



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE
STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No. 1797

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8 JUNIE

[No. 3919

PROCLAMATION

*by the State President of the Republic of
South Africa*

No. R. 135, 1973

REGULATIONS MADE OR DEEMED TO BE MADE
UNDER SECTION 46 OF THE WINE AND SPIRIT
CONTROL ACT, 1970 (No. 47 OF 1970).—AMEND-
MENT

Under the powers vested in me by section 46 of the
Wine and Spirit Control Act, 1970 (No. 47 of 1970), I
hereby amend the regulations made or deemed to be
made under the said section, as set out in the Schedule
hereto.

Given under my Hand and the Seal of the Republic
of South Africa at Cape Town this Fifteenth day of
May, One thousand Nine hundred and Seventy-three.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

H. S. J. SCHOEMAN.

SCHEDULE

The regulations made or deemed to be made under
section 46 of the Wine and Spirit Control Act, 1970,
are hereby further amended by the insertion after sub-
regulation (8)*bis* of regulation 9 of the following sub-
regulation:

“(8)*ter* (a) If a person satisfies the vereniging—

(i) that during the year commencing 1 November
1972 or any subsequent year (hereinafter referred to as
‘the said year’) he produced a quantity of wine on a
farm or subdivision in excess of the quantity which
he was, under a permit issued to him by the vereniging,
authorised to produce thereon during such year (which
excess is hereinafter referred to as the ‘said over-
production’);

(ii) that the said over-production or the value or
the proceeds thereof was forfeited by him to the ver-
eniging during the said year in terms of this regulation
and delivery of such over-production or payment of

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PROKLAMASIE

*van die Staatspresident van die Republiek
van Suid-Afrika*

No. R. 135, 1973

REGULASIES UITGEVAARDIG OF GEAG UITGE-
VAARDIG TE WEES KRAGTENS ARTIKEL 46
VAN DIE WET OP BEHEER OOR WYN EN
SPIRITUS, 1970 (No. 47 VAN 1970).—WYSIGING

Kragtens die bevoegdheid my verleen by artikel 46 van
die Wet op Beheer oor Wyn en Spiritus, 1970 (No. 47
van 1970), wysig ek hierby die regulasies uitgevaardig of
geag uitgevaardig te wees kragtens genoemde artikel, soos
in die Bylae hiervan uiteengesit.

Gegee onder my Hand en die Seël van die Republiek
van Suid-Afrika te Kaapstad, op hede die Vyftiende
dag van Mei Eenduisend Negehonderd Drie-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

H. S. J. SCHOEMAN.

BYLAE

Die regulasies uitgevaardig of geag uitgevaardig te wees
kragtens artikel 46 van die Wet op Beheer oor Wyn en
Spiritus, 1970, word hierby verder gewysig deur na sub-
regulasie (8)*bis* van regulasie 9 die volgende subregulasie
in te voeg:

“(8)*ter* (a) Indien iemand die vereniging tevrede stel—

(i) dat hy gedurende die jaar wat op 1 November
1972 begin of enige daaropvolgende jaar (hieronder
genoem ‘die genoemde jaar’) ’n hoeveelheid wyn op
’n plaas of onderverdeling geproduseer het wat meer
is as die hoeveelheid wat hy kragtens ’n permit, deur
die vereniging aan hom uitgereik, gemagtig was om
gedurende sodanige jaar daarop te produseer (watter
oorskot hierna genoem word die ‘genoemde oor-
produksie’);

(ii) dat die genoemde oorproduksie of die waarde
of die opbrengs daarvan deur hom ingevolge hierdie
regulasie aan die vereniging verbeur is gedurende die
genoemde jaar en aflewering van sodanige oorproduksie

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such value or proceeds, as the case may be, was made by him to the vereniging in pursuance of such forfeiture;

(iii) that during the said year he produced, otherwise than on a crop-sharing basis, a quantity of wine on one or more other farms or subdivisions situate within the same or an adjoining magisterial district as the farm or subdivision referred to in subparagraph (i) which was less than the quantity which he was authorised to produce thereon during such year under a permit or permits issued to him by the vereniging (which shortfall is hereinafter referred to as the 'said under-production');

(iv) that he is solely entitled to receive payment of any refund which may be granted by the vereniging in terms of this subregulation;

and also furnishes the vereniging with any other information required by it, the vereniging may at its discretion and subject to the provisions of paragraphs (b), (c) and (d) refund to such person, without interest, the whole or any portion of the value of the wine or the moneys which were forfeited by him to the vereniging during the said year as aforesaid.

(b) No refund shall be made to any person in respect of any forfeiture unless such person makes application therefor in writing to the vereniging not later than the last day of the year in which such forfeiture occurred.

(c) No refund shall be made in respect of any wine which was destroyed or which was unsound or from which the vereniging was for any reason not able to obtain the full benefit, nor shall any refund to any person exceed the refund which might have become payable to such person if—

(i) his said over-production on the said farm or subdivision had been reduced by his said under-production; and

(ii) his total production on such farm or subdivision during the said year, as so reduced, had consisted of wine as defined in the principal Act, intended for distillation purposes, and wine as defined in this Act in the same proportion and of the same quality as was actually produced by him thereon during the said year.

(d) No under-production taken into account by the vereniging when making a refund to any person in terms of this subregulation shall be taken into account for the purposes of making any further or other refund."

of betaling van sodanige waarde of opbrengs, na gelang van die geval, ooreenkomstig sodanige verbeuring deur hom aan die vereniging gemaak is;

(iii) dat hy gedurende die genoemde jaar 'n hoeveelheid wyn geproduseer het, anders as om 'n deel van die oes, op een of meer ander plase of onderverdelings wat in dieselfde of 'n aangrensende landdrosdistrik geleë is as die plaas of onderverdeling waarna verwys word in subparagraaf (i), wat minder was as die hoeveelheid wat hy kragtens 'n permit of permitte, deur die vereniging aan hom uitgereik, gemagtig was om gedurende sodanige jaar daarop te produseer (watter tekort hierna genoem word die 'genoemde onderproduksie');

(iv) dat alleenlik hy geregtig is om betaling van enige terugbetaling wat ingevolge hierdie subregulasie deur die vereniging toegestaan mag word, te ontvang;

en ook enige ander inligting aan die vereniging verstrek wat die vereniging benodig, kan die vereniging, na goeddunke, en behoudens die bepalinge van paragrafe (b), (c) en (d) aan sodanige persoon, sonder rente, die geheel of enige gedeelte van die waarde van die wyn of die gelde wat gedurende die genoemde jaar deur hom aan die vereniging verbeur is, soos voormeld, terugbetaal.

(b) Geen terugbetaling word ten opsigte van enige verbeuring aan enige persoon gemaak nie tensy sodanige persoon nie later nie as die laaste dag van die jaar waarin sodanige verbeuring plaasgevind het, skriftelik aan die vereniging daarom aansoek doen.

(c) Geen terugbetaling word gemaak ten opsigte van enige wyn wat vernietig is of wat ongesond was of waarvan die vereniging om enige rede nie in staat was om die volle voordeel te verkry nie, nóg sal enige terugbetaling aan enige persoon die terugbetaling oorskry wat aan sodanige persoon betaalbaar mag geword het indien—

(i) sy genoemde oorproduksie op die genoemde plaas of onderverdeling verminder is met sy genoemde onderproduksie; en

(ii) sy totale produksie op sodanige plaas of onderverdeling gedurende die genoemde jaar, soos aldus verminder, bestaan het uit wyn soos in die Hoofwet omskryf, vir destilleringdoeleindes bestem, en wyn soos in hierdie Wet omskryf in dieselfde verhouding en van dieselfde gehalte as wat werklik deur hom gedurende die genoemde jaar daarop geproduseer is.

(d) Geen onderproduksie wat deur die vereniging in aanmerking geneem word wanneer 'n terugbetaling ingevolge hierdie subregulasie aan enige persoon gemaak word, word in aanmerking geneem vir die doeleindes om enige verdere of ander terugbetaling te maak nie."

GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURAL TECHNICAL SERVICES

No. R. 932

8 June 1973

REGULATIONS TO PREVENT THE OCCURRENCE OR SPREAD OF ANTHRAX IN SOUTH-WEST AFRICA

Under the powers vested in him by section 27 of the Animal Diseases and Parasites Ordinance, 1959 (Ordinance 34 of 1959), read with section 19 of the South West Africa Affairs Act, 1969 (Act 25 of 1969), the Minister of Agriculture has made the regulations in the Schedule hereto to prevent the occurrence and spread of Anthrax in South-West Africa

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN LANDBOU-TEGNIËSE DIENSTE

No. R. 932

8 Junie 1973

REGULASIES OM DIE VOORKOMS OF VERSPREIDING VAN MILTSIEKTE IN SUIDWES-AFRIKA TE VOORKOM

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 27 van die Ordonnansie op Diersiektes en -parasiete, 1959 (Ordonnansie 34 van 1959), saamgelees met artikel 19 van die Wet op Aangeleenthede met betrekking tot Suidwes-Afrika, 1969 (Wet 25 van 1969), die regulasies in die Bylae hierby gemaak ten einde die voorkoms en verspreiding van Miltsiekte te voorkom.

SCHEDULE

Every owner of cattle, equines, sheep, goats and pigs in the magisterial districts mentioned in the Annexure hereto shall have all such animals vaccinated against Anthrax once in every period of 12 months at a place and time which a State Veterinarian may determine, with a vaccine approved by the Director of Veterinary Services.

ANNEXURE

The Magisterial Districts of Bethanie, Damaraland, Gobabis, Gibeon, Grootfontein, Hereroland East, Hereroland West, Karibib, Keetmanshoop, Lüderitz, Maltahöhe, Okahandja, Omaruru, Otjiwarongo, Outjo, Rehoboth, Swakopmund, Tsumeb, Walvis Bay, Warmbad and Windhoek.

