



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No. 1805

Registered at the Post Office as a Newspaper

PRICE 10c PRYS
OVERSEAS 15c OORSEE
POST FREE — POSVRY

REGULASIEKOERANT No. 1805

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 96]

PRETORIA, 22 JUNE 1973
22 JUNIE

[No. 3941

GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 1067

22 June 1973

INDUSTRIAL CONCILIATION ACT, 1956

**TRAINING SCHEME FOR THE BUSINESS
EQUIPMENT INDUSTRY**

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48A (2) of the Industrial Conciliation Act, 1956, declare that the provisions of the Scheme which appears in the Schedule hereto, excluding those contained in clauses 1, 2 and 15, shall be binding, with effect from 1 July 1973 and for the period ending 30 June 1974, upon all employers and employees who are engaged or employed in the Business Equipment Industry in the Republic of South Africa; and

(b) in terms of section 48 (3) (a), as applied by section 48A (3) of the said Act, declare that, in the Republic of South Africa and with effect from 1 July 1973 and for the period ending 30 June 1974, the provisions of the said Scheme, excluding those contained in clauses 1, 2 and 15, shall *mutatis mutandis* be binding upon all Bantu employed in the said Industry 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

**BUSINESS EQUIPMENT ASSOCIATION OF SOUTH AFRICA
SCHEDULE**

in accordance with the provisions of the Industrial Conciliation Act, 1956, arrived at by the Business Equipment Association of South Africa for the establishment of a fund for the training of employees in the Business Equipment Industry.

1. SCOPE OF APPLICATION OF THE SCHEME

The terms of this Scheme shall be observed throughout the Republic of South Africa by employers in the Business Equipment Industry who are members of the Business Equipment Association.

2. PERIOD OF OPERATION OF SCHEME

This Scheme shall come into operation on such date as may be specified by the Minister in terms of section 48A (2) of the Act, and shall remain in force for a period of two years from that date or for such period as may be determined by him.

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN ARBEID

No. R. 1067

22 Junie 1973

WET OP NYWERHEIDSVERSOENING, 1956

**OPLEIDINGSKEMA VIR DIE BEDRYFS-
UITRUSTINGNYWERHEID**

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

(a) kragtens artikel 48A (2) van die Wet op Nywerheidsversoening, 1956, dat die bepalings van die Skema wat in die Bylae hiervan verskyn, uitgesonderd dié vervat in klousules 1, 2 en 15, met ingang van 1 Julie 1973 en vir die tydperk wat op 30 Junie 1974 eindig, bindend is vir alle werkgewers en werknemers wat betrokke is by of in diens is in die Bedryfsuitrustingnywerheid in die Republiek van Suid-Afrika; en

(b) kragtens artikel 48 (3) (a), soos toegepas by artikel 48A (3) van genoemde Wet, dat die bepalings van genoemde Skema, uitgesonderd dié vervat in klousules 1, 2 en 15, met ingang van 1 Julie 1973 en vir die tydperk wat op 30 Junie 1974 eindig, in die Republiek van Suid-Afrika *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

**BEDRYFSUITRUSTINGVERENIGING VAN SUID-AFRIKA
SKEMA**

ooreenkomstig die Wet op Nywerheidsversoening, 1956, in die lewe geroep deur die Bedryfsuitrustingvereniging van Suid-Afrika vir die instelling van 'n fonds vir die opleiding van werknemers in die Bedryfsuitrustingnywerheid.

1. TOEPASSINGBESTEK VAN DIE SKEMA

Hierdie Skema moet dwarsdeur die Republiek van Suid-Afrika nagekom word deur werkgewers in die Bedryfsuitrustingnywerheid wat lede van die Bedryfsuitrustingvereniging is.

2. GELDIGHEDSDUUR VAN DIE SKEMA

Hierdie Skema tree in werking op sodanige datum as wat die Minister kragtens artikel 48A (2) van die Wet spesifiseer en bly van krag vir 'n tydperk van twee jaar vanaf daardie datum of vir sodanige tydperk as wat hy bepaal.

3. DEFINITIONS

Any expression used in this Scheme which is defined in the Industrial Conciliation Act, 1956, has the same meaning as in that Act, and any reference to an Act includes any amendments to such Act; words importing the masculine gender, unless the contrary intention appears, shall include females, and unless inconsistent with the context—

“Act” means the Industrial Conciliation Act, 1956;
“approved employer” means an employer who educates or trains employees through an approved training course;

“approved training course” means a training course instituted and/or conducted by the Training Committee or in-service training which meets with the minimum standards of a course conducted by the Training Committee;

“Association” means the Business Equipment Association of South Africa;

“Association Secretariat” means the Secretariat of the Business Equipment Association of South Africa;

“Business Equipment Industry” or “Industry” means the Industry in which employers and employees are associated for the carrying on of any one or more of the following activities:

Marketing, assembling, servicing, installation, maintenance and/or repair of appliances, equipment, machines, devices and apparatus, whether utilising manual, photographic, mechanical, electrical, electrostatic or electronic principles, or any combination of such principles, that are primarily intended for use in accounting and/or business and/or calculating and/or office and/or educational procedures;

“business equipment technician” means—

(i) an employee who is directly engaged in the technical aspects of the assembling, servicing, installation, maintenance and/or repair of appliances, equipment, machines, devices and apparatus, as covered by the definition of the “Business Equipment Industry”; or

(ii) an employee who is engaged to educate, train or instruct employees defined in (i) above;

“executive Committee” means the Executive Committee of the Association delegated with power in terms of the Association's Constitution to act for the Association between Annual General Meetings;

“Fund” means the Business Equipment Association Training Fund established in terms of clause 4;

“Training Committee” means the committee established in terms of clause 6 to administer the Fund;

“training incentive” means any grant, subsidy, bounty or other financial benefit paid from the Fund to an approved employer for the education and training of employees.

