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PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 100, 1980

AMENDMENT OF THE SCHEDULE TO THE ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND REHABILITATION CENTRES ACT, 1971 (ACT 41 OF 1971)

Under the powers vested in me by section 15 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971), and after the Minister of Health, Welfare and Pensions has consulted with the Medicines Control Council, I hereby amend the Schedule to the said Act by the substitution for the existing Schedule of the Schedule hereto.

This Proclamation shall come into force four weeks after the date of its publication in the *Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of May, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

L. A. P. A. MUNNIK.

SCHEDULE

PART I

Prohibited dependence-producing drugs

All the substances mentioned in this Schedule include the following:

(a) The isomers of the substances where the existence of such isomers is possible in the specific chemical compounds;

(b) the esters and ethers of the substances and the isomers thereof where the existence of such esters and ethers is possible;

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 100, 1980

WYSIGING VAN DIE BYLAE TOT DIE WET OP DIE MISBRUIK VAN AFHANKLIKHEIDSVORMENDE STOWWE EN REHABILITASIESENTRUMS, 1971 (WET 41 VAN 1971)

Kragtens die bevoegdheid my verleen by artikel 15 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet 41 van 1971), en nadat die Minister van Gesondheid, Welsyn en Pensioene met die Medisynebeheerraad ooreenstemmend, wysig ek hierby die Bylae van genoemde Wet deur die bestaande Bylae deur die Bylae hiervan te vervang.

Hierdie Proklamasie tree in werking vier weke na die datum van publikasie daarvan in die *Staatskoerant*.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vyfde dag van Mei Eenduisend Negehonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

L. A. P. A. MUNNIK.

BYLAE

DEEL I

Verbode afhanklikheidsvormende medisyne

Alle stowwe genoem in hierdie Bylae sluit die volgende in:

(a) Die isomere van die stowwe waar die bestaan van sodanige isomere in die bepaalde chemiese verbinding moontlik is;

(b) die esters en eters van die stowwe en die isomere daarvan, waar die bestaan van sodanige esters en eters moontlik is;

(c) the salts of the substances or the isomers thereof or the esters or ethers of the said substances or the isomers thereof, where the existence of such salts is possible; and

(d) all the preparations and admixtures of the substances where such preparations and admixtures are not expressly excluded.

Amphetamine.

Bufotenine (N,N-dimethylserotonin).

Cannabis (dagga), the whole plant or any portion or product thereof.

Coca leaf.

Dexamphetamine.

Diethyltryptamine [3-(2-(diethylamino)-ethyl)-indole].

Dimethyltryptamine [3 - (2 - (dimethylamino) - ethyl)-indole].

Harmaline (3,4-dihydroharmine).

Harmine [7 - methoxy - 1 - methyl - 9H - pyrido (3,4-b)indole].

Heroin (diacetylmorphine).

Lysergide (lysergic acid diethylamide).

Mescaline (3,4,5-trimethoxyphenethylamine).

Methamphetamine.

Methaqualone.

4-methyl-2,5-dimethoxyamphetamine (DOM) and its derivatives.

Phenmetrazine.

Prepared opium.

Psilocin (4-hydroxydimethyltryptamine).

Psilocybin (4 - phosphoryloxy - N, N - dimethyltryptamine).

Tetrahydrocannabinol.

PART II

Dangerous dependence-producing drugs

All the substances mentioned in this Schedule include the following:

(a) The isomers of the substances where the existence of such isomers is possible in the specific chemical compound;

(b) the esters and ethers of the substances and the isomers thereof where the existence of such esters and ethers is possible;

(c) the salts of the substances or the isomers thereof, or the esters or ethers of the said substances or the isomers thereof, where the existence of such salts is possible; and

(d) all the preparations and admixtures of the substances where such preparations and admixtures are not expressly excluded.

Acetorphine.

Acetyldihydrocodeine, except admixtures containing not more than 2,5 per cent acetyldihydrocodeine.

Acetylmethadol.

Allylprodine.

Alphacetylmethadol.

Alphameprodine.

Alphamethadol.

Alphaprodine.

Anileridine.

Benzethidine.

Benzphetamine.

Benzylmorphine.

Betacetylmethadol.

(c) die soute van die stowwe of die isomere daarvan of die esters of eters van bedoelde stowwe of die isomere daarvan, waar die bestaan van sodanige soute moontlik is; en

(d) alle preparate en mengsels van die stowwe waar sodanige preparate en mengsels nie uitdruklik uitgesluit word nie.

Amfetamien.

Bereide opium.

Bufotenien (N,N-dimetielseeronien).

Cannabis (dagga), die hele plant of enige gedeelte of produk daarvan.

Deksamfetamien.

Diëtieltriptamien [3-(2-(diëtielamino)-etiel)-indool].