BYLAE

Elke eienaar van beeste, diere van die perdefamilie, skape, bokke en varke in die landdrosdistrikte vermeld in die Aanhangel hiervan, moet sodanige diere een keer in elke tydperk van 12 maande met 'n entstof goedgekeur deur die Direkteur van Veeartsenydiens teen Miltsiekte inent en wel op die plek en tyd wat 'n Staatsveearts mag vasstel.

AANHANGSEL

Die landdrosdistrikte Bethanie, Damaraland, Gobabis, Gibeon, Grootfontein, Hereroland-Oos, Hereroland-Wes, Karibib, Keetmanshoop, Lüderitz, Maltahöhe, Okahandja, Omaruru, Otjiwarongo, Outjo, Rehoboth, Swakopmund, Tsumeb, Walvisbaai, Warmbad en Windhoek.

DEPARTMENT OF COLOURED RELATIONS
AND REHOBOTH AFFAIRS

No. R. 964

8 June 1973

DELEGATION OF POWERS TO MEMBER OF THE EXECUTIVE OF THE COLOURED PERSONS REPRESENTATIVE COUNCIL.—NOMINATION OF MEMBERS OF CONSULTATIVE AND MANAGEMENT COMMITTEES IN GROUP AREAS FOR COLOURED IN THE TRANSVAAL AND THE ORANGE FREE STATE

I, Schalk Willem van der Merwe, Minister of Coloured Relations and Rehoboth Affairs, under and by virtue of the powers vested in me by section 17 (6) (c) of the Coloured Persons Representative Council Act, 1964 (Act 49 of 1964 as amended), hereby amend the delegation of powers to members of the Executive of the Coloured Persons Representative Council, published by Government Notice No. R. 3669, dated 31 October 1969 by supplementing it as set out in the accompanying schedule.

S. W. VAN DER MERWE, Minister of Coloured Relations and Rehoboth Affairs.

DEPARTEMENT VAN KLEURLINGBETREKKINGE
EN REHOBOTH-AANGELEENTHEDE

No. R. 964

8 Junie 1973

DELEGERING VAN BEVOEGDHEDE AAN LID VAN DIE UITVOERENDE BESTUUR VAN DIE VERTEENWOORDIGENDE KLEURLINGRAAD.—BENOEMING VAN LEDE VAN RAADPLEGENDE EN BESTUURSKOMITEES IN KLEURLINGGROEPS-GEBIEDE IN TRANSVAAL EN DIE ORANJE-VRYSTAAT

Ek, Schalk Willem van der Merwe, Minister van Kleurlingbetrekkinge en Rehoboth-aangeleenthede, handelende kragtens die bevoegdheid my verleen by artikel 17 (6) (c) van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet 49 van 1964 soos gewysig), wysig hierby die delegering van bevoegdhede aan lede van die Uitvoerende Bestuur van die Verteenwoordigende Kleurlingraad, afgekondig by Goewermentskennisgewing No. R. 3669 van 31 Oktober 1969 deur dit aan te vul soos in die bygaande Bylae uiteengesit.

S. W. VAN DER MERWE, Minister van Kleurlingbetrekkinge en Rehoboth-aangeleenthede.

SCHEDULE

TRANSVAAL

REGULATIONS MADE UNDER THE LOCAL GOVERNMENT (EXTENSION OF POWERS) ORDINANCE, 1962
(ORDINANCE 22 OF 1962)

Committee	Number and date of Administrator's Notice	Regulation and power	To whom delegated
Management Committee for Bosmont, Coronationville, Newclare, Riverlea and Western Township in the area of jurisdiction of the Johannesburg City Council	735 of 22 September 1964.....	3 (3) (a) Nomination of one member of Management mittee	Member entrusted with local government.
Consultative Committee for Reigerpark (Boksburg)	784 of 14 October 1964.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.
Consultative Committee for Eerste-rust (Pretoria)	576 of 25 September 1963.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.
Consultative Committee for Alabama (Klerksdorp)	611 of 9 October 1973.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.
Consultative Committee for Rust-ter-Vaal (Vereeniging)	795 of 7 August 1968.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.
Consultative Committee for Barber-ton	1258 of 8 September 1971.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.
Consultative Committee for Potchef-stroom	1253 of 21 October 1970.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.

ORANGE FREE STATE

REGULATIONS MADE UNDER THE LOCAL GOVERNMENT ORDINANCE (COLOURED), 1963
(ORDINANCE 12 OF 1963)

Committee	Number and date of Administrator's Notice	Regulation and power	To whom delegated
Consultative Committee for Ashbury (Bloemfontein)	122 of 20 June 1969.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.
Consultative Committee for Sandersville (Heilbron)	161 of 25 August 1972.....	3 (1) Nomination of two members of Consultative Committee	Member entrusted with local government.

BYLAE

TRANSVAAL

REGULASIES UITGEVAARDIG KRAGTENS DIE ORDONNANSIE OP PLAASLIKE BESTUUR (UITBREIDING VAN BEVOEGDHEDE), 1962 (ORDONNASIE 22 VAN 1962)

Komitee	Nommer en datum van Administrateurskennisgewing	Regulasie en bevoegdheid	Aan wie gedelegeer
Bestuurskomitee vir Bosmont, Coronationville, Newclare, Riverlea en Western Township in regsgebied van Johannesburgse Stadsraad	735 van 22 September 1964.....	3 (3) (a) Benoeming van een lid van Bestuurskomitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Reigerpark (Boksburg)	784 van 14 Oktober 1964.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Eersterust (Pretoria)	576 van 25 September 1963.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Alabama (Klerksdorp)	611 van 9 Oktober 1963.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Rust-ter-Vaal (Vereeniging)	795 van 7 Augustus 1968.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Barberton	1258 van 8 September 1971.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Potchefstroom	1253 van 21 Oktober 1970.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.

ORANJE-VRYSTAAT

REGULASIES UITGEVAARDIG KRAGTENS DIE ORDONNANSIE OP PLAASLIKE BESTUUR (KLEURLINGE), 1963 (ORDONNANSIE 12 VAN 1963)

Komitee	Nommer en datum van Administrateurskennisgewing	Regulasie en bevoegdheid	Aan wie gedelegeer
Raadplegende Komitee vir Ashbury (Bloemfontein)	122 van 20 Junie 1969.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.
Raadplegende Komitee vir Sandersville (Heilbron)	161 van 25 Augustus 1972.....	3 (1) Benoeming van twee lede van Raadplegende Komitee	Lid aangewys vir plaaslike bestuursaangeleenthede.

DEPARTMENT OF CUSTOMS AND EXCISE

No. R. 944

8 June 1973

CUSTOMS AND EXCISE ACT, 1964.—COMMENCEMENT OF AMENDMENTS TO THE "EXPLANATORY NOTES TO THE BRUSSELS NOMENCLATURE" (EN18)

It is hereby notified that the amendments to the "Explanatory Notes to the Brussels Nomenclature" in accordance with Amending Supplements 14 and 15 issued by the Customs Co-operation Council in Brussels shall, in terms of section 47 (8) of the Customs and Excise Act, 1964, become effective in the Republic on 8 June 1973.

V. PIENAAR, Secretary for Customs and Excise.

DEPARTEMENT VAN DOEANE EN AKSYNS

No. R. 944

8 Junie 1973

DOEANE- EN AKSYNSWET, 1964.—INWERKING-TREDING VAN WYSIGINGS VAN DIE "EXPLANATORY NOTES TO THE BRUSSELS NOMENCLATURE" (EN18)

Hierby word bekendgemaak dat die wysigings van die "Explanatory Notes to the Brussels Nomenclature" ooreenkomstig Aanvullende Wysigings 14 en 15 deur die Doeanesamewerkingsraad in Brussel uitgereik, kragtens artikel 47 (8) van die Doeane- en Aksynswet, 1964, op 8 Junie 1973 in die Republiek van krag word.

V. PIENAAR, Sekretaris van Doeane en Aksyns.

No. R. 943

8 June 1973

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/196)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

No. R. 943

8 Junie 1973

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/196)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

SCHEDULE

I Tariff Heading	II Statistical Unit	III IV V Rate of Duty		
		General	M.F.N.	Preferential
90.19 By the substitution in the heading of tariff heading No. 90.19 for the expression "DEAF-AIDS" of the expression "HEARING AIDS". By the substitution for subheading No. 90.19.10 of the following: "90.19.10 Hearing aids 90.19.20 Orthopaedic appliances, surgical belts, trusses and the like; artificial limbs, eyes and other artificial parts of the body (excluding teeth)	no. no.	free free"		

NOTES.—

1. The English text is amended by the substitution of the expression "hearing aids" for the expression "deaf-aids".

2. Specific provision is made for orthopaedic appliances, surgical belts, trusses and the like and artificial limbs, eyes and other artificial parts of the body (excluding teeth). The goods remain free of duty.

BYLAE

I Tariefpos	II Statistiese Eenheid	III IV V Skaal van Reg		
		Algemeen	M.B.N.	Voorkeur
90.19 Deur in die Engelse teks in die opskrif van tariefpos No. 90.19 die uitdrukking „DEAF-AIDS” deur die uitdrukking „HEARING AIDS” te vervang. Deur subpos No. 90.19.10 deur die volgende te vervang: „90.19.10 Gehoortoestelle 90.19.20 Ortopediese toestelle, chirurgiese bande, breukbande en soortgelyke goedere; kunsledemate, kunsoë en ander kunsliggaamsdele (uitgesonderd tande)	getal getal	vry vry"		

OPMERKINGS.—

1. Die Engelse teks word gewysig deur die uitdrukking „deaf-aids” deur die uitdrukking „hearing aids” te vervang.

2. Spesifieke voorsiening word gemaak vir ortopediese toestelle, chirurgiese bande, breukbande en soortgelyke goedere en kunsledemate, kunsoë en ander kunsliggaamsdele (uitgesonderd tande). Die goedere bly vry van reg.