4. TRAINING FUND

(1) There is hereby established a Fund to be known as the “Business Equipment Association Training Fund”.

(2) The Fund shall consist of—

(a) contributions paid into the Fund in accordance with the provisions of clause 9;

(b) interest derived from the investment of any moneys of the Fund.

5. OBJECTS OF THE FUND

The objects of the Fund are—

(1) to conduct and/or encourage practical interest in the education and training of employees in the Industry as may be agreed by the Training Committee from time to time;

(2) to publicise vocational opportunities offered by the Industry;

(3) to provide incentives to employers as may be determined from time to time by the Training Committee by way of grants, subsidies, bounties or other financial benefits to educate and train employees subject to certain minimum standards being complied with;

(4) to receive contributions from employers for the purpose of furthering the objects detailed herein and to spend such funds in accordance with these objects and the provisions of this Scheme;

(5) to borrow, invest, lend, subscribe or donate money for the furtherance of these objects;

(6) to do all such things as may be necessary to achieve the aims set out above: Provided that the objects herein detailed shall be strictly interpreted to—

(a) aim at securing benefits for the Industry as a whole; and
(b) exclude those primary activities normally engaged in by an “employers organisation” as contemplated by the Act and to prohibit the use of the Fund for such latter purpose.

3. WOORDOMSKRYWINGS

Enige uitdrukking wat in hierdie Skema gebesig en in die Wet op Nywerheidsversoening, 1956, omskryf word, het dieselfde betekenias in daardie Wet, en enige verwysing na 'n wet omvat alle wysigings van sodanige Wet: en tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui, ook vroue, en tensy dit onbestaanbaar met die sinsverband is, beteken—

“Wet” die Wet op Nywerheidsversoening, 1956;

“goedgekeurde werkgewer” 'n werkgewer wat werknemers deur middel van 'n goedgekeurde opleidingskursus onderrig of oplei;

“goedgekeurde opleidingskursus” 'n opleidingskursus ingestel en/of gehou deur die Opleidingskomitee, of indiensopleiding, wat voldoen aan die minimum standaarde van 'n kursus wat deur die Opleidingskomitee gehou word;

“Vereniging” die Bedryfsuitrustingvereniging van Suid-Afrika; “Vereniging se Sekretariaat” die Sekretariaat van die Bedryfsuitrustingvereniging van Suid-Afrika;

“Bedryfsuitrustingnywerheid” of “Nywerheid” die Nywerheid waarin werkgewers en werknemers met mekaar geassosieer is vir die uitvoer van enigeen of meer van die volgende Aktiwiteite:

Bemarking, montering, versiening, installering, onderhoud en/of herstel van toestelle, uitrusting, masjiene, instrumente en apparaat, hetsy gebruik gemaak word van die hande, van fotografiese, meganiese, elektrotegniese, elektrostatiese of elektroniese beginsels, of enige kombinasie van sodanige beginsels wat in die eerste instansie bedoel is vir gebruik in boekhou- en/of besigheids- en/of rekenaar- en/of kantoor- en/of opvoedkundige prosedures;

“besigheidsuitrustingtegnikus”—

(i) 'n werknemer wat regstreeks werksaam is in verband met die tegniese aspekte van die montering, versiening, installering, onderhoud en/of herstel van toestelle, uitrusting, masjiene, instrumente en apparaat, soos gedek deur die omskrywing van die uitdrukking “Bedryfsuitrustingnywerheid”; of

(ii) 'n werknemer wat in diens geneem is om werknemers wat in (i) hierbo omskryf word, te onderrig, op te lei of voor te lig;

“Uitvoerende Komitee” die Uitvoerende Komitee van die Vereniging aan wie die bevoegdheid kragtens die Vereniging se konstitusie gedelegeer is om tussen Algemene Jaarvergaderings namens die Vereniging op te tree;

“Fonds” die Opleidingsfonds van die Bedryfsuitrustingvereniging ingestel ingevolge klousule 4;

“Opleidingskomitee” die komitee ingestel ingevolge klousule 6 om die Fonds te administreer;

“opleidingsaansporing” enige toekenning, subsidie, geskenk of ander geldelike bystand wat uit die Fonds aan 'n goedgekeurde werkgewer betaal word vir die onderrig en opleiding van werknemers.

4. OPLEIDINGSFONDS

(1) Hierby word 'n Fonds ingestel wat bekend staan as die “Opleidingsfonds van die Bedryfsuitrustingvereniging”.

