels 31(1) en 32(1) van Wet

5. Die opgawes wat 'n geregistreerde bestuursmaatskappy in eiendomsaandele ooreenkomstig die bepalings van artikels 31(1) en 32(1) van die Wet aan die registrateur moet verstrek, moet namens die direkteure van die maatskappy deur 'n direkteur of ander verantwoordelike beampte deur die direkteure daartoe gemagtig, onderteken word.

Verstreking van dokumente en besonderhede in aansoeke kragtens artikel 37 (2)(b) van Wet

6. 'n Aansoek wat ingevolge paragraaf (b) van artikel 37(2) van die Wet gedoen word om vrystelling van die bepalings van die Wet van 'n voorgenome skema of reëling wat deelname in bepaalde verbande toelaat, moet deur of namens die persoon wat sodanige skema sal bedryf, gedoen word en van die volgende dokumente vergesels gaan:
- 6.1 'n Beskrywing van die wyse waarop die skema bedryf gaan word;
 - 6.2 twee afskrifte van die reëls wat die werking van die skema reguleer; en
 - 6.3 twee afskrifte van die Akte van Oprigting en Statute van die genomineerde maatskappy wat in verband met die skema bestuur gaan word.

Application of Regulations for purposes of section 36 of Act

7. A provision of these Regulations which relates to a section of the Act which is by section 36 of the Act made applicable to or in respect of a management company in property shares and a trustee in terms of a unit trust scheme in property shares, applies with the necessary changes required by the context and in so far as it can be applied, also to such management company and trustee.

Fees and penalties

8. The following fees and penalties, which include VAT, are payable from the date of publication of these Regulations at the times and by the persons indicated hereunder in respect of the following matters:

- 8.1 On lodging of an application under section 4 of the Act for registration as a management company, payable by the applicant concerned, a fee of R16 500;
- 8.2 on lodging of an application under conditions imposed by the registrar under section 4(3) of the Act by a registered management company in respect of any additional unit portfolio, payable by the applicant concerned, a fee of R6 500;
- 8.3 on lodging of an application under section 23 of the Act by a management company for an amendment, rescission of or addition to a trust deed or supplemental trust deed, other than an application for an additional unit portfolio, payable by the management company, a fee of R4 000;
- 8.4 on lodging of an application under section 30 of the Act for registration as a management company in property shares, payable by the applicant concerned, a fee of R16 500;
- 8.5 on lodging of an application under conditions imposed by the registrar under section 30(3) of the Act by a registered management company in property shares in respect of any additional unit portfolio, payable by the applicant concerned, a fee of R6 500;
- 8.6 on lodging of an application in terms of paragraph (b) of section 37(2) of the Act for exemption from the provisions of the Act, payable by the applicant concerned, a fee of R5 000;
- 8.7 on lodging of an application under subparagraph (I) of section 37A(1)(b) of the Act for approval of a foreign collective investment scheme, payable by the applicant concerned, a fee of R20 000;
- 8.8 by indiening van 'n aansoek kragtens voorwaardes deur die registrateur opgelê kragtens subparagraaf (ii) van artikel 37A(1)(b) van die Wet deur 'n buitelandse kollektiewe beleggingskema ten opsigte van enige addisionele fonds of produk in sodanige skema, betaalbaar deur die betrokke aansoeker, 'n geld van R6 500;

- 8.9 by indiening van 'n aansoek kragtens voorwaardes deur die registrateur opgelê kragtens subparagraaf (ii) van artikel 37A(1)(b) van die Wet deur 'n buitelandse kollektiewe beleggingskema ten opsigte van enige verandering of intrekking van of byvoeging tot sodanige skema, behalwe 'n aansoek vir 'n addisionele fonds of produk, betaalbaar deur die betrokke aansoeker, 'n geld van R10 000;
- 8.10 by indiening van 'n aansoek kragtens voorwaardes deur die registrateur opgelê kragtens subparagraaf (ii) van artikel 37A(1)(b) van die Wet deur 'n buitelandse kollektiewe beleggingskema ten opsigte van 'n verandering of intrekking van of byvoeging tot 'n fonds of produk van sodanige skema, behalwe 'n aansoek vir 'n addisionele fonds of produk, betaalbaar deur die betrokke aansoeker, 'n geld van R4 000;
- 8.11 by indiening van 'n aansoek om 'n afskrif van enige dokument, per A4-blad, of gedeelte daarvan, betaalbaar deur die betrokke aansoeker, 'n geld van R3,50;
- 8.12 vir laat voorlegging deur enige persoon van 'n balansstaat, rekening, staat, dokument of verslag wat ingevolge enige bepaling van die Wet verstrek moet word, betaalbaar deur die betrokke persoon by ontvangs van 'n skriftelike versoek deur die registrateur, 'n boete van R20,00 per dag vir elke dag wat die versuim voortduur, tot 'n maksimum van R200,00.

Wyse van betaling van gelde en boetes

9. Gelde en boetes bedoel in regulasie 8 is betaalbaar deur middel van 'n tjek, posorder of geldwissel uitgemaak ten gunste van die Raad op Finansiële Dienste: Met dien verstande dat waar bedoelde gelde of boetes per hand afgelewer word, die betaling in kontant mag geskied.

Rente ten opsigte van onbetaalde gelde en boetes

10. Gelde en boetes wat nie betaal word wanneer dit ingevolge hierdie Regulasie betaalbaar is nie, dra rente teen 'n koers per jaar gelykstaande aan die heersende prima oortrekkingskoers van Die Standard Bank van Suid-Afrika Beperk.