DEPARTMENT OF INLAND REVENUE

No. R. 978

8 June 1973

CORRECTION NOTICE

Proclamation R. 125 of 1973, published in *Government Gazette* 3898, dated 25 May 1973. Notice is hereby given that the word "than" in the fifth last line of Article 5 on page 5 must read "then" in the English text.

DEPARTEMENT VAN BINNELANDSE INKOMSTE

No. R. 978

8 Junie 1973

VERBETERINGSKENNISGEWING

Proklamasie R. 125 van 1973, gepubliseer in *Staatskoerant* 3898, gedateer 25 Mei 1973. Kennisgewing geskied hiermee dat die woord "than" in die vyfde laaste reël van Artikel 5 op bladsy 5 moet "then" lees in die Engelse teks.

DEPARTMENT OF LABOUR

No. R. 931 8 June 1973

INDUSTRIAL CONCILIATION ACT, 1956

BUILDING AND MONUMENTAL MASONRY INDUSTRIES, BLOEMFONTEIN.—AMENDMENT OF AGREEMENT

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Building and Monumental Masonry Industries, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 16 May 1976, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions;

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 8 (1) in so far as it replaces clause 23 (1) (g) of the Agreement published under Government Notice R. 3688 of 7 November 1969, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 16 May 1976, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industries in the area within a radius of 15 miles from the General Post Office, Bloemfontein; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the area specified in paragraph (b) of this notice and with effect from the second Monday after the date of publication of this notice for the period ending 16 May 1976, the provisions of the Amending Agreement, excluding those contained in clauses 2, 8, 10 and 11, shall *mutatis mutandis* be binding upon all Bantu employed in the said Industries by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of Bantu in their employ.

M. VILJOEN, Minister of Labour.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY, BLOEMFONTEIN

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into and between the Master Builders' and Allied Trades' Association, Bloemfontein and the

Electrical Contractors' Association of South Africa

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

Amalgamated Society of Woodworkers of South Africa,
Amalgamated Union of Building Trade Workers of South Africa,

South African Electrical Workers' Association,
and the

White Building Workers' Union

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

being the parties to the Industrial Council for the Building Industry, Bloemfontein, further to amend the Agreement published under Government Notice R. 3688 of 7 November

DEPARTEMENT VAN ARBEID

No. R. 931 8 Junie 1973

WET OP NYWERHEIDSVERSOENING, 1956

BOU- EN MONUMENTKLIPMESSELNYWERHEID, BLOEMFONTEIN.—WYSIGING VAN OOREENKOMS

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en op die Bou- en Monumentklipmesselnywerheid betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 16 Mei 1976 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 8 (1) vir sover dit klousule 23 (1) (g) van die Ooreenkoms gepubliseer by Goewermmentskennisgewing R. 3688 van 7 November 1969 vervang, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 16 Mei 1976 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing, wat betrokke is by of in diens is in genoemde Nywerheid in die gebied binne 'n straal van 15 myl vanaf die Hoofposkantoor, Bloemfontein; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 2, 8, 10 en 11, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 16 Mei 1976 eindig, in die gebied gespesifiseer in paragraaf (b) van hierdie kennisgewing *mutatis mutandis* bindend is vir alle Bantoes in diens in genoemde Nywerheid by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van Bantoes in hul diens.

M. VILJOEN, Minister van Arbeid.

BYLAE

NYWERHEIDSRAAD VIR DIE BOUNYWERHEID, BLOEMFONTEIN

OOREENKOMS

ingevolge die Wet op Nywerheidsversoening, 1956, gesluit en aangegaan deur en tussen die

Master Builders' and Allied Trades' Association, Bloemfontein en die

Electrical Contractors' Association of South Africa

(hierna die "werkgewers" of die "werkgewersorganisasies" genoem), aan die een kant, en die

Amalgamated Society of Woodworkers of South Africa
Amalgamated Union of Building Trade Workers of South Africa

South African Electrical Workers' Association
en die

Blanke Bouwerkersvakbond

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Bloemfontein, om die Ooreenkoms gepubliseer by Goewermmentskennisgewing R. 3688 van 7 November 1969, soos gewysig en

1969, as amended and extended by Government Notices R. 2165 of 4 December 1970, R. 2069 of 12 November 1971, R. 885 of 26 May 1972, R. 1384 of 11 August 1972, and R. 1976 of 3 November 1972, as follows:

1. CLAUSE 3.—DEFINITIONS

- (1) In paragraph (v) (a)—
 - (a) delete the following words:

“The following operations relate to electrical installation only:

(50) placing of trays, boxes, etc., and the extending of conduits thereto;

(51) mechanical erection of equipment to marks, excluding electrical connecting;

(52) fitting of cover plates to outlets prior to electrification;”;
 - (b) renumber subparagraphs (53) to (56) inclusive as “(50) to (53);”.
- (2) Substitute the following definition for the definition of “contribution book”:

“(xiv) ‘contribution record card’ means the contribution record card which the Secretary is required to keep in terms of clause 23 (10) in respect of each employee for whom wages are prescribed in clause 17 (1) (a);”.
- (3) Insert the following definition after the definition of “labourer”:

“(xxvi) ‘learner artisan’ means an employee, other than an apprentice, employed by his employer under a written contract of service duly approved by and registered with the Council and shall in the case of bricklaying, carpentry and plastering not be under the age of 19 years and in the case of all other trades not under the age of 21 years;”.
- (4) Renumber paragraphs (xxvi) to (lxi) inclusive as “(xxvii) to (lxii);”.
- (5) Substitute the following definition for the definition of “unladen weight”:

“(lvi) ‘unladen mass’ means the mass of any vehicle or trailer as expressed in a licence of certificate issued by a licensing authority in respect of such vehicle or trailer;”.

2. CLAUSE 5.—REGISTRATION OF EMPLOYERS

- (1) Substitute the following expression for the full stop at the end of subclause (6) (a): “: Provided that the minimum guarantee shall be for an amount of R100.”.

3. CLAUSE 16.—HOURS OF WORK, ORDINARY AND OVERTIME, AND PAYMENT FOR OVERTIME

- (1) Delete subparagraph (ii) of subclause (7) (d) and renumber subparagraph (iii) as subparagraph (ii).
- (2) Insert the following new subclause (9) after subclause (8):

“(9) (a) Notwithstanding the provisions of subclause (8), where in any one week an employee absents himself from work during any or all of the ordinary hours of work prescribed in subclause (1), such ordinary hours not worked by the employee may be deducted from the hours of overtime worked and the hours so deducted shall be paid for at the employee's ordinary rate of wage: Provided that—

 - (i) if the number of ordinary hours of work on which the employee is absent in any one week is in excess of the number of overtime hours worked, all such overtime hours may be paid for at the employee's ordinary rate of wage; and
 - (ii) where an employee is absent from work with the permission of his employer or absent on account of sickness or circumstances beyond his control, the provisions of this subclause shall not apply and the overtime hours worked in such case shall be paid at the overtime rate applicable to the overtime hours worked: Provided further that an employer may call on an employee for a medical certificate in proof of cause of absence.
- (b) An employee who is aggrieved by the application to him of any of the provisions of paragraph (a) may appeal to the Council against the decision applied to him, and the Council may, after considering any reasons which may be submitted for such decision, confirm that decision or give such other decision as in its opinion ought to have been given in such case.
- (c) For the purpose of this subclause ‘ordinary rate of wage’ includes the amounts prescribed in clause 23 (3).”.
- (3) Renumber the present subclause (9) as subclause (10) and in paragraph (e)—
 - (a) substitute the words “subclauses (8) (a) and (b) and (9)” for the words “paragraphs (a) and (b) of subclause (8);”;
 - (b) delete subparagraph (ii);
 - (c) renumber subparagraph (iii) as subparagraph (ii).

verleng by Goewermentskennisgewings R. 2165 van 4 Desember 1970, R. 2069 van 12 November 1971, R. 885 van 26 Mei 1972, R. 1384 van 11 Augustus 1972 en R. 1976 van 3 November 1972, soos volg verder te wysig:

1. KLOUSULE 3.—WOORDOMSKRYWINGS

- (1) In paragraaf (v) (a)—
 - (a) skrap die volgende woorde:

“Die volgende werksaamhede het slegs op elektriese instalering betrekking:

(50) die plasing van bakke, kaste, ens., en die verlenging van leipype daarna;

(51) die meganiese oprigting van uitrusting volgens merke, uitgesonderd elektriese verbinding;

(52) die aansit van dekplate aan uitlate vóór elektrifisering.”;
 - (b) hernommer subparagrafe (53) tot en met (56) tot “(50) tot (53);”.
- (2) Vervang die omskrywing van “bydraeboek” deur die volgende omskrywing:

“(xiv) ‘bydraerekordkaart’ die bydraerekordkaart wat die Sekretaris ingevolge klausule 23 (10) moet hou ten opsigte van elke werknemer vir wie lone in klausule 17 (1) (a) voorgeskryf word.”.
- (3) Voeg die volgende omskrywing in na die omskrywing van “arbeider”:

“(xxvi) ‘leerlingambagsman’ ’n werknemer, uitgesonderd ’n vakleerling, wat deur sy werkgever in diens geneem is ingevolge ’n skriftelike dienskontrak wat behoorlik deur die Raad goedgekeur en geregistreer is, en wat in die geval van messelwerk, timmerwerk en pleisterwerk nie jonger as 19 jaar en in die geval van alle ander ambagte nie jonger as 21 jaar is nie;”.
- (4) Hernommer paragrafe (xxvi) tot en met (lxi) tot (xxvii) tot en met (lxii).
- (5) Vervang die omskrywing van “onbelaste gewig” deur die volgende omskrywing:

“(lvi) ‘onbelaste massa’ die massa van ’n voertuig of sleepwa soos aangedui in ’n lisensie of sertifikaat wat ten opsigte van sodanige voertuig of sleepwa deur ’n lisensie-owerheid uitgereik is;”.