(2) Die Fonds bestaan uit—

(a) bydraes in die Fonds inbetaal ooreenkomstig klousule 9;

(b) rente verkry uit die belegging van geld van die Fonds.

5. DOELSTELLINGS VAN DIE FONDS

(1) Die doelstellings van die Fonds is—

(1) om praktiese belangstelling gaande te maak en/of aan te moedig in die onderrig en opleiding van werknemers in die Nywerheid soos die Opleidingskomitee van tyd tot tyd mag besluit;

(2) om publisiteit te verleen aan beroepsgeleenthede wat deur die Nywerheid aangebied word;

(3) om aansporing te gee aan werkgewers soos van tyd tot tyd deur die Opleidingskomitee bepaal, by wyse van toekennings, subsidies, geskenke of ander geldelike bystand om werknemers, behoudens die nakoming van sekere minimum standdaarde, te onderrig en op te lei;

(4) om bydraes van werkgewers te ontvang met die doel om die oogmerke wat hierin uiteengesit word, te bevorder en om sodanige fondse te bestee in ooreenstemming met hierdie oogmerke en die bepalinge van hierdie Skema;

(5) om geld te leen, te belê, uit te leen, by te dra of te skenk met die doel om hierdie oogmerke te bevorder;

(6) om alles te doen wat nodig mag wees om die doelstellings hierbo uiteengesit, te verwesenlik: Met dien verstande dat die oogmerke hierin uiteengesit, streng vertolk moet word ten einde—

(a) voordele vir die Nywerheid as geheel te verkry; en
(b) daardie primêre werksaamhede uit te sluit waarby normaalweg betrokke is 'n “werkgewersorganisasie” soos by die Wet bedoel, en om die gebruik van die Fonds vir sodanige laasgenoemde doel te belet.

6. ADMINISTRATION OF THE FUND

(1) The Fund shall be administered by a Training Committee consisting of—

(a) the President of the Association for the time being who shall *ipso facto* be Chairman of the Training Committee subject to the right of the President to nominate, with the prior approval of the Executive Committee, any other member of the Training Committee to serve as Chairman;

(b) five members appointed by the Executive Committee of whom at least two shall be members of the Executive Committee;

(c) one member who may be appointed by the Secretary for Labour to represent the interests of employers who are not members of the Association;

(d) educationalists not exceeding three in number who may from time to time be co-opted by the Executive Committee to serve in an advisory capacity on the Training Committee: Provided that they shall not have the right to vote.

(2) Vacancies occurring on the Training Committee in respect of subclauses (a) and (b) above from time to time shall be filled by representatives appointed by the Executive Committee from members of the Association.

(3) The Training Committee shall have power to—

(a) deal with all matters coming within the scope of the objects of the Fund: Provided that in considering any major principles, the Training Committee shall defer any final decisions until such time as it is in receipt of the recommendations of the Executive Committee and shall at all times have due regard to—

(i) recommendations submitted to it by the Executive Committee;

(ii) the extent to which such principles fall within the objects of the Fund;

(b) invest the moneys of the Fund and control expenditure;

(c) determine in consultation with the Executive Committee the amount of, and conditions pertaining to, the payment of training incentives to approved employers in the Industry for training purposes: Provided that in the determination of the amounts of such training incentives there shall be no differentiation or discrimination between approved employers who are members of the Association and approved employers who are not members of the Association;

(d) appoint committees in terms of clause 7.

7. COMMITTEES

(1) The Training Committee may at its discretion appoint committees as it may deem necessary for any purpose within the scope of the objects of the Fund. Committees shall consist of such number of members as the Training Committee may determine.

(2) Chairmen of committees may be appointed by the Training Committee but, in the event of the Training Committee deciding not to exercise its right to make the requisite appointments, the Chairmen of committees shall be elected by the respective committees.

(3) Persons who are appointed by the Training Committee to serve on committees shall be selected with due regard to the nature of the special task or tasks to be performed and need not necessarily be members of the Training Committee.

8. FUNCTIONS OF COMMITTEES

Committees appointed in terms of clause 7 shall not involve the Fund in any expenditure without specific authority from the Training Committee neither shall it incur expenditure in excess of that authorised by the Training Committee.

9. CONTRIBUTIONS TO THE FUND

(1) Each employer shall each month in respect of each business equipment technician employed and/or hired out by him as at the last working day of the calendar month, pay to the Fund a contribution of R1,50.

(2) The total amount due in terms of subclause (1) shall be paid to the Training Fund at P.O. Box 4581, Johannesburg, by not later than the 15th of the month following the month in respect of which the contribution is due and shall be accompanied by a statement in the form of Annexure A.