Dimetielttriptamien [3 - (2 - dimetiellamino) - etiel) - indool].

Fenmetrasien.

Harmalien (3,4-dihidroharmien).

Harmien [7 - metoksi - 1 - metiel - 9H - pirido (3,4-b)indool].

Heroïen (diasetiellormien).

Kokablaar.

Lisergied (lisergiensuurdietiellamied).

Meskalien (3,4,5-trimetoksifenetiellamien).

Metakaloon.

Metamfetamien.

4 - metiel - 2, 5 - demetoksiamfetamien (DOM) en sy derivate.

Psilosibien (4 - fosforieloksi - N, N - dimetielttriptamien).

Psilosien (4-hidroksidimetielttriptamien).

Tetrahidrokannabinol.

DEEL II

Gevaarlike afhanklikheidsvormende medisyne

Al die stowwe genoem in hierdie Bylae sluit die volgende in:

(a) Die isomere van die stowwe waar die bestaan van sodanige isomere in die bepaalde chemiese verbinding moontlik is;

(b) die esters en eters van die stowwe en die isomere daarvan, waar die bestaan van sodanige esters en eters moontlik is;

(c) die soute van die stowwe of die isomere daarvan of die esters of eters van bedoelde stowwe of die isomere daarvan, waar die bestaan van sodanige soute moontlik is; en

(d) alle preparate en mengsels van die stowwe waar sodanige preparate en mengsels nie uitdruklik uitgesluit word nie.

Alfameprodien.

Alfametadol.

Alfaprodien.

Alfasetiellmetadol.

Alliellprodien.

Anileridien.

Asetiellidihidrokodeïen, uitgesonderd mengsels wat hoogstens 2,5 persent asetiellidihidrokodeïen bevat.

Asetiellmetadol.

Asetorfien.

Bensetidien.

Bensfetamien.

Bensiellormien.

Besitramied.

Betameprodine.
 Betamethadol.
 Betaprodine.
 Bezitramide.

Chlorodyne (Tincture of Chloroform and Morphine B.P.C. 1963) or any preparation or admixture thereof described as chlorodyne and containing morphine in any proportion, except admixtures containing not more than 5,0 per cent chlorodyne in combination with other medicines in such manner that it cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

Clonitazene.

Cocaine, except admixtures containing not more than 0,1 per cent cocaine, calculated as cocaine alkaloid.

Codeine (methymorphine), except admixtures containing not more than 2,5 per cent codeine.

Codixime.

Concentrate of poppy straw.

Desomorphine.
 Dextromoramide.

Diampromide.

Diethylthiambutene.

Difenoxin (or diphenoxylate); any preparation of difenoxin, except admixtures containing, per dosage unit, 0,5 milligrams or less of difenoxin, calculated as base, and a quantity of atropine sulphate equal to at least 5,0 per cent of the quantity of difenoxin, calculated as base, which is present in the mixture.

Dihydrocodeine; except admixtures containing not more than 2,5 per cent dihydrocodeine.

Dihydromorphine.

Dimenoxadol.

Dimepheptanol.

Dimethylthiambutene.

Dioxaphetyl butyrate.

Diphenoxylate; except preparations containing not more than 2,5 milligrams of diphenoxylate, calculated as base, and not less than 25 micrograms of atropine sulphate per dosage unit.

Dipipanone.

Ecgonine, and the esters and derivatives thereof which are convertible to ecgonine and cocaine.

Ethylmethylthiambutene.

Ethylmorphine; except admixtures containing not more than 2,5 per cent ethylmorphine.

Etonitazene.

Etorphine.

Etoxadine.

Fenproporex.

Fentanyl.

Furethidine.

Hydrocodone (dihydrocodeinone).

Hydromorfinol (14-hydroxydihydromorphine).

Hydromorphone (dihydromorphinone).

Hydroxypethidine.

Isomethadone.

Ketobemidone.

Levomoramide.

Levophenacymorphan.

Levorphanol.

Betameprodien.
 Betametadol.
 Betaprodien.
 Betasetielmetadol.

Chlorodien (Tinktuur van Chloroform en Morfien B.P.C. 1963) of enige preparaat of mengsel daarvan beskryf as chlorodien en wat morfien in enige verhouding bevat; uitgesonderd mengsels wat hoogstens 5,0 persent chlorodien in samestelling met ander medisinale bestanddele op so 'n wyse bevat dat dit nie maklik of in sodanige mate herwin kan word dat dit 'n gevaar vir die openbare gesondheid inhou nie.

Dekstromoramide.

Desomorfien.

Diampromied.

Diëtieltiambuteen.

Difenoksien (of difenoksiensuur); enige preparaat van difenoksien, uitgesonderd mengsels wat per doseringseenheid 0,5 milligram of minder difenoksien, as basis bereken, bevat, en met 'n hoeveelheid atropiensulfaat, gelyk aan minstens 5,0 persent van die hoeveelheid difenoksien, as basis bereken, in die mengsel.