2. KLOUSULE 5.—REGISTRASIE VAN WERKGEWERS

- (1) Vervang die punt aan die einde van subklausule (6) (a) deur die volgende uitdrukking: “: Met dien verstande dat die minimum waarborg vir ’n bedrag van R100 moet wees.”.

3. KLOUSULE 16.—GEWONE WERKURE, OORTYD EN EN BETALING VIR OORTYD

- (1) Skrap subparagraaf (ii) van subklausule (7) (d) en hernommer subparagraaf (iii) tot subparagraaf (ii).
- (2) Voeg die volgende nuwe subklausule (9) in na subklausule (8):

“(9) (a) Wanneer ’n werknemer in enige week gedurende een van of al die gewone werkure in subklausule (1) voorgeskryf van die werk af wegbly, kan sodanige gewone ure wat die werknemer nie gewerk het nie, ondanks subklausule (8), afgetrek word van die oortydure gewerk, en vir die ure wat aldus afgetrek is, moet teen die werknemer se gewone loon betaal word: Met dien verstande dat—

 - (i) indien die getal gewone werkure wat die werknemer in ’n week afwesig is, meer is as die getal oortydure gewerk, vir al sodanige oortydure gewerk betaal kan word teen die werknemer se gewone loon; en
 - (ii) waar ’n werknemer met die toestemming van sy werkgever of vanweë siekte of omstandighede buite sy beheer van die werk afwesig is, hierdie subklausule nie van toepassing is nie en vir die oortydure gewerk in so ’n geval betaal moet word teen die tarief vir oortydwerk van toepassing op die oortydure gewerk: Voorts met dien verstande dat ’n werkgever van ’n werknemer kan vereis om ’n doktersertifikaat voor te lê as bewys van die rede vir sy afwesigheid.
- (b) ’n Werknemer wat veronreg voel deur die toepassing van enige van die bepalings van paragraaf (a) op hom, kan na die Raad appelleer teen die beslissing wat op hom toegepas is, en die Raad kan, na oorweging van alle redes wat vir sodanige beslissing voorgelê is, die beslissing bekrachtig of sodanige ander beslissing gee as wat na sy mening in sodanige geval gegee moes gewees het.
- (c) Vir die toepassing van hierdie subklausule sluit ‘gewone loon’ die bedrae in wat in klausule 23 (3) voorgeskryf word.”.
- (3) Hernommer die huidige subklausule (9) tot subklausule (10), en in paragraaf (e)—
 - (a) vervang die woorde “paragrafe (a) en (b) van subklausule (8)” deur die woorde “subklausules (8) (a) en (b) en (9);”;
 - (b) skrap subparagraaf (ii);
 - (c) hernommer subparagraaf (iii) tot subparagraaf (ii).

4. CLAUSE 17.—WAGES

(1) In subclause (1) (f) substitute the word "mass" for the word "weight" and the expressions "900 kg", "2 700 kg" and "3 465 kg" for the expressions "2,000 lb.", "6,000 lb." and "7,700 lb." respectively.

(2) Substitute the following for subclause (2):

"(2) (a) The wages prescribed in subclause (1) (a) shall be adjusted with effect from 18 June 1973 and thereafter half-yearly as set out hereunder in respect of wages payable with effect from the second pay-day in January and July each year after publication of the index figure in the *Government Gazette* in December and June:

The index figure multiplied by 103,6c and divided by 100: Provided always that the result so reached shall be rounded off to the nearest lowest half cent which shall then constitute the new wage: Provided further that the adjustment with effect from 18 June 1973 shall be based on the index figure published in the *Government Gazette* immediately prior to the date of publication of this Agreement.

(b) The wages prescribed in subclause (1) (b) shall be adjusted annually as set out hereunder in respect of wages payable with effect from the second pay-day in February each year after publication of the index figure in the *Government Gazette* in January:

The index figure multiplied by 45c and divided by 110: Provided always that the result so reached shall be rounded off to the nearest lowest whole cent which shall then constitute the new wage.

(c) For the purpose of this clause the term "index figure" means the average consumer price index figure for Bloemfontein relating to all items as published by the Department of Statistics in the *Government Gazette* in respect of the said area compared with itself in April 1970."

5. CLAUSE 18.—PAYMENT OF REMUNERATION

(1) Substitute the following for paragraphs (f) and (g) of subclause (5):

"(f) with the written consent of his employee, a deduction of any amount which an employer has paid to the Bloemfontein City Council in respect of accommodation in any hostel occupied by such employee in any location or Bantu Village under the control of the said Council, or an amount not exceeding R1,80 per week where board and lodging are provided by the employer: Provided such lodging is situated within a location or Bantu Village under the control of the said Council;"

(2) Renumber the present paragraph (h) of subclause (5) as paragraph (g).

6. CLAUSE 20.—ANNUAL LEAVE AND PUBLIC HOLIDAYS

(1) After subclause (1) (a) (iii) insert the following subparagraphs:

"(iv) between finishing time on Friday, 14 December 1973, and starting time on Monday, 7 January 1974;

(v) between finishing time on Friday, 13 December 1974, and starting time on Monday, 6 January 1975;

(vi) between finishing time on Friday, 12 December 1975, and starting time on Monday, 5 January 1976;"

7. CLAUSE 22.—PAYMENT IN RESPECT OF ANNUAL LEAVE

(1) In subclause (1) (b) (v), substitute the word "mass" for the word "weight" and the expressions "900 kg", "2 700 kg" and "3 465 kg" for the expressions "2,000 lb.", "6,000 lb." and "7,000 lb.", respectively.

(2) In subclause (1) (b) (vii) substitute the figure "1,5" for the figure "1.3".

8. CLAUSE 23.—SUPPLEMENTARY REMUNERATION AND CONTRIBUTIONS

(1) Substitute the following for subclause (1):

"(1) Except in respect of an employee who works for an employer for less than 12 hours in any one week, and subject to the provisions of subclause (5), every employer shall pay each week to the Secretary of the Council in respect of each employee for whom wages are prescribed in clause 17 (1) (a) the total amount prescribed in item (j) hereunder: Provided that—

(i) such amount shall be allocated as set out hereunder;

(ii) the amounts referred to in items (a) and (j) hereunder shall be increased by 40c with effect from the second pay-day in January of each year;

4. KLOUSULE 17.—LONE

(1) In subklousule (1) (f), vervang die woord "gewig" deur die woord "massa" en die uitdrukkings "2,000 lb.", "6,000 lb." en "7,700 lb." onderskeidelik deur die uitdrukkings "900 kg", "2 700 kg" en "3 465 kg".

(2) Vervang subklousule (2) deur die volgende:

"(2) (a) Die lone voorgeskryf in subklousule (1) (a) moet aangepas word met ingang van 18 Junie 1973 en daarna half-jaarliks soos hieronder uiteengesit ten opsigte van lone betaalbaar met ingang van die tweede betaaldag in Januarie en Julie elke jaar na publikasie van die indekssyfer in die *Staatskoerant* in Desember en Junie:

Die indekssyfer vermenigvuldig met 103,6c en gedeel deur 100: Met dien verstande dat die antwoord wat so verkry word, altyd tot die naaste laer halfsent afgerond word, en dit is dan die nuwe loon: Voorts met dien verstande dat die aanpassing met ingang van 18 Junie 1973 gegrond moet wees op die indekssyfer gepubliseer in die *Staatskoerant* onmiddellik voor die datum van publikasie van hierdie Ooreenkoms.

(b) Die lone voorgeskryf in subklousule (1) (b) moet jaarliks aangepas word soos hieronder uiteengesit ten opsigte van lone betaalbaar met ingang van die tweede betaaldag in Februarie elke jaar na publikasie van die indekssyfer in die *Staatskoerant* in Januarie:

Die indekssyfer vermenigvuldig met 45c en gedeel deur 110: Met dien verstande dat die antwoord wat so verkry word, altyd tot die naaste laer halfsent afgerond word, en dit is dan die nuwe loon.

(c) Vir die toepassing van hierdie klousule beteken die uitdrukking "indekssyfer" die gemiddelde verbruikersprysindekssyfer vir Bloemfontein met betrekking tot alle items soos deur die Departement van Statistiek in die *Staatskoerant* gepubliseer ten opsigte van genoemde gebied, vergeleke met dieselfde gebied in April 1970."

5. KLOUSULE 18.—BETALING VAN BESOLDIGING

(1) Vervang paragrawe (f) en (g) van subklousule (5) deur die volgende:

"(f) met die skriftelike toestemming van sy werknemer, enige bedrag wat 'n werkgever aan die Stadsraad van Bloemfontein betaal het ten opsigte van huisvesting in 'n koshuis waar sodanige werknemer inwoon in 'n lokasie of Bantoeorp onder die beheer van genoemde Raad, of 'n bedrag van hoogstens R1,80 per week waar kos en inwoning deur die werkgever verskaf word: Met dien verstande dat sodanige inwoning geleë is binne 'n lokasie of Bantoeorp onder die beheer van genoemde Raad;"

(2) Hernommer die huidige paragraaf (h) van subklousule (5) tot paragraaf (g).

6. KLOUSULE 20.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE

(1) Voeg die volgende subparagrawe in na subklousule (1) (a) (iii):

"(iv) tussen ophoutyd op Vrydag, 14 Desember 1973, en begin tyd op Maandag, 7 Januarie 1974;

(v) tussen ophoutyd op Vrydag, 13 Desember 1974, en begin tyd op Maandag, 6 Januarie 1975;

(v) tussen ophoutyd op Vrydag, 12 Desember 1975, en begin tyd op Maandag, 5 Januarie 1976;"

7. KLOUSULE 22.—BETALING TEN OPSIGTE VAN JAARLIKSE VERLOF

(1) In subklousule (1) (b) (v), vervang die woord "gewig" deur die woord "massa" en die uitdrukkings "2,000 lb.", "6,000 lb." en "7,700 lb." onderskeidelik deur die uitdrukkings "900 kg", "2 700 kg" en "3 465 kg".