10. ENTITLEMENT TO TRAINING INCENTIVES

An approved employer who has educated or trained employees by way of an approved training course shall be entitled to a training incentive at the end of the financial year of the Fund in which such training was conducted: Provided always that—

(i) application is made to the Fund for such training incentive in terms of the procedure set out in clause 11;

6. ADMINISTRASIE VAN DIE FONDS

(1) Die Fonds word geadminestreer deur 'n Opleidingskomitee bestaande uit—

(a) die diensdoende President van die Vereniging wat *ipso facto* Voorsitter van die Opleidingskomitee is, behoudens die reg van die President om, nadat goedkeuring van die Uitvoerende Komitee verkry is, enige ander lid van die Opleidingskomitee te benoem om as Voorsitter op te tree;

(b) vyf lede aangestel deur die Uitvoerende Komitee van wie minstens twee lede van die Uitvoerende Komitee moet wees;

(c) een lid wat deur die Sekretaris van Arbeid aangestel kan word om die belange van werkgewers te verteenwoordig wat nie lede van die Vereniging is nie;

(d) hoogstens drie opvoedkundiges wat van tyd tot tyd deur die Uitvoerende Komitee gekoöpteer kan word om in raadgegewende hoedanigheid in die Opleidingskomitee te dien: Met dien verstande dat hulle nie die bevoegdheid het om te stem nie.

(2) Vakatures wat in die Opleidingskomitee ten opsigte van subklousules (a) en (b) hierbo van tyd tot tyd ontstaan, moet gevul word deur verteenwoordigers aangestel deur die Uitvoerende Komitee uit lede van die Vereniging.

(3) Die Opleidingskomitee het die bevoegdheid om—

(a) met alle sake te handel wat binne die bestek van die doelstellings van die Fonds val: Met dien verstande dat by die oorweging van enige belangrike beginsels, die Opleidingskomitee enige finale beslissing agterweë moet laat tot tyd en wyl hy in besit is van die aanbevelings van die Uitvoerende Komitee en dat hy te alle tye ag moet slaan op—

(i) aanbevelings deur die Uitvoerende Komitee aan hom voorgelê;

(ii) die mate waarin sodanige beginsels binne die doelstellings van die Fonds val;

(b) die geld van die Fonds te belê en uitgawes te beheer;

(c) ná raadpleging met die Uitvoerende Komitee die bedrag van, en die voorwaardes betreffende die betaling van opleidingsaansporings aan goedgekeurde werkgewers in die Nywerheid vir opleidingsdoeleindes te bepaal: Met dien verstande dat by die vasstelling van die bedrae van sodanige opleidingsaansporings daar geen differensiering of diskriminering moet wees nie tussen goedgekeurde werkgewers wat lede van die Vereniging is en goedgekeurde werkgewers wat nie lede van die Vereniging is nie;

(d) komitees ooreenkomstig klousule 7 aan te stel.

7. KOMITEES

(1) Die Opleidingskomitee kan na goeddunke komitees wat hy nodig mag ag, aanstel vir enige doel binne die bestek van die oogmerke van die Fonds. Komitees moet bestaan uit sodanige getal lede as wat die Opleidingskomitee mag bepaal.

(2) Voorsitters van komitees kan deur die Opleidingskomitee aangestel word, maar ingeval die Opleidingskomitee besluit om nie sy reg uit te oefen om die nodige aanstellings te doen nie, word die voorsitters van komitees deur die onderskeie Komitees gekies.

(3) Persone wat deur die Opleidingskomitee aangestel word om in komitees te dien, moet gekies word met behoorlike inagneming van die aard van die spesiale taak of take wat verrig moet word en hulle hoef nie noodwendig lede van die Opleidingskomitee te wees nie.

8. FUNKSIES VAN KOMITEES

Komitees aangestel kragtens klousule 7 mag nie die Fonds betrek by enige uitgawes sonder spesifieke magtiging deur die Opleidingskomitee en mag ook nie uitgawes aangaan wat meer is as dié deur die Opleidingskomitee gemagtig nie.

9. BYDRAES TOT DIE FONDS

(1) Elke werkgewer moet elke maand ten opsigte van elke bedryfsuitrustingstegnikus wat by hom in diens is en/of deur hom uitverhuur is op die laaste werkdag van die kalendermaand, 'n bydrae van R1,50 aan die Fonds betaal.

(2) Die totale bedrag verskuldig ooreenkomstig subklousule (1) moet voor of op die 15de dag van die maand wat volg op die maand ten opsigte waarvan die bydrae verskuldig is aan die Opleidingsfonds, Posbus 4581, Johannesburg, betaal word en moet vergesel gaan van 'n staat in die vorm van Aanhangsel A.

10. REG OP OPLEIDINGSAANSPORINGS

'n Goedgekeurde werkgewer wat werknemers onderrig en opgelei het by wyse van 'n goedgekeurde opleidingskursus, is geregtig op 'n opleidingsaansporing aan die einde van die boekjaar van die Fonds waarin sodanige opleiding gegee is: Met dien verstande altyd dat—

(i) aansoek om sodanige opleidingsaansporing ooreenkomstig die prosedure in klousule 11 uiteengesit tot die Fonds gerig word;

(ii) the Training Committee is satisfied that any in-service training provided by the employer meets the minimum standards of the equivalent course conducted by the Training Committee;

(iii) the employer has paid one full year's contributions to the Fund.

Note.—Copies of the syllabi of courses conducted by the Training Committee can be obtained from the Secretary of the Fund.