Herroeping van Regulasies

11. Die Regulasies afgekondig by Goewermentskennisgewing No. R.728 van 22 Mei 1998 en Goewermentskennisgewing No. R.996 van 31 Julie 1998, word hierby herroep.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 798

25 June 1999

BASIC CONDITIONS OF EMPLOYMENT ACT, 1997

SECTORAL DETERMINATION No. 1: CONTRACT CLEANING SECTOR, SOUTH AFRICA

CORRECTION NOTICE

The following corrections to Government Notice No. R. 622, in *Government Gazette* No. 20064 dated 14 May 1999, is hereby published for general information:

Clause 9: OVERTIME

In sub-clause (1) substitute the expression "employee" where it occurs in the first line by the expression "employs".

In sub-clause (2) substitute the expression "employee" where it appears in the first lines by the expression "employees".

Clause 23: TERMINATION OF EMPLOYMENT

In sub-clause (1) (d) (ii), substitute the expression "two weeks" by the expression "four weeks".

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

No. R. 801

25 June 1999

MINERALS ACT, 1991 (ACT No. 50 OF 1991)

AMENDMENT OF REGULATIONS

I, Penuell Mpapa Maduna, Minister of Minerals and Energy, under section 63 of the Minerals Act, 1991 (Act No. 50 of 1991), hereby amend Chapter 5 of the regulations published under Government Notice R. 992 of 26 June 1970, as amended, as set out in the Schedule.

P. M. MADUNA

Minister of Minerals and Energy

SCHEDULE

1. Chapter 5 of the said regulations is hereby amended by the addition of the following regulations:

"Performance assessment and monitoring of environmental management programme"

Definitions

5.17 For the purpose of regulations 5.18 to 5.18.11—

- (a) **"environmental management programme"** means an environmental management programme approved in terms of section 39 (1) of the Act, unless specifically otherwise indicated herein;
- (b) **"independent team"** means a person or a team of persons with appropriate expertise in environmental assessment and management, who—
 - (i) has not been involved with the operational management of the mining or prospecting operation in question; or
 - (ii) has previously not been involved in the particular performance assessment of the environmental management programme being considered;
- (c) **"monitoring"** means the use of quantitative and qualitative data gathering techniques in order to—
 - (i) ascertain whether the requirements of an environmental management programme are being complied with; and
 - (ii) supply supporting information for the performance assessment of the environmental management programme;
- (d) **"performance assessment"** means a systematic, periodic, objective and documented evaluation of—
 - (i) the compliance with an environmental management programme; and
 - (ii) the continued appropriateness and adequacy of the environmental management programme;
- (e) **"report"** means the report referred to in regulation 5.18 (c).

Compliance with environmental management programme

5.18 In order to ensure compliance with an environmental management programme and to access the continued appropriateness and adequacy of the environmental management programme, the holder of a prospecting permit or mining authorization shall—

- (a) conduct the monitoring of the environmental management programme on an ongoing basis;
- (b) conduct the performance assessments of the environmental management programme in accordance with regulations 5.18.1, 5.18.2, 5.18.3 and 5.18.4;
- (c) compile and submit to the Director: Mineral Development a report on the performance assessment of the environmental management programme in which compliance with regulation 5.18 (b) is demonstrated.

Assessment and report

5.18.1 In order to comply with the provisions of regulation 5.18 (b) and (c), the holder of a prospecting permit or mining authorization shall conduct the performance assessment of the relevant environmental management programme and compile and submit the report to the satisfaction of the Director: Mineral Development—

- (a) in accordance with the requirements of the relevant environmental management programme; or
- (b) if the environmental management programme does not provide therefor, as agreed to in writing by the Director: Mineral Development.

No approved programme and exemption

5.18.2 If—

- (a) an environmental management programme has not been approved in terms of section 39 (1) of the Act; and
- (b) exemption has not been granted in terms of section 39 (2) (a) of the Act from the requirement to obtain such approval,

the holder of the prospecting permit or mining authorization in question shall make arrangements for the conducting of performance assessments of an environmental management programme and the compiling and submitting of reports as agreed to in writing by the Director: Mineral Development.

Internationally recognised standards for environmental management systems

5.18.3 The holder of a prospecting permit or mining authorization whose prospecting and mining operations have been certified in terms of internationally recognised standards for environmental management systems may, on application to the Director: Mineral Development and provided that proof of such certification and compliance thereto is furnished, be exempted from the provisions of regulation 5.18 (b), but reports shall be compiled and submitted in accordance with regulation 5.18.4 to demonstrate that performance assessments of the relevant environmental management programme are being conducted to the satisfaction of the Director: Mineral Development.

Frequency of assessments and reports

5.18.4 The frequency of conducting performance assessments of an environmental management programme and the compiling and submitting of reports shall be in accordance with the period—

- (a) specified in the environmental management programme; or
- (b) if such period is not so specified—
 - (i) as agreed to in writing by the Director: Mineral Development; or
 - (ii) every two years from the date of approval of that environmental management programme.

Content and copies of report

5.18.5.1 The report shall contain the following:

- (a) A clear indication of the period that applies to the performance assessment of the environmental management programme;
- (b) the scope of that assessment;
- (c) the procedure used for that assessment;
- (d) the interpreted information gained from the monitoring of the environmental management programme;
- (e) the evaluation criteria used during that assessment;
- (f) the results of that assessment; and
- (g) recommendations on how and when identified deficiencies and non-compliance of requirements will be rectified.