(2) In subklousule (1) (b) (vii), vervang die syfer "1.3" deur die syfer "1,5".

8. KLOUSULE 23.—AANVULLENDE BESOLDIGING EN BYDRAES

(1) Vervang subklousule (1) deur die volgende:

"(1) Elke werkgever moet, behalwe ten opsigte van 'n werknemer wat minder as 12 ure in een bepaalde week vir hom werk, en behoudens subklousule (5), elke week die totale bedrag voorgeskryf in item (j) hieronder, aan die Sekretaris van die Raad betaal ten opsigte van elke werknemer vir wie 'n loon in klousule 17 (1) (a) voorgeskryf word: Met dien verstande dat—

(i) sodanige bedrag toegewys word soos hieronder uiteengesit;

(ii) die bedrae in items (a) en (j) hieronder bedoel, met 40c verhoog moet word met ingang van die tweede betaaldag in Januarie van elke jaar;

(iii) the amount referred to in subclause (4) (b) shall be added to the amount payable in terms of this subclause:

	Per week
	R
(a) Holiday pay.....	6,80
(b) Pension Scheme contributions.....	3,20
(c) Sick Fund contributions.....	0,80
(d) Medical Aid Fund contributions.....	2,80
(e) Contributions to Industrial Council expenses..	0,12
(f) Contributions to National Development Fund	0,08
(g) Contributions to the Building Industries' Recruitment and Training Fund.....	0,20
(h) Tool Insurance Fund contributions.....	0,01
(i) Special Membership Levy.....	0,05
(j) Total amount.....	<u>R14,06"</u>

(2) Substitute the following table for the existing table in subclause (3):

	Cents per hour
"(a) Holiday pay.....	17
(b) Pension Scheme contributions.....	5
(c) Sick Fund contributions.....	1½
(d) Medical Aid Fund contributions.....	4
(e) Total amount.....	<u>27½"</u>

(3) Substitute the following for subclause (4) (a):

"(4) (a) Subject to the provisions of subclause (5), each employer shall deduct weekly from the remuneration due to each employee for whom wages are prescribed in clause 17 (1) (a) the total amount prescribed in item (vii) hereunder: Provided that the amounts referred to in items (i) and (vii) hereunder shall be increased by 40c with effect from the second-pay-day in January of each year:

	Per week
	R
(i) Holiday pay.....	6,80
(ii) Pension Scheme contributions.....	3,20
(iii) Sick Fund contributions.....	0,80
(iv) Medical Aid Fund contributions.....	2,80
(v) Contributions to Industrial Council expenses..	0,06
(vi) Tool Insurance Fund contributions.....	0,01
(vii) Total amount.....	<u>R13,67"</u>

(4) Add the following new subclause:

"(12) An employer who fails or omits to pay the contributions referred to in subclause (1) at the time when it becomes payable shall pay interest on the amount unpaid at the rate of one per cent per month or part of a month from the date on which payment should have been made until the date on which payment is actually received, or one rand, whichever is the greater, and such amounts shall accrue to the general funds of the Council."

9. CLAUSE 24.—TERMINATION OF CONTRACT OF EMPLOYMENT

(1) Substitute the following for clause 24:

"24. TERMINATION OF CONTRACT OF EMPLOYMENT

(1) Subject to the provisions of this clause, an employer or his employee who desires to terminate the contract of employment, shall give—

(a) during the first four weeks of employment, not less than two hours' notice; and

(b) after the first four weeks of employment, not less than one work day's notice;

of termination of the contract: Provided that an employer or employee may at any time terminate the contract of employment without notice by paying to the employee or paying or forfeiting to the employer, as the case may be, in lieu of such notice an amount of not less than—

(i) in the case of two hours' notice, double the hourly wage which the employee is receiving at the time of such termination; and

(ii) in the case of a work day's notice, the daily wage which the employee is receiving at the time of such termination.

(iii) die bedrag in subklousule (4) (b) bedoel, gevoeg moet word by die bedrag wat ingevolge hierdie subklousule betaalbaar is:

	Per week
	R
(a) Vakansiebesoldiging.....	6,80
(b) Bydraes tot pensioenskema.....	3,20
(c) Siektefondsbydraes.....	0,80
(d) Bydraes tot Mediese Bystandsfonds.....	2,80
(e) Bydraes vir Nywerheidsraad se uitgawes.....	0,12
(f) Bydraes tot Nasionale Ontwikkelingsfonds.....	0,08
(g) Bydraes tot Werwings- en Opleidingsfonds van die Bounywerhede.....	0,20
(h) Bydraes tot Gereedskapversekeringsfonds.....	0,01
(i) Spesiale lidmaatskapheffing.....	0,05
(j) Totale bedrag.....	<u>R14,06"</u>

(2) Vervang die bestaande tabel in subklousule (3) deur die volgende tabel:

	Sent per uur
"(a) Vakansiebesoldiging.....	17
(b) Bydraes tot pensioenskema.....	5
(c) Siektefondsbydraes.....	1½
(d) Bydraes tot Mediese Bystandsfonds.....	4
(e) Totale bedrag.....	<u>27½"</u>

(3) Vervang subklousule (4) (a) deur die volgende:

"(4) (a) Behoudens subklousule (5), moet elke werkgewer die totale bedrag voorgeskryf in item (vii) hieronder, weekliks afrek van die besoldiging verskuldig aan elke werknemer vir wie 'n loon in klousule 17 (1) (a) voorgeskryf word: Met dien verstande dat die bedrae in items (i) en (vii) hieronder bedoel, met 40c verhoog moet word met ingang van die tweede betaaldag in Januarie van elke jaar:

	Per week
	R
(i) Vakansiebesoldiging.....	6,80
(ii) Bydraes tot pensioenskema.....	3,20
(iii) Siektefondsbydraes.....	0,80
(iv) Bydraes tot Mediese Bystandsfonds.....	2,80
(v) Bydraes vir uitgawes van Nywerheidsraad....	0,06
(vi) Bydraes tot Gereedskapversekeringsfonds....	0,01
(vii) Totale bedrag.....	<u>R13,67"</u>

(4) Voeg die volgende nuwe subklousule by:

"(12) 'n Werkgewer wat versuim of in gebreke bly om die bydraes in subklousule (1) bedoel, te betaal wanneer dit betaalbaar word, moet rente op die onbetaalde bedrag betaal teen een persent per maand of deel van 'n maand vanaf die datum waarop die bedrag betaal moes gewees het tot op die datum waarop die betaling werklik ontvang word, of een rand, naamlik die grootste bedrag, en sodanige bedrae val die algemene fondse van die Raad toe."

9. KLOUSULE 24.—BEËINDIGING VAN DIENSKONTRAK

(1) Vervang klousule 24 deur die volgende:

"24. BEËINDIGING VAN DIENSKONTRAK

(1) Behoudens hierdie klousule, moet 'n werkgewer of sy werknemer wat die dienskontrak wil beëindig—

(a) gedurende die eerste vier weke diens minstens twee uur; en

(b) na die eerste vier weke diens minstens een werkdag;

kennis gee van beëindiging van die dienskontrak: Met dien verstande dat 'n werkgewer of werknemer te eniger tyd die dienskontrak sonder kennisgewing kan beëindig deur in plaas van sodanige kennisgewing werknemer te betaal of aan die werkgewer te betaal of te verbeur, na gelang van die geval, 'n bedrag van minstens—

(i) in die geval van twee uur kennisgewing, dubbel die uurloon wat die werknemer ten tyde van sodanige beëindiging ontvang; en

(ii) in die geval van 'n werkdag kennisgewing, die dagloon wat die werknemer ten tyde van sodanige kennisgewing ontvang.

(2) The provisions of subclause (1) shall not effect—

(a) the right of an employer or employee to terminate the contract without notice for any cause recognised by law as sufficient;

(b) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in subclause (1);

(c) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts.

(3) Where there is in existence such an agreement as is referred to in subclause (2) (b), the payment or forfeiture referred to in subclause (1) shall be commensurate with the period of notice agreed upon between the employer and the employee.

(4) The notice prescribed in subclause (1) may be given on any work day: Provided that—

(i) the period of such notice shall not run concurrently with, and notice shall not be given during an employee's absence on leave granted in terms of clause 20;

(ii) notice shall not be given during an employee's absence on sick leave;

(iii) where only two hours' notice is required to be given, the period of such notice shall become operative at the commencement of the last two hours before finishing time on the day in respect of which the notice is given."

10. CLAUSE 35.—BUILDING INDUSTRY SICK FUND

Substitute the following for subclause (2) (a) (i) of the Schedule to subclause (10):

"(i) In a cycle of one year from the date on which he is unable to work, he shall be entitled to R6 per working day for a period not exceeding 15 working days and thereafter R3 per working day for a further period of 15 working days and, in addition, the total amount prescribed in item (f) hereunder, in respect of each completed consecutive period of five working days: Provided that—

(i) such amount shall be paid to the Secretary of the Council in the manner and for the purposes prescribed in clauses 33 to 37 inclusive;

(ii) such amount shall be allocated as set out hereunder;

(iii) the amounts referred to in items (a) and (f) hereunder shall be increased by 40c with effect from the second pay-day in January of each year:

	Per week
	R
(a) Holiday pay.....	6,80
(b) Pension Scheme contributions.....	3,20
(c) Sick Fund contributions.....	0,80
(d) Medical Aid Fund contributions.....	2,80
(e) Contributions to Industrial Council expenses..	0,12
(f) Total amount.....	<u>R13,72"</u>

11. CLAUSE 36.—BUILDING INDUSTRY MEDICAL AID FUND

(1) Substitute the following for subclause (13) (i):

"(13) *Benefits*.—(i) Subject to the rules of the Medical Aid Fund, the total amount payable to any member and his dependants in any one calendar year shall not exceed:

	R
(a) In the case of a single member.....	300
(b) In the case of a member with one dependant.....	500
(c) In the case of a member with two or more dependants.....	600"

12. CLAUSE 44.—EXEMPTIONS

(1) Substitute the following for clause 44:

"44. EXEMPTIONS

(1) *Ordinary exemptions*.—(a) (i) Whenever application is made for, or whenever circumstances exist which, in the opinion of the Council, justify the exemption of any person or persons from one or more or all of the provisions of this Agreement, the Council may, if it deems it expedient to do so, grant exemption from one or more or all of such provisions to or in respect of that person or persons, for such period and subject to such terms and conditions as it may determine.