11. PROCEDURE FOR THE DETERMINATION OF TRAINING INCENTIVES

(1) At the end of each financial year of the Fund, within one month of the receipt by the Secretary of the Fund of the audited accounts, the Training Committee shall meet to determine the total amount which shall be distributed in training incentives to approved employers.

(2) The total amount which shall be distributed in training incentives referred to in subclause (1) shall not be less than 50 per cent of the total amount received in contributions during the year after all administrative expenditure of the Fund and expenditure incurred in the establishment and operation of training courses conducted by the Training Committee have been deducted.

(3) Once the Training Committee has determined the total amount which shall be distributed in training incentives to approved employers, and such amount has been confirmed by the Executive Committee, a notice shall be sent to all employers who have contributed to the Fund during the financial year ended 30 June advising them—

(a) of the total amount which shall be distributed amongst approved employers;

(b) that application for training incentives in respect of approved training courses undertaken during the year are to be submitted to the Secretary of the Fund not later than sixty (60) days from the date of the notice.

(4) In applying for a training incentive from the Fund, employers must provide the following information in respect of each employee for whom a training incentive is claimed:

(a) In respect of employees who underwent a course conducted by the Training Committee:

(i) The name of the employee and his occupation and/or position on completion of the course;

(ii) the dates, duration and location of the training course;

(b) in respect of employees who underwent in-service training:

(i) The name of the employee and his occupation and/or position on completion of the course;

(ii) the dates, duration and location of the training course;

(iii) a detailed schedule of the subjects covered by the course and the hours spent on each subject;

(iv) the name of the person responsible for the training;

(v) a fully motivated memorandum as to how the course meets the minimum requirements of the equivalent course conducted by the Training Committee;

(vi) a detailed breakdown of the total costs incurred in training the employee to meet the minimum requirement of the equivalent course conducted by the Training Committee.

(5) Only those applications for training incentives received within the period stipulated in subclause (3) (b) will be considered by the Training Committee. Where an application, which is received within the required period, does not contain sufficient information for the Training Committee to make a decision, the Training Committee may request the employer to provide the necessary information, or for permission to inspect the training facilities provided, within a period stipulated by the Committee. Failure to comply with the Committee's request within the period stipulated will render the employer's application for a training incentive invalid.

(6) On expiry of the period referred to in subclause (3) (b) and after receipt of such supporting information called for by the Training Committee which is submitted in accordance with the aforementioned procedure, the Committee shall meet to consider each employer's application and the amount of the training incentive to be paid. The amount of the training incentive paid to each approved employer shall be determined at the discretion of the Training Committee who shall take into account, inter alia, the costs of training incurred by the employer, the

(ii) die Opleidingskomitee daarvan oortuig is dat enige indiensopleiding wat deur die werkgever verskaf is, voldoen aan die minimum standaarde van die ooreenstemmende kursus wat deur die Opleidingskomitee gehou is;

(iii) die werkgever een volle jaar se bydraes aan die Fonds betaal het.

Nota.—Kopieë van die leerplanne van kursusse wat deur die Opleidingskomitee gehou word, kan by die Sekretaris van die Fonds verkry word.

11. PROSEDURE VIR DIE BEPALING VAN OPLEIDINGSAANSPOORINGS

(1) Aan die einde van elke boekjaar van die Fonds moet die Opleidingskomitee binne een maand ná ontvangs deur die Sekretaris van die Fonds van die geauditeerde rekenings, byeenkom om die totale bedrag vas te stel wat by wyse van opleidingsaansporings aan goedgekeurde werkgewers toegeken moet word.

(2) Die totale bedrag wat toegeken word in die vorm van opleidingsaansporings in subklousule (1) bedoel moet minstens 50 persent wees van die totale bedrag wat by wyse van bydraes gedurende die jaar ontvang is nadat alle administratiewe uitgawes van die Fonds en uitgawes aangegaan met die instelling en werking van opleidingskursusse deur die Opleidingskomitee gehou, afgetrek is.

(3) Sodra die Opleidingskomitee die totale bedrag vasgestel het wat in die vorm van opleidingsaansporings aan goedgekeurde werkgewers toegeken moet word, en sodanige bedrag deur die Uitvoerende Komitee goedgekeur is, moet 'n kennisgewing gestuur word aan alle werkgewers wat gedurende die boekjaar geëindig 30 Junie tot die Fonds bygedra het waarin hulle in kennis gestel word—

(a) van die totale bedrag wat aan goedgekeurde werkgewers toegeken moet word;

(b) dat aansoek om opleidingsaansporings ten opsigte van goedgekeurde opleidingskursusse gedurende die jaar onderneem, nie later nie as sestig (60) dae vanaf die datum van die kennisgewing aan die Sekretaris van die Fonds voorgelê moet word.