5.18.5.2 The holder of the prospecting permit or mining authorization in question shall submit to the Director: Mineral Development such number of copies of the report as that Director determines.

Appointment of persons with appropriate expertise

- 5.18.6. The holder of a prospecting permit or mining authorization may appoint persons with appropriate expertise to conduct the performance assessment of the environmental management programme and compile the report, provided that such appointment shall not relieve the holder of his or her responsibilities in terms of these regulations.

Report to be made available

- 5.18.7. The report submitted to the Director: Mineral Development shall be made available by him or her to—
- (a) other departments which have been involved in the approval of the environmental management programme; and
 - (b) other parties on written request.

Assessment of report unacceptable

- 5.18.8. If the Director: Mineral Development finds that—
- (a) the performance assessment of the environmental management programme conducted by the holder of a prospecting permit or mining authorization is not satisfactory; or
 - (b) the report submitted by that holder is not acceptable, that holder may, at his cost, be required to do any or all of the following:
 - (i) Repeat the whole or relevant parts of that assessment and revise and resubmit the report;
 - (ii) submit relevant supporting information;
 - (iii) appoint an independent team to conduct the whole or part of that assessment and to compile the report.

Response to report

- 5.18.9 The Director: Mineral Development shall respond in writing to the holder of the prospecting permit or mining authorization on the performance assessment of the environmental management programme within four months after the date of receiving the report, unless otherwise agreed to in writing between the Director and the holder.

Appointment of independent team by Director-General

- 5.18.10.1 If there is reason to believe that the performance of assessment of the environmental management programme cannot be conducted satisfactorily by the holder of the prospecting permit or mining authorization, the Director-General may appoint an independent team to conduct that assessment.
- 5.18.10.2 The cost of the appointment of the independent team in terms of regulation 5.18.10.1 and the conducting of the performance assessment of the environmental management programme shall be for the account of the holder in question.

Final performance assessment of environmental management programme

- 5.18.11.1 When the holder of a prospecting permit or mining authorization intends terminating his or her prospecting or mining operations and intends obtaining a certificate contemplated in section 12 of the Act, a final performance assessment of the environmental management programme shall be conducted and a report to the satisfaction of the Director: Mineral Development shall be submitted to indicate that—
- (a) the requirements of the relevant legislation have been complied with;
 - (b) the objectives as described in the environmental management programme have been met; and
 - (c) all residual and latent environmental impacts resulting from the prospecting and mining operations of that holder have been identified and the risks thereof have been identified and quantified and arrangements for the management of those risks have been finalised.
- 5.18.11.2 The conducting of the final performance assessment of the environmental management programme and the submission of the report referred to in regulation 5.18.11.1 shall precede or accompany the application for a certificate contemplated in section 12 of the Act.”.

No. R. 801**25 Junie 1999**

MINERAALWET, 1991 (WET No. 50 VAN 1991)

WYSIGING VAN REGULASIES

Ek, Penuell Mpapa Maduna, Minister van Minerale en Energie, kragtens artikel 63 van die Mineraalwet, 1991 (Wet No. 50 van 1991), wysig hierby Hoofstuk 5 van die regulasies gepubliseer kragtens Goewermmentskennisgewing R. 992 van 26 Junie 1970, soos gewysig, soos in die Bylae uiteengesit.

P. M. MADUNA**Minister van Minerale en Energie**

BYLAE

1. Hoofstuk 5 van genoemde regulasies word hierby gewysig deur die volgende regulasies by te voeg:

"Prestasiebeoordeling en monitering van omgewingsbestuursprogram"**Woordskrywing**

5.17 Vir die doeleindes van regulasies 5.18 tot 5.18.11 beteken—

- (a) **"monitering"** die gebruik van kwantitatiewe en kwalitatiewe tegnieke van dataversameling ten einde—
 - (i) te bepaal of die vereistes van 'n omgewingsbestuursprogram nagekom is; en
 - (ii) inligting ter ondersteuning van die prestasiebeoordeling van daardie omgewingsbestuursprogram te voorsien;
- (b) **"omgewingsbestuursprogram"** 'n omgewingsbestuursprogram wat ingevolge artikel 39 (1) van die Wet goedgekeur is, tensy uitdruklik hierin anders vermeld;
- (c) **"onafhanklike span"** 'n persoon of 'n span persone met toepaslike kundigheid in omgewingsbeoordeling en -bestuur, wat—
 - (i) nie betrokke is met die bedryfsbestuur van die betrokke myn- of prospekteerwerksaamhede nie; of
 - (ii) nie voorheen betrokke was met die besondere prestasiebeoordeling van die omgewingsbestuursprogram tans onder oorweging nie;
- (d) **"prestasiëbeoordeling"** 'n sistematiese, periodieke, objektiewe en gedokumenteerde evaluering van—
 - (i) die nakoming van 'n omgewingsbestuursprogram; en
 - (ii) die volgehoue toepaslikheid en geskiktheid van die omgewingsbestuursprogram;
- (e) **"verslag"** die verslag bedoel in regulasie 5.18 (c).