Difenoksilaat, uitgesonderd preparate wat hoogstens 2,5 milligram difenoksilaat, as basis bereken, en minstens 25 mikrogram atropiensulfaat per doseringseenheid bevat.

Dihidrokodeïen, uitgesonderd mengsels wat hoogstens 2,5 persent dihidrokodeïen bevat.

Dihidromorfien.

Dimefeptanol.

Dimenoksadol.

Dimetieltiambuteen.

Dioksafetiëlbutiraat.

Dipipanoon.

Ekgonien, en die esters en derivate daarvan wat veranderbaar is in ekgonien en kokaïen.

Etieltieltiambuteen.

Etielmorfien, uitgesonderd mengsels wat hoogstens 2,5 persent etielmorfien bevat.

Etokseridien.

Etonitaseen.

Etorfien.

Fenadoksoon.

Fenampromied.

Fenasosien.

Fendimetrasien.

Fenomorfaan.

Fenoperidien.

Fenproporeks.

Fentaniël.

Folkodien, uitgesonderd mengsels wat hoogstens 2,5 persent folkodien bevat.

Furetidien.

Hidrokodoon (dihidrokodeïnoon).

Hidroksipetidien.

Hidromorfinol (14-hidroksidihidromorfien).

Hidromorfoen (dihidromorfinoon).

Isometadoon.

Ketobemidoon.

Klonitaseen.

Kodeïen (metielmorfien), uitgesonderd mengsels wat hoogstens 2,5 persent kodeïen bevat.

Kodoksiem.

Kokaïen, uitgesonderd mengsels wat hoogstens 0,1 persent kokaïen, bereken as kokaïenalkaloïed, bevat.

Levofenasielmorfaan.

Levomoramied.

Levorfanol.

Mefenorex.
 Metazocine.
 Methadone.
 Methadone-intermediate.
 Methorphan, including levomethorphan and racemethorphan, but excluding dextromethorphan.
 Methyl-desorphine.
 Methyl-dihydromorphine.
 Methylphenidate and its derivatives.
 Metopon.
 Moramide-intermediate.
 Morpheridine.
 Morphine; except preparations and admixtures of morphine containing not more than 0,2 per cent morphine, calculated as anhydrous morphine, and except admixtures from which morphine cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health (see also Chlorodyne).
 Morphine Methobromide and other pentavalent nitrogen morphine derivatives.
 Morphine-N-oxide and its derivatives.
 Myrophine (myristyl benzylmorphine).
 Nicocodine.
 Nicodicodine.
 Nicomorphine.
 Noracymethadol.
 Norcodeine; except admixtures containing not more than 2,5 per cent norcodeine.
 Norlevorphanol.
 Normethadone.
 Normorphine (demethylmorphine or N-demethylated morphine).
 Norpipanone.
 Opium; except admixtures containing not more than 0,2 per cent morphine calculated as anhydrous morphine (see also Chlorodyne).
 Oxycodone (14-hydroxydihydrocodeinone or dihydrohydroxycodone).
 Oxymorphone (14-hydroxydihydromorphinone or dihydrohydroxymorphinone).
 Pethidine, pethidine-intermediate A, pethidine-intermediate B and pethidine-intermediate C.
 Phenadoxone.
 Phenampromide.
 Phenazocine.
 Phendimetrazine.
 Phenomorphan.
 Phenoperidine.
 Pholcodine; except admixtures containing not more than 2,5 per cent pholcodine.
 Piminodine.
 Piritramide.
 Proheptazine.
 Properidine.
 Propiram.
 Racemoramide.
 Racemorphan.
Sufentanil.
 Thebacon.
 Thebaine.
 Trimeperidine.

PART III

Potentially dangerous dependence-producing drugs

Amobarbital, cyclobarbital, pentobarbital, secobarbital and their salts; preparations and admixtures thereof, except preparations and admixtures containing not more than 30 milligrams per minimum recommended or prescribed dose, when intended for continued use in asthma and epilepsy.