(4) Wanneer werkgewers aansoek om 'n opleidingsaansporing van die Fonds doen, moet hulle ondergemelde inligting verskaf ten opsigte van elke werknemer vir wie 'n opleidingsaansporing geëis word:

(a) Ten opsigte van werknemers wat 'n kursus deurloop het wat deur die Opleidingskomitee gehou is:

(i) Die naam van die werknemer en sy beroep en/of posisie by voltooiing van die kursus;

(ii) die datums en duur van en die plek waar die opleidingskursus gehou was;

(b) ten opsigte van werknemers wat indiensopleiding ondergaan het:

(i) Die naam van die werknemer en sy beroep en/of posisie by voltooiing van die kursus;

(ii) die datums en duur van en die plek waar die opleidingskursus gehou was;

(iii) 'n breedvoerige lys van die vakke deur die kursus gedek en die getal ure aan elke vak bestee;

(iv) die naam van die persoon verantwoordelik vir die opleiding;

(v) 'n ten volle gemotiveerde memorandum oor die wyse waarop die kursus voldoen aan die minimum vereistes van die ooreenstemmende kursus deur die Opleidingskomitee gehou;

(vi) 'n breedvoerige ontleding van die totale koste aangegaan by die opleiding van die werknemer ten einde te voldoen aan die minimum vereistes van die ooreenstemmende kursus deur die Opleidingskomitee gehou.

(5) Slegs daardie aansoeke om opleidingsaansporings wat ontvang word binne die tydperk wat in subklousule (3) (b) gestipuleer word, sal deur die Opleidingskomitee oorweeg word. Waar 'n aansoek wat binne die vereiste tydperk ontvang word, nie voldoende inligting bevat om die Opleidingskomitee in staat te stel om tot 'n beslissing te geraak nie, kan die Opleidingskomitee die werkgever versoek om die nodige inligting te verskaf, of om goedkeuring te gee dat die opleidingsgeriewe wat verskaf word, binne 'n tydperk deur die Komitee gestipuleer, ondersoek word. Versuim om binne die tydperk gestipuleer, aan die Komitee se versoek te voldoen, sal die werkgever se aansoek om 'n opleidingsaansporing ongeldig maak.

(6) By verstryking van die tydperk in subklousule (3) (b) bedoel en ná ontvangs van sodanige stawende inligting waarom die Opleidingskomitee gevra het, wat ooreenkomstig voornoemde prosedure voorgelê is, kom die Komitee bymekaar om iedere werkgever se aansoek te oorweeg asook die bedrag van die opleidingsaansporing wat betaal moet word. Die bedrag van die opleidingsaansporing wat aan elke goedgekeurde werkgever betaal word moet vasgestel word na goedgekeurde van die Opleidingskomitee wat onder meer die koste wat deur die werkgever aangegaan is, die tipe en standaard van die opleiding verskaf

type and standard of training provided and the number of employees trained by the employer: Provided always that the amount of such training incentive shall be subject to—

(i) the approval of the Executive Committee;

(ii) the total amount of training incentives which has been allocated for distribution amongst approved employers for the financial year in which the training was provided.

(7) Employers whose applications for training incentives have been refused will be advised thereof with the reasons therefor. Should an employer object to any decision of the Training Committee, he shall have the right to lodge an appeal, within fifteen (15) days of being advised of the decision, to the Executive Committee.

(8) As soon as the Executive Committee has decided any objections to decisions of the Training Committee, the Training Committee shall distribute the total amount of training incentives amongst the approved employers.

12. SECRETARIAL AND ADMINISTRATIVE DUTIES

(1) Secretarial and administrative work arising out of the activities of the Training Committee and of committees appointed by it shall be entrusted to the Association Secretariat and, in appropriate circumstances, to members of the Association: Provided that the Executive Committee may authorise the engagement of alternative personnel.

(2) The Secretary of the Association for the time being shall be the Secretary of the Fund.

(3) In recognition of the work entailed in the administration of the Fund, an annual fee shall be determined in advance each year by the Training Committee and subject to the approval of the Executive Committee such fee, which shall not exceed 10 per cent of the annual income of the Fund, shall be payable by the Fund to the Association.

13. FINANCE

(1) All moneys paid into the Fund shall be deposited in a banking account opened in the name of the Fund. An official receipt shall be issued for all moneys received into the Fund, and payments from the Fund shall be made by cheque signed by such persons as may from time to time be authorised by the Training Committee.

(2) All moneys not required to meet current payments or as a reasonable operating balance shall be invested as directed by the Training Committee in accordance with section 21 (3) of the Act.

(3) The Training Committee shall appoint a public accountant who shall be paid out of the Fund. The accounts of the Fund shall be audited annually for the period ended 30 June. Two copies of the audited accounts shall be made available to the Executive Committee and a copy shall be transmitted to the Secretary for Labour.

14. DISSOLUTION OF THE FUND

(1) In the event of the expiry of this Scheme for any cause and a subsequent Scheme providing for the continuation of the Fund not being arrived at within a period of six months from the date of expiry, the Executive Committee shall appoint a trustee or trustees who shall have all the powers of the Training Committee and Executive Committee to continue to administer the Fund in accordance with the objects of the Fund: Provided that any unexpended moneys still remaining after two years from the date of the Scheme's expiry shall, after payment of the trustee's fee be distributed amongst employer pro rata to the contributions paid by them to the Fund during the 12 months immediately preceding the date of the Scheme's expiry. The Training Committee shall continue to administer the Fund during the said period of six months.