Nakoming van omgewingsbestuursprogram

5.18 Ten einde die nakoming van 'n omgewingsbestuursprogram te verseker en om die volgehoue toepaslikheid en geskiktheid van die omgewingsbestuursprogram te beoordeel, moet die houer van 'n prospekteerpermit of ontginningsmagtiging—

- (a) monitering van daardie omgewingsbestuursprogram op 'n voortgaande basis doen;
- (b) prestasiebeoordelings van daardie omgewingsbestuursprogram ooreenkomstig regulasies 5.18.1, 5.18.2, 5.18.3 en 5.18.4 doen;
- (c) 'n verslag oor die prestasiebeoordeling van daardie omgewingsbestuursprogram, waarin nakoming van regulasie 5.18 (b) aangetoon word, opstel en aan die Direkteur: Mineraalontwikkeling voorlê.

Voorlegging van verslag

5.18.1 Ten einde aan die bepalings van regulasie 5.18 (b) en (c) te voldoen, moet die houer van 'n prospekteerpermit of ontginningsmagtiging die prestasiebeoordeling van die tersaaklike omgewingsbestuursprogram doen en 'n verslag opstel en voorlê tot die tevredenheid van die Direkteur: Mineraalontwikkeling—

- (a) ooreenkomstig die vereiste van die betrokke omgewingsbestuursprogram; of
- (b) indien daardie omgewingsbestuursprogram nie daarvoor voorsiening maak nie, soos skriftelik ooreengekom met die Direkteur: Mineraalontwikkeling.

Geen goedgekeurde program en vrystelling

5.18.2 Indien—

- (a) 'n omgewingsbestuursprogram nie ingevolge artikel 39 (1) van die Wet goedgekeur is nie; en
- (b) vrystelling van die vereiste om sodanige goedkeuring te verkry nie ingevolge artikel 39 (2) (a) van die Wet verleen is nie,

moet die houer van die betrokke prospekteerpermit of ontginningsmagtiging reëlins tref vir die doen van die prestasiebeoordeling van 'n omgewingsbestuursprogram en die opstel en voorlê van verslae soos skriftelik met die Direkteur: Mineraalontwikkelings ooreengeskem.

Internasionaal erkende standaarde vir omgewingsbestuurstelsels

5.18.3 Die houer van 'n prospekteerpermit of ontginningsmagtiging wie se prospekteer- en mynwerksaamhede gesertifiseer is ingevolge internasionaal erkende standaarde vir omgewingsbestuurstelsels kan, op aansoek by die Direkteur: Mineraalontwikkeling en met dien verstande dat bewys van sodanige sertifisering en nakoming daarvan voorgelê word, van die bepalings van regulasie 5.18 (b) vrygestel word, maar verslae moet ooreenkomstig regulasie 5.18.4 opgestel en ingedien word om aan te toon dat prestasiebeoordelings van die tersaaklike omgewingsbestuursprogram gedoen is tot die tevredenheid van die Direkteur: Mineraalontwikkeling.

Frekwensie van beoordelings en verslae

5.18.4 Die frekwensie waarteen prestasiebeoordelings van 'n omgewingsbestuursprogram gedoen word en die opstelling en voorlegging van verslae, moet ooreenkomstig die tydperk—

- (a) gespesifiseer in daardie omgewingsbestuursprogram wees; of
- (b) indien nie aldus gespesifiseer nie—
 - (i) soos skriftelik met die Direkteur: Mineraalontwikkeling ooreengekom; of
 - (ii) elke twee jaar vanaf die datum van goedkeuring van daardie omgewingsbestuursprogram, wees.

Inhoud en afskrifte van verslag

5.18.5.1 Die verslag moet die volgende insluit:

- (a) 'n Duidelike aanduiding van die tydperk wat op die prestasiebeoordeling van die omgewingsbestuursprogram van toepassing is;
- (b) die omvang van daardie beoordeling;
- (c) die prosedure wat vir daardie beoordeling gevolg is;
- (d) die geïnterpreteerde inligting wat van die monitering van daardie omgewingsbestuursprogram verkry is;
- (e) die evalueringskriteria wat gedurende beoordeling gebruik is;
- (f) die resultate van daardie beoordeling; en
- (g) aanbevelings oor hoe en wanneer geïdentifiseerde tekortkominge en nie-nakoming van vereistes reggestel sal word.

5.18.5.2 Die houer van die betrokke prospekterpermit of ontginningsmagtigings moet aan die Direkteur: Mineraalontwikkeling die getal afskrifte van die verslag wat daardie Direkteur bepaal, voorlê.

Aanstel van persone met toepaslike kundigheid

5.18.6. Die houer van 'n prospekterpermit of ontginningsmagtigings kan persone met toepaslike kundigheid aanstel om 'n prestasiebeoordeling van die omgewingsbestuursprogram te doen en die verslag op te stel, met dien verstande dat sodanige aanstelling nie die houer van sy of haar verantwoordelikhede ingevolge hierdie regulasie onthef nie.

Beskikbaarmaking van verslag

5.18.7. Die verslag wat aan die Direkteur: Mineraalontwikkeling voorgelê is moet deur hom of haar aan—

- (a) ander departemente wat betrokke was met die goedkeuring van die onmgewingsbestuursprogram; en
- (b) ander partye op skriftelike versoek

beskikbaar gemaak word.