Mefenoreks.
 Metadoon.
 Metadoon-intermediër.
 Metasosien.
 Metiëldesorfien.
 Metiëldihidromorfien.
 Metiëlfenidaat en sy derivate.
 Metopoon.
 Metorfaan, insluitende levometorfaan en rasemeterfaan, maar uitgesonderd dekstrometorfaan.
 Mirofien (miristiëlbensiëlmorfien).
 Moramied-intermediër.
 Morferidien.
 Morfien; uitgesonderd preparate en mengsels van morfien wat hoogstens 0,2 persent morfien, bereken as anhidriese morfien, bevat, en uitgesonderd mengsels waaruit morfien nie maklik of in sodanige mate herwin kan word dat dit 'n gevaar vir die openbare gesondheid inhou nie (sien ook chlorodien).
 Morfienmetobromied en ander pentavalente stikstof-morfien-derivate.
 Morfien-N-oksied en sy derivate.
 Nikodikodien.
 Nikokodien.
 Nikomorfien.
 Norasimetadol.
 Norkodeïen, uitgesonderd mengsels wat hoogstens 2,5 persent norkodeïen bevat.
 Norlevorfanol.
 Normetadoon.
 Normorfien (demetiëlmorfien of N-gedemetileerde morfien).
 Norpipanoon.
 Oksikodoon (14-hidroksidihidrokodeïnoon of dihidrohidroksikodeïnoon).
 Oksimorfoon (14-hidroksidihidromorfinoon of dihidrohidroksimorfinoon).
 Opium; uitgesonderd mengsels wat hoogstens 0,2 persent morfien, bereken as anhidriese morfien, bevat (sien ook chlorodien).
 Papawerstrooikonsentraat.
 Petidien, petidien-intermediër A, petidien-intermediër B en petidien-intermediër C.
 Piminodien.
 Piritramed.
 Proheptasien.
 Properidien.
 Propiram.
 Rasemoramied.
 Rasemorfaan.
Sufentanil.
 Tebaïen.
 Tebakon.
 Trimeperidien.

DEEL III

Moontlike gevaarlike afhanklikheidsvormende medisyne

Amobarbitaal, siklobarbitaal, pentobarbitaal, seko-barbitaal en hulle soute; preparate en mengsels daarvan, uitgesonderd preparate en mengsels wat nie meer as 30 milligram per minimum aanbevole of voorgeskrewe dosis bevat nie, en bedoel vir aanhoudende gebruik by asma en epilepsie.

Chlorphentermine and its salts; preparations and admixtures thereof.

Diethylpropion and its salts; preparations and admixtures thereof.

Glutethimide; preparations and admixtures thereof.

Pentazocine and its salts; preparations and admixtures thereof.

*Phencyclidine, its immediate precursors 1-phenylcyclohexylamine and 1-piperidinocyclohexane-carbonitrile and their salts; preparations and admixtures thereof.

Tilidine and its salts; preparations and admixtures thereof.

Notes.—(a) An * in the Schedule indicates an amendment.

(b) An entry printed in bold indicates a new addition to the Schedule.

No. R. 101, 1980

COMMENCEMENT OF THE COLOURED DEVELOPMENT CORPORATION AMENDMENT ACT, 1980 (ACT 36 OF 1980).—CHANGE OF NAME TO DEVELOPMENT AND FINANCE CORPORATION

Under the powers vested in me by section 3 of the Coloured Development Corporation Amendment Act, 1980 (Act 36 of 1980), I hereby determine that the said Act shall come into operation on the first day of June 1980.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirty-first day of May, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

S. J. M. STEYN.

No. R. 102, 1980

WOOL SCHEME.—AMENDMENT

Whereas the Minister of Agriculture and Fisheries has, in terms of section 9 (2) (c), read with section 15 (3), of the Marketing Act, 1968, (Act 59 of 1968), accepted the proposed amendment set out in the Schedule hereto to the Wool Scheme published by Proclamation R. 155 of 1972, as amended, and has in terms of section 12 (1) (b) of the said Act recommended the approval of the said proposed amendment;

Now, therefore, under the powers vested in me by section 14 (1) (a), read with the said section 15 (3) of the said Act, I hereby declare that the said amendment shall come into operation on the date of publication hereof.

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

M. VILJOEN, State President.

By Order of the State President-in-Council:

H. S. J. SCHOEMAN.

Chloorfentermien en sy soute; preparate en mengsels daarvan.

Diëtielpropioon en sy soute; preparate en mengsels daarvan.

*Fensiklidien, sy direkte voorgangers 1-fenielsikloheksielamien en 1-piperidienosikloheksaan-karbonitriël en hulle soute; preparate en mengsels daarvan.

Glutetimied; preparate en mengsels daarvan.

Pentazosien en sy soute; preparate en mengsels daarvan.

Tilidien en sy soute; preparate en mengsels daarvan.

Let Wel.—(a) Die * in die Bylae dui op 'n wysiging wat aangebring is.

(b) Die vetgedrukte gedeelte dui op 'n nuwe toevoeging aan die Bylae.