(ii) The period for which any such exemption is granted may commence on a date prior to that date on which the exemption is granted but not earlier than the date on which the application was made or the said circumstances were brought to the Council's notice, as the case may be.

(2) Subklousule (1) raak nie—

(a) die reg van 'n werkgewer of 'n werknemer om die kontrak om 'n regsgeldige rede sonder kennisgewing te beëindig nie;

(b) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat voorsiening maak vir 'n kennisgewingtydperk van gelyke duur vir albei partye en wat langer is as dié in subklousule (1) voorgeskryf nie;

(c) die inwerkingtreding van verbeurings of boetes wat regens van toepassing mag wees op 'n werknemer wat dros nie.

(3) Waar daar 'n ooreenkoms soos bedoel in subklousule (2) (b) bestaan, is die betaling of verbeuring in subklousule (1) bedoel, eweredig aan die kennisgewingtydperk waarop die werkgewer en die werknemer ooreengekom het.

(4) Die kennisgewing in subklousule (1) voorgeskryf, kan op enige werkdag gegee word: Met dien verstande dat—

(i) sodanige kennisgewingstermyn nie mag saamval met, en kennis nie gegee mag word tydens 'n werknemer se afwesigheid met verlof ingevolge klousule (20) toegestaan nie;

(ii) kennis nie tydens 'n werknemer se afwesigheid met siekteverlof gegee mag word nie;

(iii) waar slegs twee uur kennis gegee moet word, sodanige kennisgewingstermyn in werking tree by die aanvang van die laaste twee uur voor ophoutyd op die dag ten opsigte waarvan die kennis gegee word."

10. KLOUSULE 35.—SIEKEFONDS VIR DIE BOUNYWERHEID

Vervang klousule (2) (a) (i) van die Bylae van subklousule (10) deur die volgende:

"(i) In 'n siklus van een jaar vanaf die datum waarop hy ongeskik vir werk raak, is hy geregtig op R6 per werkdag vir 'n tydperk van hoogstens 15 werkdae en daarna R3 per werkdag vir 'n verdere tydperk van 15 werkdae en daarbenewens op die totale bedrag in item (f) hieronder voorgeskryf, ten opsigte van elke voltooide agtereenvolgende tydperk van vyf werkdae: Met dien verstande dat—

(i) sodanige bedrag aan die Sekretaris van die Raad betaal moet word op die wyse en vir die doel voorgeskryf in klousules 33 tot en met 37;

(ii) sodanige bedrag toegewys moet word soos hieronder uiteengesit;

(iii) die bedrae in items (a) en (f) hieronder bedoel, met 40c verhoog moet word met ingang van die tweede betaaldag in Januarie van elke jaar:

	Per week
	R
(a) Vakansiebesoldiging.....	6,80
(b) Bydraes tot Pensioenskema.....	3,20
(c) Bydraes tot Siekefonds.....	0,80
(d) Bydraes tot Mediese Bystandsfonds.....	2,80
(e) Bydraes vir onkoste van Nywerheidsraad.....	0,12
(f) Totale bedrag.....	<u>R13,72"</u>

11. KLOUSULE 36.—MEDIESE BYSTANDSFONDS VIR DIE BOUNYWERHEID

(1) Vervang subklousule (13) (i) deur die volgende:

"(13) *Bystand*.—(i) Behoudens die reëls van die Mediese Bystandsfonds mag die totale bedrag betaalbaar aan 'n lid en sy afhanklikes in enige bepaalde kalenderjaar nie meer as die volgende wees nie:

	R
(a) In die geval van 'n ongetroude lid.....	300
(b) In die geval van 'n lid met een afhanklike.....	500
(c) In die geval van 'n lid met twee of meer afhanklikes.....	600"

12. KLOUSULE 44.—VRYSTELLINGS

(1) Vervang klousule 44 deur die volgende:

"44. VRYSTELLINGS

(1) *Gewone vrystellings*.—(a) (i) Wanneer aansoek daarom gedoen word, of wanneer omstandighede sodanig is dat, na die mening van die Raad, die vrystelling van enige persoon of persone van een of meer van of al die bepalinge van hierdie Ooreenkoms, geregtig word kan die Raad, as hy dit doenlik ag, vrystelling van een of meer van of al sodanige bepalinge verleen aan of ten opsigte van sodanige persoon of persone, vir die tydperk en onderworpe aan die voorwaardes wat hy mag vasstel.

(ii) Die tydperk waarvoor sodanige vrystelling verleen word, kan begin op 'n datum voor die datum waarop die vrystelling toegestaan word maar nie vóór die datum waarop die aansoek gedoen is of genoemde omstandighede onder die Raad se aandag gebring is nie, na gelang van die geval.

(b) The terms and conditions of an exemption granted under subclause (1) (a) shall be incorporated in the licence of exemption, signed by the Secretary and a copy thereof shall be transmitted to such person or persons as the Council considers necessary.

(c) Any exemption granted to or in respect of a person or persons under this subclause, shall exempt any employer who employs such person or persons from the relevant provisions of the Agreement to the extent specified in the licence of exemption, and the terms and conditions incorporated in the licence of exemption shall be binding upon the person or persons to or in respect of whom the exemption was granted, and, if that person is an employee, upon every person who employs him.

(d) Any exemption granted under this subclause, may at any time be withdrawn or amended by the Council.

(2) *Special exemption to employ learner artisans.*—Where exemption is required to employ a learner artisan, the following conditions shall apply:

(a) An employer requiring exemption from the provisions of this Agreement in order to employ a learner artisan shall lodge an application to that effect with the Council within 14 days from the date of employment of the employee concerned.

(b) Should exemption be refused by the Council, such employee shall forthwith be discharged, failing which the conditions prescribed in this Agreement for artisans shall be observed in respect of such employee as from the date of engagement.

(c) Where exemption is granted, the conditions determined by the Council shall be incorporated in a written contract of service in the form approved by the Council, and such contract shall be signed within the period determined by the Council and a signed copy thereof shall be lodged with the Council for registration. No contract entered into in pursuance of the provisions of this subclause shall be terminated by either the employer or the employee without the consent of the Council. In so far as the provisions of this subclause are in conflict with the conditions prescribed in subclause (1), the conditions hereof shall prevail."

Signed at Bloemfontein on behalf of the parties this 18th day of January 1973.

J. J. LUDICK, Member of the Council.

M. J. P. GREYLING, Member of the Council.

H. K. ARCHER, Secretary of the Council.

No. R. 957 8 June 1973 APPRENTICESHIP ACT, 1944, AS AMENDED

NATIONAL APPRENTICESHIP COMMITTEE FOR THE METAL INDUSTRY.—DESIGNATION OF TRADE AND PRESCRIPTION OF CONDITIONS OF APPRENTICESHIP

I, Marais Viljoen, Minister of Labour, hereby, in terms of section 16 (4)ter of the above-mentioned Act, declare that Government Notice R. 523 of 5 April 1973 shall come into operation as from the date of publication of this notice.

M. VILJOEN, Minister of Labour.

DEPARTMENT OF POSTS AND TELEGRAPHS

No. R. 940 8 June 1973

AMENDMENT TO RADIO REGULATIONS

The State President has been pleased, under section 18 of the Radio Act, 1952 (Act 3 of 1952), to approve of the following amendment to the Radio Regulations:

Regulation 12

Substitute the following for subregulation (1):

"(1) The Postmaster General may, within his discretion, issue to any person approved by him a licence to operate an amateur radio station if such a person—

(a) has attained the age of 16 years;

(b) is able fluently to speak Afrikaans or English;

(b) Die voorwaardes van 'n vrystelling toegestaan ingevolge subklousule (1) (a) moet ingelyf word in die vrystellingsertifikaat, onderteken deur die Sekretaris, en 'n kopie daarvan moet gestuur word aan sodanige persoon of persone as wat die Raad nodig vind.

(c) Enige vrystelling ingevolge hierdie klousule toegestaan aan of ten opsigte van 'n persoon of persone stel enige werkgever wat sodanige persoon of persone in diens het, vry van die betrokke bepalings van die Ooreenkoms in die mate wat in die vrystellingsertifikaat gespesifiseer word, en die voorwaardes in die vrystellingsertifikaat vervat, is bindend vir die persoon of persone aan of ten opsigte van wie die vrystelling verleen is, en as daardie persoon 'n werknemer is, vir elke persoon wat hom in diens neem.

(d) Enige vrystelling wat ingevolge hierdie subklousule verleen word, kan te eniger tyd deur die Raad herroep of gewysig word.

(2) *Spesiale vrystelling om leerlingambagsmanne in diens te neem.*—Waar vrystelling verlang word om 'n leerlingambagsman in diens te neem, is die volgende voorwaardes van toepassing:

(a) 'n Werkgever wat vrystelling van die bepalings van hierdie Ooreenkoms verlang ten einde 'n leerlingambagsman in diens te seem, moet binne 14 dae na die datum van indiensneming van die betrokke werknemer 'n aansoek met dié strekking by die Raad indien.