Onaanvaarbare verslag of beoordeling

5.18.8. Indien die Direkteur: Mineraalontwikkeling bevind dat—

- (a) die prestasiebeoordeling van die omgewingsbestuursprogram wat deur die houer van die prospekterpermit of ontginningsmagtigings gedoen is, nie bevredigend is nie; of
- (b) die verslag wat deur die houer voorgelê is onaanvaarbaar is, kan van die houer vereis word, om op sy of haar koste, enige of alles van die volgende te doen:
 - (i) Die hele of tersaaklike gedeeltes van daardie beoordeling te herhaal en die verslag aan te pas en weer voor te lê;
 - (ii) tersaaklike ondersteunende inligting voor te lê;
 - (iii) 'n onafhanklike span aan te stel om die hele of gedeeltes van daardie beoordeling te doen en 'n verslag op te stel.

Reaksie op verslag

5.18.9 Die Direkteur: Mineraalontwikkeling moet skriftelik aan die houer van die prospekterpermit of ontginningsmagtigings op die prestasiebeoordeling van die omgewingsbestuursprogram reageer binne vier maande vanaf die datum waarop die verslag ontvang is, tensy andersins skriftelik ooreengekom tussen die Direkteur en die houer.

Aanstel van onafhanklike span deur Direkteur-generaal

5.18.10.1 Indien daar rede is om te glo dat die prestasiebeoordeling van die omgewingsbestuursprogram nie bevredigend deur die houer van die prospekterpermit of ontginningsmagtigings gedoen kan word nie, kan die Direkteur-generaal 'n onafhanklike span aanstel om daardie beoordeling te onderneem.

5.18.10.2 Die koste verbonde aan die aanstel van die onafhanklike span ingevolge regulasie 5.18.10.1 en die doen van die prestasie-beoordeling van die omgewingsbestuursprogram is vir die rekening van die betrokke houer.

Finale prestasiebeoordeling van omgewingsbestuursprogram

5.18.11.1 Wanneer die houer van 'n prospekterpermit of ontginningsmagtiging van voorneme is om sy of haar prospekter- of mynwerkzaamhede te beeindig en 'n sertifikaat beoog in artikel 12 van die Wet wil bekom, moet 'n finale prestasiebeoordeling van die omgewingsbestuursprogram gedoen word en 'n verslag tot die tevredenheid van die Direkteur: Mineraalontwikkeling voorgelê word om aan te dui dat—

- (a) die vereistes van die tersaaklike wetgewing nagekom is;
- (b) die doelwitte soos beskryf in die omgewingsbestuursprogram bereik is; en
- (c) alle residuele en latente omgewingsinvloede voortspruitend uit die prospekter- en mynwerkzaamhede van daardie houer geïdentifiseer is, die risiko's daarvan geïdentifiseer en gekwantifiseer is en reëlins vir die bestuur daarvan gefinaliseer is.

5.18.11.2 Die onderneming van die finale prestasiebeoordeling van die omgewingsbestuursprogram en die voorlegging van die verslag bedoel in regulasie 5.18.11.1, moet die aansoek vir 'n serfikaat beoog in artikel 12 van die Wet voorafgaan of vergesel."

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 794

25 June 1999

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/996)

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

G. MARCUS

Deputy Minister of Finance

SCHEDULE

Head- ing	Subheading	C. D.	Article Description	Statistical Unit	Rate of Duty	Anno- tations
29.21			By the substitution for subheading No. 2921.44.30 of the following:			
	"30	8	---Octylated diphenylamine	kg	10%"	
			By the substitution for subheading No. 2921.51.30 of the following:			
	"30	3	---Derivatives of <i>p</i> -phenylenediamine	kg	10%"	
29.33			By the substitution for subheading No. 2933.40.35 of the following:			
	"35	3	-- Polymerised 1,2-dihydro-2,2,4-trimethyl quinoline	kg	10%"	
29.34			By the substitution for subheading No 2934.20.15 of the following:			
	"15	3	-- 2-Mercaptobenzothiazole	kg	10%"	

No. R. 794

25 Junie 1999

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/996)

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

G. MARCUS

Adjunkminister van Finansies.

BYLAE

Pos	Subpos	T. S.	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno= tasies
29.21			Deur subpos No. 2921.44.30 deur die volgende te vervang:			
	“.30	8	--- Geöktileerde difenielamien	kg	10%”	
			Deur subpos No. 2921.51.30 deur die volgende te vervang:			
	“.30	3	--- Derivate van p-fenileendiamien	kg	10%”	
29.33			Deur subpos No. 2933.40.35 deur die volgende te vervang:			
	“.35	3	-- Gepolimeriseerde 1,2 -dihidro-2,2,4-trimetielkinolien	kg	10%”	
29.34			Deur subpos No. 2934.20.15 en deur die volgende te vervang:			
	“.15	3	-- 2-Merkaptobensotiasool	kg	10%”	

No. R. 795

25 June 1999

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/997)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, with retrospective effect to 12 March 1997, to the extent set out in the Schedule hereto.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

Head- ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty	Anno- tations
87.03	.60	9	By the substitution for subheading No. 8703.21.60 of the following: --- Vehicles with motorcycle-type handlebars and hand-operated controls	u	free	

No. R. 795

25 Junie 1999

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/997)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 12 Maart 1997, in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies.