No. R. 101, 1980

INWERKINGTREDING VAN DIE WYSIGINGSWET OP DIE KLEURLING-ONTWIKKELINGSKORPORASIE, 1980 (WET 36 VAN 1980).—VERANDERING VAN NAAM NA ONTWIKKELINGS-EN FINANSIERINGSKORPORASIE

Kragtens die bevoegdheid my verleen by artikel 3 van die Wysigingswet op die Kleurling-ontwikkelingskorporasie, 1980 (Wet 36 van 1980), bepaal ek hierby dat genoemde Wet op die eerste dag van Junie 1980 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Een-en-dertigste dag van Mei Eenduisend Neghonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

S. J. M. STEYN.

No. R. 102, 1980

WOLSKEMA.—WYSIGING

Nademaal die Minister van Landbou en Visserie, kragtens artikel 9 (2) (c), saamgelees met artikel 15 (3) van die Bemerkingswet, 1968 (Wet 59 van 1968), die voorgestelde wysiging in die Bylae hiervan uiteengesit, van die Wolskema, afgekondig by Proklamasie R. 155 van 1972, soos gewysig, aangeneem het, en kragtens artikel 12 (1) (b) van genoemde Wet goedkeuring van die voorgestelde wysiging aanbeveel het;

So is dit dat ek, kragtens die bevoegdheid my verleen by artikel 14 (1) (a), saamgelees met die genoemde artikel 15 (3) van genoemde Wet, hierby verklaar dat die genoemde wysiging op die datum van publikasie hiervan in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Een-en-dertigste dag van Mei Eenduisend Neghonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

H. S. J. SCHOEMAN.

SCHEDULE

The Wool Scheme, published by Proclamation R. 155 of 1972, as amended, is hereby further amended as follows:

(a) The following heading and section is hereby added after section 15C:

"ADVISORY COMMITTEE FOR SHEARING SERVICES"

15D. (1) There is hereby established an advisory committee to be known as the Advisory Committee for Shearing Services which shall advise the Board in regard to the appropriation of money from a fund contemplated in section 27 to finance the research in connection with training of shearers.

(2) The Committee shall consist of not more than ten members and shall be constituted in the manner determined by the Board with the approval of the Minister.

(3) The provisions of section 15A (3), (4), (5), (6) and (7) shall *mutatis mutandis* apply in respect of the Committee established in subsection (1)."

(b) Section 36 is hereby amended by the substitution for the proviso in subsection (6) of the following proviso:

"Provided that the Board may, with the approval of the Minister, divide a portion of the net proceeds of a pool calculated as afore-said, but not exceeding 15 per cent of the said net proceeds after deduction of the amount paid out of a pool as advances under subsection (8), amongst the said persons on any other basis determined by the Board with the approval of the Minister."

No. R. 104, 1980

CONTROL OF THE EXPORTATION OF EGGS

Under the powers vested in me by section 87 of the Marketing Act, 1968 (Act 59 of 1968), I hereby prohibit the exportation from the Republic of eggs, subject to the conditions specified in the Schedule hereto, except by the Egg Control Board, referred to in section 2 of the Egg Control Scheme, published by Proclamation R. 64 of 1963, as amended, or by any person authorised thereto by permit, the issue of which shall be in the discretion of the said control Board or otherwise than in accordance with conditions set out therein:

Provided that the total quantity of eggs which may be exported during a particular period, shall not exceed a quantity determined in respect of such period by the Minister after consultation with the Marketing Council and the Egg Control Board:

Provided further that this Proclamation shall not apply to any quantity of eggs supplied in the harbours of the Republic to ships for use on such ships as ship's stores.

Proclamation R. 25 of 1978 is hereby repealed.

Given under my Hand and the Seal of the Republic of South Africa at Pre'oria this Fourth day of June, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

H. SCHOEMAN.

BYLAE

Die Wolskema, afgekondig by Proklamasie R. 155 van 1972, soos gewysig, word hierby verder soos volg gewysig:

(a) Die volgende opskrif en artikel word hierby na artikel 15C bygevoeg:

"ADVISERENDE KOMITEE VIR SKEERDIENSTE"

15D. (1) Hierby word 'n adviserende komitee ingestel wat die Adviserende Komitee vir Skeerdienste heet, wat die Raad moet adviseer aangaande die beskikbaarstelling van geld uit 'n artikel 27 bedoelde fonds, om die navorsing in verband met die opleiding van skeerders te finansier.

(2) Die Komitee bestaan uit hoogstens tien lede en word saamgestel op die wyse deur die Raad met die goedkeuring van die Minister bepaal.

(3) Die bepaling van artikel 15A (3), (4), (5), (6) en (7) is *mutatis mutandis* van toepassing ten opsigte van die by subartikel (1) ingestelde Komitee."

(b) Artikel 36 word hierby gewysig deur die voorbehoudsbepaling van subartikel (6) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat die Raad, met die Minister se goedkeuring, 'n gedeelte van die netto opbrengs van 'n poel soos aldus bereken, maar wat nie meer mag wees nie as 15 persent van bedoelde netto opbrengs na aftrekking van die bedrag wat as voorskotte kragtens subartikel (8) uit daardie poel betaal is, tussen bedoelde persone mag verdeel op 'n ander grondslag wat die Raad met die Minister se goedkeuring bepaal."