(b) Indien die vrystelling deur die Raad geweier word, moet sodanige werknemer onmiddellik ontslaan word, by gebreke waarvan die voorwaardes in hierdie Ooreenkoms voorgeskryf vir ambagsmanne ten opsigte van sodanige werknemer nagekom moet word vanaf die datum van sy indiensneming.

(c) Waar vrystelling verleen word, moet die voorwaardes wat die Raad bepaal, ingelyf word in 'n skriftelike dienskontrak in die vorm wat deur die Raad goedgekeur is, en sodanige kontrak moet onderteken word binne die tydperk wat deur die Raad bepaal word en 'n ondertekende kopie daarvan moet vir registrasie by die Raad ingedien word. Geen kontrak wat ingevolge hierdie subklousule aangegaan is, mag sonder die toestemming van die Raad deur of die werkgever of die werknemer beëindig word nie. In soverre hierdie subklousule in stryd is met die voorwaardes in subklousule (1) voorgeskryf, is die voorwaardes hier- van beslissend."

Namens die partye op hede die 18de dag van Januarie 1973 te Bloemfontein onderteken.

J. J. LUDICK, Lid van die Raad.

M. J. P. GREYLING, Lid van die Raad.

H. K. ARCHER, Sekretaris van die Raad.

No. R. 957 8 Junie 1973 WET OP VAKLEERLINGE, 1944, SOOS GEWYSIG

NATIONALE VAKLEERLINGSKAPKOMITEE VIR DIE METAALNYWERHEID.—AANWYSING VAN AMBAG EN VOORSKRYWING VAN LEERVOORWAARDES

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby, ingevolge artikel 16 (4)ter van bogemelde Wet, dat Goewermentskenningsgewing R. 523 van 5 April 1973 in werking tree vanaf die datum van publikasie van hierdie kenningsgewing.

M. VILJOEN, Minister van Arbeid.

DEPARTEMENT VAN POS-EN-TELEGRAAFWESE

No. R. 940 8 Junie 1973

WYSIGING VAN RADIOREGULASIES

Dit het die Staatspresident behaag om kragtens artikel 18 van die Radiowet, 1952 (Wet 3 van 1952), sy goedkeuring te heg aan die onderstaande wysiging van die Radioregulasies:

Regulasie 12

Vervang subregulasie (1) deur die volgende:

"(1) Die Posmeester-generaal kan na goeddunke 'n lisensie om 'n amateurradiostasie te bedien, uitreik aan enige persoon wat deur hom goedgekeur is, indien so 'n persoon—

(a) die ouderdom van 16 jaar bereik het;

(b) Afrikaans of Engels vlot kan praat;

(c) unless he wishes to make use exclusively of frequencies above 144 MHz, has demonstrated his ability to send and receive the morse code at a speed of not less than 12 words per minute, calculated at five characters to the word; and

(d) is in possession of an Amateur Radio Operator's Certificate issued by the Postmaster General under Part XIV of these regulations."

DEPARTMENT OF PUBLIC WORKS

No. R. 947

8 June 1973

QUANTITY SURVEYORS' ACT, 1970 (ACT 36 OF 1970).—REGULATIONS

The Minister of Public Works has, under the powers vested in him by section 27 (1) of the Quantity Surveyors' Act, 1970 (Act 36 of 1970), amended the regulations published under Government Notice R. 318, dated 5 March 1971, as follows:

CHAPTER 1

DEFINITIONS

Insert the following definition before the definition of "President":

"permitted company" means a company with which a quantity surveyor may practice in association in terms of regulation 5.1.27.

CHAPTER 5

1. Substitute the following regulations for regulations 5.1.10, 5.1.11, 5.1.12, 5.1.17, 5.1.21, 5.1.22, 5.1.23, 5.1.25 5.1.26, 5.1.27 and 5.1.28:

5.1.10 He shall not issue any bills of quantities, specifications, final accounts, certificates or professional documents in respect of work performed by himself or by some person in his employ or by any member or employee of the permitted company of which he is a member unless they bear his name or the name of his firm or the name of the permitted company of which he is a member.

5.1.11 He shall not sign as quantity surveyor or otherwise identify as having been issued by him any bills of quantities or other document of which he or his firm or a member or employee of the permitted company of which he is a member is not the bona fide author.

5.1.12 He shall not review the work of another quantity surveyor or the work of a permitted company of which he is not a member for the same client except with the knowledge of such quantity surveyor or permitted company unless the engagement of such quantity surveyor or permitted company on the work which is being reviewed has been terminated.

5.1.17 He shall not prepare or submit either directly or indirectly bills of quantities, estimates of cost, feasibility studies or similar documents for which he or his firm or the permitted company of which he is a member has not been professionally engaged.

5.1.21 He shall not in his capacity as a quantity surveyor in private practice enter into or dissolve any form of professional partnership or association nor shall he become a member or cease to be a member of any permitted company without notifying the Council.

(c) tensy hy uitsluitlik van frekwensies hoër as 144 MHz gebruik wil maak, bewys gelewer het dat hy die morsekode teen 'n snelheid van minstens 12 woorde per minuut, gereken teen vyf tekens per woord, kan send en ontvang; en

(d) in besit is van 'n amateurradio-operateursertifikaat wat deur die Posmeester-generaal kragtens Deel XIV van hierdie regulasies uitgereik is."

DEPARTEMENT VAN OPENBARE WERKE

No. R. 947

8 Junie 1973

WET OP BOUREKENAARS, 1970 (WET 36 VAN 1970).—REGULASIES

Die Minister van Openbare Werke het kragtens die bevoegdheid hom verleen by artikel 27 (1) van die Wet op Bourekenaars, 1970 (Wet 36 van 1970), die regulasies soos by Goewermmentskennisgewing R. 318 van 5 Maart 1971 gepubliseer, as volg gewysig:

HOOFSTUK 1

DEFINISIES

Voeg die volgende definisie in na die definisie van "President":

"toegelate maatskappy" 'n maatskappy met wie 'n bourekenaar in assosiasie ingevolge regulasie 5.1.27 kan praktiseer.

HOOFSTUK 5

1. Regulasies 5.1.10, 5.1.11, 5.1.12, 5.1.17, 5.1.21, 5.1.22, 5.1.23, 5.1.25, 5.1.26, 5.1.27 en 5.1.28 word deur die volgende nuwe regulasies vervang:

5.1.10 Hy mag nie hoeveelheidslyste, spesifikasies, finale rekenings, sertifikate of professionele dokumente uitreik nie ten opsigte van werk wat verrig word deur hom of deur 'n persoon in sy diens of deur enige lid of werknemer van die toegelate maatskappy waarvan hy 'n lid is, tensy sy naam of die naam van sy firma of die naam van die toegelate maatskappy waarvan hy 'n lid is, op sodanige genoemde stukke voorkom.

5.1.11 Hy mag nie as bourekenaar deur ondertekening of enige ander wyse van identifikasie te kenne gee dat hy die uitreiker is van hoeveelheidslyste of ander dokumente, waarvan hy of sy firma of 'n lid of werknemer van die toegelate maatskappy, waarvan hy lid is, nie die bona fide-opsteller is nie.

5.1.12 Hy mag nie die werk van 'n ander bourekenaar of die werk van 'n toegelate maatskappy waarvan hy nie 'n lid is nie vir dieselfde kliënt nagaan sonder die medewete van sodanige bourekenaar of toegelate maatskappy nie, tensy sodanige bourekenaar of toegelate maatskappy se diens in verband met die werk wat nagegaan word, beëindig is.

5.1.17 Hy mag nie regstreeks of onregstreeks hoeveelheidslyste, kosteramings, gangbaarheidsstudies of soortgelyke dokumente opstel of voorlê nie, tensy hy of sy firma of die toegelate maatskappy, waarvan hy 'n lid is, in 'n professionele hoedanigheid daarvoor aangestel is.

5.1.21 In sy hoedanigheid van bourekenaar in private praktyk mag hy geen vorm van professionele vennootskap of assosiasie aangaan of ontbind of 'n lid word of ophou om lid te wees van 'n toegelate maatskappy sonder om die Raad daarvan in kennis te stel nie.

5.1.22 In his capacity as a quantity surveyor in private practice he shall not, except with the prior approval of the Council—

(a) enter into any partnership or other association with any person other than a quantity surveyor, architect or professional engineer; or

(b) become a member of any company other than a permitted company.

5.1.23 He shall, within two months after having been instructed in writing by the Council to do so, dissolve any partnership or other association or cease to be a member of a permitted company of which he is a member: Provided that the Council shall issue such an instruction only if it is satisfied, after due and proper inquiry, that one or more of the other members or employees of the partnership or association or permitted company concerned, who are not registered in terms of section 19 of the Act, have been guilty of acts which, had they been so registered, would have constituted a breach of any provision of these regulations.

5.1.25 He shall display on all the letterheads of his practice or the firm or the permitted company of which he is a member the name/s of the principal or principals and all the partners or directors thereof.

5.1.26 He shall not use a name with any misleading content for the title and style or name of his firm or of his firm in association with another firm or of the permitted company of which he is a member nor shall he use any other name than his personal name or names for such title and style or name without the approval of the Council: Provided that such title and style or name may include the name of a person of whom he is the bona fide successor in title.