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno- tasies
87.03	.60	9	Deur subpos No. 8703.21.60 deur die volgende te vervang: --- Voertuie met motorfietstipe stuur- en handaangedrewe kontroles	u	vry	

No. R. 796

25 June 1999

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/5/26)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 5 to the said Act, is hereby amended to the extent set out in the Schedule hereto.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

I Fuel Levy Item	II		III Rate of Fuel Levy	Anno- tations
	Tariff Heading	Description		
195.10 ".20	27.10	By the substitution for fuel levy item 195.10.20 of the following: Mixtures of kerosene or of any other product falling within heading No. 27.10 of Part 1 of this Schedule, containing lubricity agents	90,6c/l "	

No. R. 796

25 Junie 1999

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/5/26)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 5 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies.

BYLAE

I Brandstof = heffingitem	II		III Skaal van Brandstofhef- fing	Anno- tasies
	Tariefpos	Beskrywing		
195.10 ".20	27.10	Deur brandstofheffingitem 195.10.20 deur die volgende te vervang: Mengsels van kerosen of van enige ander produk indeelbaar by pos No. 27.10 van Deel 1 van hierdie Bylae, wat smeerpereparate bevat	90,6c/l "	

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
DEPARTEMENT VAN WATERWESE EN BOSBOU****No. R. 783****25 June 1999****WATER SERVICES ACT, 1997 (ACT No. 108 OF 1997)****INVITATION TO SUBMIT WRITTEN COMMENTS ON THE PROPOSED REGULATIONS IN TERMS OF SECTIONS 9 (1)
AND 73 (1) (j) OF THE WATER SERVICES ACT, 1997 (ACT No. 108 OF 1997)**

The Minister of Water Affairs and Forestry intends promulgating the draft regulations as set out in the attached Schedule in terms of sections 9 (1) and 73 (1) (j) of the Water Services Act, 1997 (Act No. 108 of 1997).

In terms of section 71 (1) (a) of the said Act, interested parties are invited to submit written comments on the draft regulations on or before 31 August 1999. Comments must be submitted to:

**The Director-General,
Department of Water Affairs and Forestry,
Private Bag X313, Pretoria,
0001; or
Fax (012) 323-3877; or
E-mail: helgard@dwaf.pwv.gov.za**

and marked for the attention of Mr Helgard Muller (Director: Water Services: Operations.)

SCHEDULE**REGULATIONS IN TERMS OF SECTIONS 9(1) AND 73(1)(j) OF THE
WATER SERVICES ACT****Definitions**

In these regulations, unless the context shows that another meaning is intended, any term or expression used will have the meaning as defined in the Water Services Act, Act 108 of 1997 -

- | | |
|----------------------------|---|
| (1) "connection" | means any connection through which water supply services are provided to a premises, irrespective of the purpose for which the premises is used, and includes residential, industrial, commercial, business and institutional premises. |
| (2) "domestic waste water" | waste water resulting from the supply of water to a household; |
| (3) "effluent" - | human excreta, domestic waste-water or effluent resulting from the use of water supplied by or on behalf of the water services authority for commercial or industrial purposes; |
| (4) "grey water" - | effluent resulting from the domestic use of water excluding human excreta; |
| (5) "household" - | means a dwelling, structure or property primarily occupied for residential purposes; |
| (6) "supply zone" - | means an area, determined by the water services authority, within which all the consumer connections are provided with water supply services from the same bulk supply; and |
| (7) "the Act" - | means the Water Services Act, Act 108 of 1997. |

Compulsory national standards relating to the provision of water services in terms of section 9(1)(a) of the Act

1 Basic Sanitation

- (1) Basic sanitation is -
 - (a) the provision of appropriate health and hygiene education, and
 - (b) technical support to enable the construction and utilization of at least a Ventilated Improved Pit Toilet per household, subject to the provisions of sub-regulation (2).
- (2) Before providing basic sanitation as set out in sub-regulation (1) a water services authority must undertake an investigation to determine if a Ventilated Improved Pit Toilet could have a significant negative effect on the quality of groundwater, health or the environment.
- (3) If the investigation in terms of sub-regulation (2) concludes that the construction and use of a Ventilated Improved Pit Toilet or Ventilated Improved Pit Toilets could have a significant negative effect on the quality of groundwater, health or the environment, an alternative method of providing basic sanitation must be considered.
- (4) In considering an alternative method of providing basic sanitation, in terms of sub-regulation (2), the affordability, social acceptability, and sustainability of that method should be taken into account.

Explanatory Notes:

1. As to limited resources and affordability see sections 3(2) - (4) read with section 11 (2) of the Act and sections 27 (2); 152 (2) and 153 (a) of the Constitution of the Republic of South Africa, 1996.
2. The duty to ensure access to basic water supply and basic sanitation must be progressively realised. See Section 11 of the Act and recent decisions of the Constitutional Court.
3. It is the intention of the Department to provide guidelines in respect of alternative methods of providing basic sanitation.
4. The Department intends to cooperate with SABS in preparing codes of practice for on-site sanitation.

2 Basic Water supply

Basic water supply is -

- (a) a minimum quantity of potable water of 25 litres per person per day;
- (b) at a minimum flow rate of not less than 10 litres per minute;
- (c) within 200 metres;
- (d) available on a regular, daily basis;
- (e) supplied from a source of raw water which is available 98 % of the time;
and
- (f) with effectiveness of not more than one week interruption in supply per year.

Explanatory Notes:

1. As to limited resources and affordability see sections 3 (2) - (4) read with section 11 (2) of the Act and sections 27 (2); 152(2) and 153(a) of the Constitution of the Republic of South Africa, 1996.
2. The duty to ensure access to basic water supply and basic sanitation must be progressively realised. See Section 11 of the Act and recent decisions of the Constitutional Court.