No. R. 104, 1980

BEHEER OOR DIE UITVOER VAN EIERS

Kragtens die bevoegdheid my verleen by artikel 87 van die Bemarkingswet, 1968 (Wet 59 van 1968), verbied ek hierby onderworpe aan die voorwaardes uiteengesit in die Bylae hiervan, die uitvoer van eiers uit die Republiek, behalwe deur die Eierbeheerraad vermeld in artikel 2 van die Eierbeheerskema, afgekondig by Proklamasie R. 64 van 1963, soos gewysig, of deur 'n persoon wat daartoe gemagtig is deur 'n permit wat na goeëddunke van genoemde Beheerraad uitgereik word of andersins as ooreenkomstig voorwaardes daarin uiteengesit:

Met dien verstande dat die totale hoeveelheid eiers wat gedurende 'n bepaalde tydperk uitgevoer mag word, nie 'n hoeveelheid mag oorskry nie wat ten opsigte van so 'n tydperk deur die Minister na oorlegpleging met die Bemarkingsraad en die Eierbeheerraad bepaal is:

Met dien verstande verder dat hierdie Proklamasie nie van toepassing is nie op enige hoeveelheid eiers wat aan skepe in die hawens van die Republiek verskaf word vir gebruik op sodanige skepe as skeepsvoorrade.

Proklamasie R. 25 van 1978 word hierby herroep.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vierde dag van Junie Eenduisend Neghonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

H. SCHOEMAN.

SCHEDULE

1. In this Proclamation, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Marketing Act, 1968, shall have a corresponding meaning, and—

“Eggs” means fowl eggs; and

“Republic” excludes the Territory.

2. *Conditions:*

(a) A permit shall be valid only for the period specified therein which shall in no case exceed 90 days.

(b) (i) Any person proposing to export eggs shall apply in writing, on a prescribed form obtainable from the Control Board, to the Egg Control Board, Private Bag X176, Pretoria, 0001, for a permit authorising such export.

(ii) Every such application shall be accompanied by such information as may be specified by the Control Board from time to time.

(iii) An application for a permit shall be lodged with the Control Board at least 10 days prior to the date on which the exportation of eggs, the subject of the application, is to be effected.

(c) The issue of a permit shall be in the discretion of the Control Board which may cancel any such permit if the holder thereof has contravened or failed to comply with any condition specified therein.

No. R. 105, 1980

AMENDMENT OF THE DESIGNATION OF THE DEPARTMENT OF COLOURED RELATIONS AND THE SECRETARY FOR COLOURED RELATIONS

Under the power vested in me by section 27 of the Public Service Act, 1957 (Act 54 of 1957), as amended, I hereby amend in accordance with the recommendation of the Public Service Commission, the First Schedule of the said Act with effect from 1 June 1980 by the substitution of the words “Department of Coloured Affairs” and “Secretary for Coloured Affairs” for the existing words “Department of Coloured Relations” and “Secretary for Coloured Relations” where they appear in columns I and II, respectively, of the First Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Warmbaths this Sixteenth day of May, One Thousand Nine Hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

A. L. SCHLEBUSCH

BYLAE

1. In hierdie Proklamasie, tensy in stryd met die samehang, het 'n woord of uitdrukking waaraan in die Bemerkingswet, 1968, 'n betekenis geheg is, 'n ooreenstemmende betekenis en beteken—

“Eiers” hoendereiers; en

“Republiek” nie ook die Gebied nie.

2. *Voorwaardes:*

(a) 'n Permit is slegs geldig vir die tydperk daarin vermeld wat in geen geval langer as 90 dae mag wees nie.

(b) (i) Enigiemand wat voornemens is om eiers uit te voer, moet skriftelik en op 'n voorgeskrewe vorm wat van die Beheerraad verkrygbaar is, by die Eierbeheerraad, Privaatsak X176, Pretoria, 0001, aansoek doen om 'n permit wat sodanige uitvoer magtig.

(ii) Elke sodanige aansoek moet vergesel gaan van sodanige inligting as wat van tyd tot tyd deur die Beheerraad gespesifiseer mag word.

(iii) 'n Aansoek om 'n permit moet by die Beheerraad ingedien word minstens 10 dae voor die datum waarop die uitvoer van die eiers vermeld in die aansoek, gaan geskied.

(c) Die uitreiking van 'n permit geskied na goeddunke van die Beheerraad wat enige sodanige permit kan intrek indien die houer daarvan enige voorwaarde daarin vermeld oortree het of versuim het om daaraan te voldoen.