(2) Should the Association cease to function as an employers' organisation the procedure outlined in subclause (1) shall *mutatis mutandis* apply and the date from which the Association ceases to function shall be deemed to be the date of expiry of the Scheme.

(3) If for any reason a trustee or trustees cannot be appointed as provided for in subclause (1), such appointment shall be made by the Industrial Registrar.

(4) Administration charges shall be subject to the approval of the Industrial Registrar and shall be a charge against the Fund.

15. AGENTS

The Training Committee may appoint one or more persons as agents to assist in giving effect to the terms of this Scheme.

en die getal werknemers deur die werkgewer opgelei, in aanmerking moet neem: Met dien verstande dat die bedrag van sodanige opleidingsaansporing altyd onderworpe is aan—

(i) die goedkeuring van die Uitvoerende Komitee;

(ii) die totale bedrag aan opleidingsaansporings wat opgesit is vir uitbetaling aan goedgekeurde werkgewers vir die boekjaar waarin die opleiding verskaf is.

(7) Werkgewers wie se aansoeke om opleidingsaansporings afgekeur is, sal daarvan in kennis gestel word tesame met die redes daarvoor. Indien 'n werkgewer beswaar maak teen enige beslissing van die Opleidingskomitee het hy die reg om binne vyftien (15) dae nadat hy van die beslissing in kennis gestel is, by die Uitvoerende Komitee appél aan te teken.

(8) Sodra die Uitvoerende Komitee sy beslissing gevel het oor enige besware teen beslissings van die Opleidingskomitee, moet die opleidingskomitee die totale bedrag aan opleidingsaansporings onder die goedgekeurde werkgewers verdeel.

12. SEKRETARIELE EN ADMINISTRATIEWE PLIGTE

(1) Sekretariële en administratiewe werk wat voortspruit uit die werksaamhede van die Opleidingskomitee en van komitees deur hom aangestel, moet aan die Vereniging se Sekretariaat toevertrou word, en, onder paslike omstandighede, aan lede van die Vereniging: Met dien verstande dat die Uitvoerende Komitee die indiensneming van ander personeel kan magtig.

(2) Die diensdoende Sekretaris van die Vereniging is dan die Sekretaris van die Fonds.

(3) Ter erkenning van die werk verbonde aan die administrasie van die Fonds moet 'n jaarlikse bedrag iedere jaar vooruit deur die Opleidingskomitee vasgestel word, en behoudens goedkeuring van die Uitvoerende Komitee moet sodanige bedrag, wat hoogstens 10 persent van die jaarlikse inkomste van die Fonds mag bedra, deur die Fonds aan die Vereniging betaalbaar wees.

13. FINANSIES

(1) Alle geld wat in die Fonds inbetaal word, moet gestort word in 'n bankrekening wat op naam van die Fonds geopen word. 'n Amptelike kwitansie moet uitgereik word vir alle geld wat in die Fonds ontvang word, en uitbetalings uit die Fonds moet geskied per tjek onderteken deur sodanige persone as wat van tyd tot tyd deur die Opleidingskomitee daartoe gemagtig word.

(2) Alle geld wat nie nodig is om lopende uitgawes te dek of as 'n redelike bedryfsbalans te dien nie, moet belê word soos gelas deur die Opleidingskomitee ooreenkomstig artikel 21 (3) van die Wet.

(3) Die Opleidingskomitee moet 'n openbare rekenmeester aanstel wat uit die Fonds besoldig moet word. Die rekenings van die Fonds moet jaarliks vir die tydperk geëindig 30 Junie geouditeer word. Twee kopieë van die geouditeerde rekenings moet vir die Uitvoerende Komitee beskikbaar gemaak en 'n kopie aan die Sekretaris van Arbeid gestuur word.

14. ONTBINDING VAN DIE FONDS

(1) In die geval van die verstryking van hierdie Skema om watter rede ook al en 'n daaropvolgende Skema wat vir die voortsetting van die Fonds voorsiening maak, word nie binne 'n tydperk van ses maande vanaf die datum van verstryking beraam nie, moet die Uitvoerende Komitee 'n trustee of trustees aanstel wat al die bevoegdhede van die Opleidingskomitee en Uitvoerende Komitee besit om voort te gaan om die Fonds ooreenkomstig die doelstellings van die Fonds te administreer: Met dien verstande dat enige onbestede geld wat oorbly ná twee jaar vanaf die datum waarop die Skema ontbind is, ná betaling van die trustee(s) se gelde, onder werkgewers verdeel moet word, eweredig aan die bydraes deur hulle in die Fonds inbetaal gedurende die 12 maande onmiddellik vóór die datum waarop die Skema verstryk het. Die Opleidingskomitee moet voortgaan om die Fonds gedurende genoemde tydperk van ses maande te administreer.

(2) Indien die Vereniging ophou om as 'n werkgewersorganisasie te funksioneer, is die prosedure uiteengesit in subklousule (1) *mutatis mutandis* van toepassing, en die datum waarop die Vereniging ophou om te funksioneer, word geag die datum van ontbinding van die Skema te wees.

(3) Indien 'n trustee of trustees om watter rede ook al nie aangestel kan word soos in subklousule (1) bepaal nie, moet sodanige aanstelling deur die Nywerheidsregistrator gedoen word.