3 Interruption in the provision of water services

A water services authority must ensure that at least access to basic water services is provided to consumers as alternative water services where the water services usually provided by or on behalf of the water services authority are interrupted for a period of more than twenty four hours.

Compulsory national standards relating to the quality of water taken or discharged into any water services or water resource system in terms of section 9(1)(b) of the Act

4 Quality of potable water

- (1) The quality of potable water provided to consumers must comply with SABS Code 241: Water for Domestic Supplies.
- (2) A water service authority who is, at any time, unable to provide potable water in compliance with SABS Code 241: Water for Domestic Supplies, to consumers, must inform the Minister and the Province and take reasonable steps to inform its consumers -
 - (a) that it is unable to provide potable water of the prescribed quality;
 - (b) of the reasons therefor;
 - (c) any precautions to be taken by the consumers; and
 - (d) the time frame, if any, within which it may reasonably be expected that the prescribed quality will be provided.

Explanatory Note:

As to limited resources and affordability see sections 3 (2) - (4) read with section 11 (2) of the Act and sections 27(2); 152(2) and 153 (a) of the Constitution of the Republic of South Africa, 1996.

5 Control of Objectionable Discharge

A water services authority must take reasonable measures to prevent any substance other than storm water to enter -

- (a) any storm water drain or storm water sewer; or
- (b) any watercourse, except in accordance with the provisions of National Water Act, Act no. 36 of 1998.

6 Disposal and use of Grey Water

- (1) A water services authority must ensure appropriate grey water disposal, either to a garden or soak-away, where discharge to a sewage treatment plant is not possible.
- (2) A water services authority may impose reasonable limitations on the use of grey water if the use thereof may negatively affect health, the environment or available water resources.

7 Use of effluent

- (1) A water services authority may not approve the use of effluent, other than grey water referred to in regulation 6, for any purpose, if -
 - (a) the use thereof may negatively affect health, the environment or water resources; or
 - (b) the purpose for which the effluent will be used is declared a controlled activity under sections 37 or 38 the National Water Act, Act no. 36 of 1998.
- (2) Any tap or point of access through which effluent or non-potable water can be accessed, must be clearly marked with a waterproof notice indicating that the effluent or non-potable water is not suitable for potable purposes.
- (3) A notice referred to in sub-regulation (2) must be in more than one official language and must include the PV5 symbolic sign for non-potable water as described in SABS Code 1186: Symbolic safety signs: Part 1: Standards, sign and general requirements.

8 Quality of industrial effluent discharged into any water services system

A water services authority may only accept the quantity and quality of industrial effluent into a sewerage system that the sewage treatment plant linked to that system is capable of purifying or treating to ensure that any discharge to a water resource complies with any standards prescribed under the National Water Act, Act no. 36 of 1998.

Compulsory national standards relating to the nature, operation, sustainability, operational efficiency and economic viability of water services in terms of section 9(1)(d) of the Act

9 Water services audit

- (1) A water services authority must, within four months after the end of each financial year, undertake a water services audit.
- (2) A water services audit must contain details for the financial year, and if available, comparative figures for the previous two financial years of -
 - (a) the quantity of water services provided, including at least -
 - (i) water use by sector;
 - (ii) the seasonal variation in demand;
 - (iii) the quantity of water provided to the water services authority by another water service institution;
 - (iv) the quantity of water provided to consumers and other users by the water services authority;
 - (v) the quantity of effluent not discharged to sewage treatment plants and approved for use by the water services authority;
 - (vi) the quantity of effluent discharged to sewage treatment plants;
 - (b) the levels of services rendered, including at least -
 - (i) the percentage and number of user connections in each sector as set out in regulation (a)(i);
 - (ii) the percentage and number of user connections in each sector, as set out in regulation (a)(i), with pre-payment meters;
 - (iii) the number and percentage of households with consumer connections;
 - (iv) the number and percentage of households provided with water through communal water services works;
 - (v) the number and percentage of households provided with water through water services works or consumer installation designed to provide a controlled volume of water;
 - (vi) the number and percentage of households provided with water through water services works or consumer installations designed to provide a uncontrolled volume of water;
 - (vii) the number and percentage of households with access to basic sanitation services;
 - (viii) the number and percentage of households provided with sanitation services through consumer installations;
 - (ix) the number and percentage of households provided with sanitation services through discharge to a sewage treatment plant;
 - (x) the number of new connections made;
 - (c) the number of consumers connected to a reticulation system where pressures rise above 900 kPa at the consumer connection and the number of these consumers who are not supplied through a pressure reducing valve that limits the downstream pressure to below 900 kPa;

- (d) cost recovery, including at least -
 - (i) the tariff structures for each sector referred to in sub-regulation (a)(i);
 - (ii) the cost recovery procedure applied to each sector;
 - (iii) the percentage of non-payment and unpaid debts for water used;
 - (e) meter testing and replacement programmes;
 - (f) the quality of potable water provided;
 - (g) health and hygiene education provided in terms of regulation 1(a);
 - (h) water related diseases reported to local health institutions;
 - (i) water conservation and demand management, including at least -
 - (i) the results of the water balance as set out in regulation 10;
 - (ii) the total quantity of water unaccounted for;
 - (iii) the demand management activities undertaken; and
 - (iv) the progress made in the installation of water saving devices.
- (3) A water services authority must -
- (a) include its water services audit, as required under sub-regulation (1), in its report on the implementation of its water services development plan, required in terms of section 18(1) of the Act, and
 - (b) must comply with its reporting obligation to the Minister by sending a copy to the relevant regional office of the Department of Water Affairs and Forestry.
- (4) A water services authority, when complying with its publication obligation in terms of section 18(3) of the Water Services Act must include at least information in respect of sub-regulations 2(b)(x), 2(c), 2(d)(i), 2(d)(iii), 2(f), 2(h), 2(i).