No. R. 105, 1980

WYSIGING VAN DIE BENAMING VAN DIE DEPARTEMENT VAN KLEURLINGBETREKKINGE EN DIE SEKRETARIS VAN KLEURLINGBETREKKINGE

Kragtens die bevoegdheid my verleen by artikel 27 van die Staatsdienswet, 1957 (Wet 54 van 1957), soos gewysig, wysig ek hierby, ooreenkomstig die aanbeveling van die Staatsdienskommissie, die Eerste Bylae by genoemde Wet met ingang van 1 Junie 1980 deur die vervanging van die bestaande woorde “Departement van Kleurlingbetrekkings” en “Sekretaris van Kleurlingbetrekkings” deur die woorde “Departement van Kleurlingsake” en “Sekretaris van Kleurlingsake” waar hulle onderskeidelik in kolomme I en II van die Eerste Bylae voorkom.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Warmbad, op hede die Sestiende dag van Mei, Eenduisend Negenhonderd-en-tagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

A. L. SCHLEBUSCH

GOVERNMENT NOTICES**DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS**

No. R. 1262

20 June 1980

**MAINTENANCE AND PROMOTION OF COM-
PETITION ACT, 1979****INVESTIGATION INTO MONOPOLISTIC CON-
DITIONS IN THE SUPPLY AND DISTRIBUTION
OF PHARMACEUTICAL PRODUCTS IN THE
REPUBLIC OF SOUTH AFRICA**

I, Schalk Willem van der Merwe, Minister of Commerce and Consumer Affairs, do hereby publish in terms of section 14 read with section 21 of the Maintenance and Promotion of Competition Act, 1979 (Act 96 of 1979), Report 1884 (M), dated 14 November 1978, of the Board of Trade and Industries, in connection with an investigation into monopolistic conditions in the supply and distribution of pharmaceutical products in the Republic of South Africa, as in the Schedule hereto.

DR S. W. VAN DER MERWE, Minister of
Commerce and Consumer Affairs.

SCHEDULE**REPUBLIC OF SOUTH AFRICA****BOARD OF TRADE AND INDUSTRIES****REPORT 1884 (M)****INVESTIGATION INTO MONOPOLISTIC CON-
DITIONS IN THE SUPPLY AND DISTRIBUTION
OF PHARMACEUTICAL PRODUCTS IN THE
REPUBLIC OF SOUTH AFRICA****CHAPTER I****TERMS OF REFERENCE, SCOPE AND METHOD
OF INVESTIGATION***Terms of reference*

1. On 10 July 1975 the Board was directed by the Minister of Economic Affairs, in terms of section 3 (1) (a) of the Regulation of Monopolistic Conditions Act, No. 24 of 1955, hereinafter referred to as the Act, to investigate the existence or otherwise of monopolistic practices in the supply and distribution of pharmaceutical products in the Republic of South Africa.

Interpretation of the terms of reference

2. For purposes of this investigation the Board interpreted the expression "pharmaceutical products" as being scheduled and unscheduled medicines intended for human use, either internally or externally. Cosmetics and veterinary preparations, in so far as these could be excluded from the activities of the relevant organisations, were not covered by this investigation. Accessories such as surgical tubes and valves, bandages, plasters and cotton wool, except medical instruments (such as syringes, scalpels and stethoscopes), were also included in pharmaceutical products. In terms of the Medicines and Related Substances Control Act, No. 101 of 1965, medicine is defined as "any

GOEWERMENTSKENNISGEWINGS**DEPARTEMENT VAN HANDEL EN
VERBRUIKERSAKE**

No. R. 1262

20 Junie 1980

**WET OP DIE HANDHAWING EN BEVORDE-
RING VAN MEDEDINGING, 1979****ONDERSOEK NA MONOPOLISTIESE TOE-
STANDE BY DIE VERSKAFFING EN VERSPREI-
DING VAN FARMASEUTIESE PRODUKTE IN
DIE REPUBLIEK VAN SUID-AFRIKA**

Ek, Schalk Willem van der Merwe, Minister van Handel en Verbruikersake, publiseer hiermee kragtens artikel 14 saamgelees met artikel 21 van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet 96 van 1979), Verslag 1884 (M), gedateer 14 November 1978, van die Raad van Handel en Nywerheid in verband met 'n ondersoek na monopolistiese toestande by die verskaffing en verspreiding van farmaseutiese produkte in die Republiek van Suid-Afrika, soos in die Bylae hierby.

DR. S. W. VAN DER MERWE, Minister van
Handel en Verbruikersake.