(4) Administrasiekoste is onderworpe aan die goedkeuring van die Nywerheidsregistrator en is 'n las teen die Fonds.

15. AGENTE

Die Opleidingskomitee kan een of meer persone as agente aanstel om te help om uitvoering aan hierdie Skema te gee.

16. INDEMNITY

The members of the Training Committee shall not be liable for any loss to the Fund arising from any improper investment made in good faith, or by any act in their bona fide administration of the Fund, or by negligence or fraud of any person who may be employed, or by reason of any act or omission by members or by reason of any other matter or thing save individual wilful or fraudulent wrong-doing on the part of such members who are sought to be made liable. Any such member shall be reimbursed by the Fund for any liability incurred by him in defending any proceedings, whether civil or criminal, arising out of an allegation involving bad faith in which judgment is given in his favour or in which he is acquitted.

Signed at Johannesburg on behalf of the Association this 3rd day of August 1972.

W. P. ANDERSON, President of the Association.

V. E. ANDRIÉS, Vice-President of the Association.

J. L. R. WOOD, Secretary of the Association.

ANNEXURE A

BUSINESS EQUIPMENT ASSOCIATION TRAINING FUND
P.O. Box 4581 Johannesburg Telephone 23-5791

MONTHLY RETURN OF CONTRIBUTIONS
(To be submitted in duplicate)

MOST IMPORTANT.—Please study notes hereunder before completing this return.

Important notes:

1. Each employer shall, in respect of each business equipment technician, pay to the Business Equipment Association Training Fund a monthly contribution.

2. The total amount of the contribution payable each month shall be calculated on the basis of R1,50 multiplied by the number of business equipment technicians employed by the employer and/or hired out by him on the last working day of the month in respect of which payment of the contribution is due.

3. The amount payable each month shall be forwarded to the Secretary of the Business Equipment Association Training Fund, P.O. Box 4581, Johannesburg, by not later than the fifteenth day of the month immediately following that in respect of which the contribution is due.

Return for the month of.....19.....
Name of firm.....
Address of head office.....
Number of business equipment technicians employed
and/or hired out on the last working day of the month
Total contribution payable at R1,50 per technician....
Cheque herewith.....
Signed.....
Capacity.....

16. VRYWARING

Die lede van die Opleidingskomitee is nie aanspreeklik vir enige verlies aan die Fonds wat voortspruit uit enige onbehoorlike belegging wat te goeder trou gemaak is nie, of deur enige handeling in hul bona fide-administrasie van die Fonds, of deur nalatigheid of bedrog van enige persoon wat in diens geneem mag word, of omrede van enige handeling of versuim deur lede of omrede van enige ander saak of ding behalwe individuele opsetlike of bedrieglike misdryf aan die kant van sodanige lede wat as aanspreeklik geag word. Enige sodanige lid moet deur die Fonds vergoed word vir enige las deur hom aangegaan by sy verdediging in enige geding, hetsy siviël of krimineel, wat voortspruit uit enige aantygung op grond van kwader trou waarin uitspraak in sy guns gegee word of waarin hy vrygespreek word.

Namens die Vereniging op hede die 3de dag van Augustus 1972 in Johannesburg onderteken.

W. P. ANDERSON, President van die Vereniging.

W. E. ANDRIÉS, Onder-president van die Vereniging.

J. L. R. WOOD, Sekretaris van die Vereniging.

AANHANGSEL A

BEDRYFSUITRUSTINGVERENIGING SE OPLEIDINGSFONDS
Posbus 4581 Johannesburg Telefoon 23-5791

MAANDSTAAT VAN BYDRAE
(Moet in duplo ingestuur word)

ALLERBELANGRIKS.—Bestudeer asseblief die opmerkings hieronder voordat hierdie opgawe ingevul word.

Belangrike opmerkings:

1. Elke werkgever moet, ten opsigte van elke bedryfsuitrusting-technikus, aan die Opleidingsfonds van die Bedryfsuitrustingvereniging 'n maandelikse bydrae betaal.

2. Die totale bedrag van die bydrae wat elke maand betaalbaar is, moet bereken word op grondslag van R1,50 vermenigvuldig met die getal bedryfsuitrustingstechnici wat by die werkgever in diens is en/of deur hom uitverhuur is op die laaste werksdag van elke maand ten opsigte waarvan die betaling van die bydrae verskuldig is.

3. Die bedrag betaalbaar, moet elke maand gestuur word aan die Sekretaris van die Bedryfsuitrustingvereniging se Opleidingsfonds, Posbus 4581, Johannesburg, voor of op die 15de dag van die maand wat onmiddellik volg op die ten opsigte waarvan die bydrae verskuldig is.

Opgawe vir die maand.....19.....
Naam van firma.....
Adres van hoofkantoor.....
Getal bedryfsuitrustingstechnici in diens en/of uitverhuur op
die laaste werkdag van die maand.....
Totale bydrae betaalbaar teen R1,50 per tegnikus.....
Tjek hierby.....
Onderteken.....
Hoedanigheid.....

Die Afrikaanse Woordeboek

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