Compulsory national standards relating to the effective and sustainable use of water resources for water services in terms of section 9(1)(c) of the Act

10 *Water and effluent balance analysis and determination of water losses*

- (1) Within three years of promulgation of these regulations, a water services authority must -
- (a) measure the quantity of water provided to each determined supply zone within its supply area;
 - (b) every month, determine the quantity of unaccounted for water by comparing the measured quantity of water provided to each determined supply zone with the total measured quantity of water provided to all user connections within that supply zone;
 - (c) measure the quantity of effluent received at each sewage treatment plant;
 - (d) every month, determine the quantity of water supplied but not discharged to sewage treatment plants by comparing the measured quantity of effluent received at all sewage treatment plants with the total measured quantity of water provided to all user connections; and
 - (e) keep record of the quantities measured and calculations made.

- (2) A water services authority must take reasonable measures to reduce the quantity of water unaccounted for.

Explanatory Note:

Regulation 10(1)(b) sets out the methodology by which the unaccounted for water reported under Regulation 9(2)(i)(i) is derived.

11 Repair of major or visible leaks

- (1) A water services authority must ensure that any major or visible leak in the water services system is repaired within 48 hours after the water services authority became aware thereof.
- (2) A water services authority must have a consumer service to which leaks can be reported.

Compulsory national standards relating to the construction and functioning of water services works and consumer installations in terms of section 9(1)(f) of the Act

12 Measurement of water supplied

- (1) A water services authority must measure the quantity of water supplied to every user connection.
- (2) A water services authority must ensure that, within three years after promulgation of these regulations, all user connections provided with water supply services are measured, subject to the provisions of sub-regulation 3.
- (3) A water services authority must ensure that every user connection made after the commencement of these regulations is measured, including –
 - (a) every individual dwelling within a new sectional title development or apartment building;
 - (c) every individual building, having a maximum designed flow rate exceeding 60 litre per minute, within any domestic, commercial or public utility complex; and
 - (d) every irrigation system with a maximum designed flow rate exceeding 30 litre per minute and using water supplied by a water services authority.
- (4) Where the water supplied is measured by way of a meter, that meter must –
 - (a) comply with the Trade Metrology Act, Act 77 of 1973 if of a size regulated under that Act, and
 - (b) if of a size greater than that covered by the Trade Metrology Act, Act 77 of 1973, be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5 % at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow –
 - (i) 75 % or more, of the design maximum flow;
 - (ii) between 50 % and 55 % of the design maximum flow; and
 - (iii) between 15 % and 20 % of the design maximum flow.

13 Water services works and consumer installations, other than meters

Every water services work or consumer installation must comply with SABS Code 0252: Water Supply and drainage for buildings and SABS Code 0254: The installation of fixed electric storage water heating systems.

14 Pressure in a reticulation system

Every water reticulation system must be designed and maintained to operate within a pressure range of 200 to 900 kPa.

15 Pressure at which water is supplied to a consumer and an irrigation system

- (1) Where water pressure in the supply system could rise above 900 kPa, pressure control valve must be installed by the water services authority at each domestic consumer connection with the exception of connections to multiple floor buildings, and set to maximum downstream pressure of 900 kPa.
- (2) Where system pressures vary more than 50 % within a determined supply zone, a pressure control valve must be installed by the water user at each connection providing water to an irrigation system, where such an irrigation system has a flow rate exceeding 30 litres per minute.

Measures to be taken by water services institutions to conserve water in terms of section 73(1)(j) of the Act

16 Showers, hand wash basins and public urinals

- (1) Three years after the promulgation of these regulations, the following may not be installed -
 - (a) a shower head with a maximum flow rate exceeding 10 litres per minute where the dynamic water pressure is more than 200 kPa at the shower control valve, and where the plumbing is designed to balance the water pressures on the hot and cold water supplies to the shower control valve;
 - (b) a tap installed on a handwash basin with a maximum flow rate that exceeds 6 litres per minute;
 - (c) a cistern, and related pan designed to operate with such cistern, where the cistern capacity is greater than 6 litres;
 - (d) a cistern intended for private use that is not fitted with flushing devices allowing interruptible or multiple flushes, excluding a cistern with a capacity of 4,5 litres or less; and
 - (e) a urinal that is not user-activated.
- (2) All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within three years of the promulgation of these regulations.

17 Car washing facilities and commercial laundry facilities

A commercial vehicle washing facility or commercial laundry facility constructed after promulgation of these regulations, must be constructed and operated in such a manner that at least 50 % of the water used by such facility is recycled for reuse in that facility.

18 Wasteful use of water

The following wasteful water practices is prohibited -

- (a) the deliberate waste of water;
- (b) the hosing down of any hardened or paved area; and
- (c) the irrigating of an ornamental garden, sports field, park or other grassed area between the hours of 11h00 and 15h00 from a water services system.

19 Applicability of regulations to water services intermediaries

Any water services intermediary is bound by these regulations.

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