5.1.27 He shall not engage or act in private practice as a quantity surveyor under the style of a company or through the medium of a company or practise in association with a company purporting to do work which has been prescribed in terms of section 7 (3) (c) of the Act, save and except upon the following terms and conditions:

(1) The company shall be a private company limited by shares incorporated in terms of the Companies Act, No. 46 of 1926, the memorandum of association of which shall contain—

(a) a provision to the effect that the directors and former directors of the company shall be liable, jointly and severally, together with the company, for such debts and liabilities of the company as are or were contracted during their periods of office in accordance with section 6A of the Companies Act aforesaid;

(b) subject to regulation 5.1.26, the name of the company with the word "Incorporated" as the last part of its name, in accordance with section 6 (1) (a) (i) of the Companies Act aforesaid;

(c) a provision to the effect that the company was established for the purpose of carrying out the work of a quantity surveyor or any work incidental thereto and such work only: Provided that—

(i) the work aforesaid may include the work of an architect or a professional engineer or both;

(ii) the company shall not carry out the work of a quantity surveyor unless at least one of its members is a quantity surveyor;

(iii) where a quantity surveyor has carried on business or engaged or acted in his capacity as a quantity surveyor under the style of a company or through the medium of a company other than a private company

5.1.22 Hy mag nie sonder die vooraf verkreeë goedkeuring van die Raad in sy hoedanigheid van bourekenaar in private praktyk—

(a) 'n vennootskap of ander assosiasie met 'n ander persoon as 'n bourekenaar, argitek of professionele ingenieur aangaan nie; of

(b) 'n lid word van 'n ander maatskappy as 'n toegelate maatskappy nie.

5.1.23 Hy moet binne twee maande nadat hy skriftelik deur die Raad gelas is om dit te doen, enige vennootskap of ander assosiasie ontbind, of ophou om 'n lid te wees van 'n toegelate maatskappy waarvan hy 'n lid is: Met dien verstande dat die Raad so 'n opdrag mag uitreik slegs indien hy, na deeglike oorweging en behoorlike ondersoek, daarvan oortuig is dat een of meer van die ander lede of werknemers van die betrokke vennootskap- of assosiasie of toegelate maatskappy wat nie ingevolge artikel 19 van die Wet geregistreer is nie, hulle skuldige gemaak het aan 'n misdryf wat, indien hulle aldus geregistreer was, 'n oortreding van enige bepaling van hierdie regulasies sou uitmaak.

5.1.25 Hy moet die naam of name van die prinsipaal of prinsipale en alle vennote of direkteure van die praktyk of firma of die toegelate maatskappy waarvan hy 'n lid is, op alle briefhoofde toon.

5.1.26 Hy mag nie sonder die goedkeuring van die Raad 'n naam met misleidende inhoud gebruik vir die titel en naam van sy firma of van sy firma in assosiasie met 'n ander firma of van 'n toegelate maatskappy waarvan hy 'n lid is nie, en mag ook nie enige ander naam as sy persoonlike naam of name vir sodanige titel en firmanaam of naam gebruik nie: Met dien verstande dat die titel en firmanaam of naam die naam van 'n persoon van wie hy die bona fide-opvolger in titel is, kan bevat.

5.1.27 Behoudens die volgende bepalings en voorwaardes mag hy nie in die private praktyk onder die naam van 'n maatskappy of deur middel van 'n maatskappy as 'n bourekenaar optree of praktiseer of in assosiasie met 'n maatskappy wat voorgee dat hy werk doen wat ingevolge artikel 7 (3) (c) van die Wet voorgeskryf is, praktiseer nie:

(1) Die maatskappy moet 'n private maatskappy wees, beperk deur aandele wat ingevolge die Maatskappywet, No. 46 van 1926, ingelyf is, en die akte van oprigting daarvan moet die volgende insluit:

(a) 'n Bepaling ten effekte dat die direkteure en voormalige direkteure van die maatskappy gesamentlik en afsonderlik, tesame met die maatskappy, aanspreeklik is vir sodanige skulde en verpligtings van die maatskappy as wat gedurende hul ampstermyne aangegaan word of aangegaan is ooreenkomstig artikel 6A van die voormelde Maatskappywet;

(b) behoudens regulasie 5.1.26, die naam van die maatskappy met die woord "Ingelyf" as die laaste deel van sy naam, ooreenkomstig artikel 6 (1) (a) (i) van die voormelde Maatskappywet;

(c) 'n bepaling ten effekte dat die maatskappy gestig is om die werk van 'n bourekenaar of enige werk verbonde daaraan en slegs sodanige werk te verrig: Met dien verstande dat—

(i) die voormelde werk die werk van 'n argitek of 'n professionele ingenieur of albei kan insluit;

(ii) die maatskappy nie die werk van 'n bourekenaar mag verrig nie tensy minstens een van sy lede 'n bourekenaar is;

(iii) waar 'n bourekenaar voor die 5de dag van Maart 1971 sake gedoen het of werk onderneem het of is sy hoedanigheid van bourekenaar opgetree het onder die naam van 'n maatskappy of deur middel van 'n ander maatskappy as 'n private maatskappy beperk

limited by shares incorporated in terms of the Companies Act, No. 46 of 1926, prior to the 5th day of March 1971, he shall be permitted to continue to do so for a period not exceeding three years from the date of publication hereof if such company satisfies the Council that it complies as far as possible with the requirements of these regulations.

(2) The articles of the company shall contain provisions to the effect that—

(a) the members of the company shall be natural persons only who are quantity surveyors registered in terms of the Quantity Surveyors' Act, 1970 (Act 36 of 1970); provided that the members may include architects registered in terms of the Architects' Act, 1970 (Act 35 of 1970), and/or professional engineers registered in terms of the Professional Engineers' Act, 1968 (Act 81 of 1968), and/or members of any other profession the work of which is reasonably incidental to the work of quantity surveyors, architects or professional engineers;

(b) every member shall be a director of the company;

(c) the shareholders agree that so long as any shares remain registered in the name of a deceased or disqualified member, the rights appertaining to such shares shall vest automatically in the remaining shareholders, if any, until the provisions of subparagraph (3) hereof have been carried out: Provided that where there are no remaining shareholders the company shall forthwith place itself in voluntary liquidation.

(3) In the event of the death of a member or in the event of his ceasing to qualify as a member for any reason, the remaining directors, if any, shall take steps to ensure that the provisions of subparagraph (2) (a) are complied with within six months or such further period as the Council may allow.

(4) Any act done by or on behalf of the company through any member or employee thereof which would constitute improper conduct if done by a quantity surveyor shall be deemed to have been done by each member of the company who is a quantity surveyor unless it is proved that he did not knowingly take part in the commission of the act and could not have prevented it.

(5) No quantity surveyor shall be permitted to do anything through a company which he would not be permitted to do otherwise.

5.1.28 He shall not maintain any office for the purpose of there carrying on the work of a quantity surveyor in private practice unless such office shall be under continual direct and personal supervision of a registered quantity surveyor, nor shall he indicate by any means whatsoever that his practice as a quantity surveyor extends to any office other than one complying with the terms of this regulation.

2. Substitute the word "agency" for the word "ageing" in the first line of regulation 5.1.16.

deur aandeel wat ingevolge die Maatskappywet, No. 46 van 1926, ingelyf is, moet hy toegelaat word om vir 'n tydperk van hoogstens drie jaar vanaf die datum van publikasie hiervan voort te gaan om aldus te handel, indien so 'n maatskappy die Raad daarvan oortuig dat hy sover moontlik aan die vereistes van hierdie regulasies voldoen.

(2) Die statute van die maatskappy moet bepaal dat—

(a) die lede van die maatskappy net natuurlike persone mag wees wat as bourekenaars ingevolge die Wet op Bourekenaars, 1970 (Wet 36 van 1970), geregistreer is; met dien verstande dat die lede argitekthe kragtens die Wet op Argitekthe, 1970 (Wet 35 van 1970), geregistreer, en/of professionele ingenieurs kragtens die Wet op Professionele Ingenieurs, 1968 (Wet 81 van 1968), geregistreer, en/of lede van enige ander professie waarvan die werk redelikerwys aan die werk van bourekenaars, argitekthe of professionele ingenieurs verbonde is, kan insluit;

(b) elke lid 'n direkteur van die maatskappy moet wees;

(c) die aandeelhouders ooreenkom dat solank enige aandele op naam van 'n afgestorwe of gediskwalifiseerde lid geregistreer bly, die regte met betrekking tot sodanige aandele outomaties by die oorblywende aandeelhouders, as daar is, berus totdat die bepalings van subparagraaf (3) hiervan nagekom is: Met dien verstande dat waar daar geen oorblywende aandeelhouders is nie die maatskappy onmiddellik vrywillig in likwidasie moet gaan.

(3) Ingeval 'n lid te sterwe kom of weens enige rede ophou om as lid te kwalifiseer, moet die oorblywende direkteure, as daar is, stappe doen om te verseker dat daar binne ses maande of binne sodanige verdere tydperk as wat die Raad toelaat, aan die bepalings van subparagraaf (2) (a) voldoen word.

(4) Enige handeling wat deur of namens die maatskappy deur bemiddeling van 'n lid of werknemer daarvan verrig is, wat onbehoorlike gedrag sou uitmaak indien dit deur 'n bourekenaar verrig was, moet geag word deur elke lid van die maatskappy wat 'n bourekenaar is, gedoen te gewees het tensy daar bewys word dat hy nie wetens aan die pleging van die daad deelgeneem het en dit nie kon verhoed het nie.

(5) 'n Bourekenaar mag nie toegelaat word om iets deur 'n maatskappy te doen wat hy andersins nie toegelaat sou word om te doen nie.

5.1.28 Hy mag nie 'n kantoor in stand hou met die doel om aldaar die werk van 'n bourekenaar in private praktyk te verrig nie, tensy sodanige kantoor gedurig onder die regstreekse en persoonlike toesig van 'n geregistreerde bourekenaar is nie, en hy mag ook nie op enige wyse hoegenaamd aandui dat sy praktyk as bourekenaar enige ander kantoor as dié wat aan die bepalings van hierdie regulasie voldoen, behels nie.

2. Die woord "ageing" in die eerste reël van regulasie 5.1.16 van die Engelse teks word deur die woord "agency" vervang.

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