BYLAE**REPUBLIEK VAN SUID-AFRIKA****RAAD VAN HANDEL EN NYWERHEID****VERSLAG 1884 (M)****ONDERSOEK NA MONOPOLISTIESE TOE-
STANDE BY DIE VERSKAFFING EN VERSPREI-
DING VAN FARMASEUTIESE PRODUKTE IN
DIE REPUBLIEK VAN SUID-AFRIKA****HOOFSTUK I****OPDRAG, OMVANG EN METODE VAN
ONDERSOEK***Opdrag*

1. Die Raad het op 10 Julie 1975 van die Minister van Ekonomiese Sake opdrag ontvang om kragtens artikel 3 (1) (a) van die Wet op Reëling van Monopolistiese Toestande, No. 24 van 1955, hierna genoem die Wet, ondersoek in te stel na die bestaan al dan nie van monopolistiese praktyke by die verskaffing en verspreiding van farmaseutiese produkte in die Republiek van Suid-Afrika.

Interpretasie van die opdrag

2. Die Raad het vir doeleindes van die ondersoek, die begrip "farmaseutiese produkte" vertolk as geskeduleerde en ongeskeduleerde medisyne wat vir menslike gebruik bestem is, hetsy inwendig, hetsy uitwendig. Skoonheidsmiddels en veeartsenypreparate, in so verre dit van die aktiwiteite van die betrokke organisasies uitgesluit kan word, het nie deel van die ondersoek gevorm nie. Bykomstighede soos chirurgiese buise en kleppe, verbande, pleisters en watte, maar nie doktersinstrumente (soos spuit, snymesse en gehoorbuis) nie, is ook ingesluit by farmaseutiese produkte. Ingevolge die Wet op die Beheer van Medisyne en Verwante Stowwe, No. 101 van 1965, word medisyne beskryf

substance or mixture of substances used or purporting to be suitable for use or manufactured or sold for use in—

(a) the diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in man; or

(b) restoring, correcting or modifying any somatic or psychic or organic function in man.”.

According to the provisions of section 22A of the said Act control is exercised over drugs and listed substances. In this Act it is laid down that medicines and substances listed in Annexures 3 to 7 may be sold only by a pharmacist on a prescription issued by a medical practitioner, dentist or veterinary surgeon. Medicines and substances listed in Annexures 1 and 2 of the Act may be sold without a prescription but only by pharmacists. Unscheduled medicines may be sold by any dealer. Hereinafter the Board will refer to prescription medicines, listed non-prescription medicines and unlisted non-prescription medicines. Prescription medicines are also sometimes referred to as “ethical” remedies. In the evidence the term “patent medicines” is usually used as a synonym for non-prescription medicines.

Scope and method of investigation

3. On 1 August 1975 notice of the investigation was given in terms of section 4 (1) of the Regulation of Monopolistic Conditions Act. Interested parties were requested to submit representations to the Board within eight weeks of the date of publication of the notice*.

4. The Board sent questionnaires to interested parties. Suppliers† furnished 65 completed questionnaires, and 14 completed questionnaires were received from specialised wholesalers. The Board allowed respondents with branches or subsidiary companies to submit only one return, provided the activities of all such branches or subsidiary companies were included therein. Of the 2 071 pharmacies registered on 31 December 1976 a random sample of 433 was taken; this number was chosen in such a way that all cities and large towns were represented, while pharmacies in smaller towns were represented on a regional basis. In all, 332 completed questionnaires were received from pharmacists, representing 77 per cent of the random sample. Answers were also received from the Association in the industry. Out of a total of 300 81 medical schemes were approached and completed questionnaires were received from 72 of them. An effort was made to include all schemes having clearing agreements with PSSA Contracts (Pty) Ltd‡.

5. In the course of the investigation the Board also heard oral evidence from the following:

The Pharmaceutical Society of South Africa;
Beecham Pharmaceuticals (Pty) Ltd;
Ciba-Geigy (Pty) Ltd;
Continental Ethicals (Pty) Ltd;
The South African Retail Chemists' and Druggists' Association;
Lederle Laboratories (Pty) Ltd;

* Notice 534, published in *Government Gazette* 4805 of 1 August 1975.

† For a definition of these terms see paragraph 21.

‡ PSSA Contracts (Pty) Ltd is a company which was established by The Pharmaceutical Society of South Africa to deal with negotiations with medical schemes and to form a central clearing body for dispensing costs of pharmacies, for members of the relevant schemes.

as “enige stof of mengsel van stowwe wat gebruik word of geskik heet te wees vir gebruike of vervaardig of verkoop word vir gebruik by—

(a) die diagnose, behandeling, leniging, matiging of voorkoming van siektes, abnormale liggaamlike of geestelike toestande of simptome daarvan by die mens; of

(b) genesing, regstelling of matiging van enige somaties of psigiese of organiese funksie by die mens.”.

Volgens die bepalings van artikel 22A van die genoemde Wet word beheer oor medisyne en gelyste stowwe uitgeoefen. Hierin word bepaal dat medisyne en stowwe soos gelys in Bylaes 3 tot 7 slegs deur 'n apteker volgens 'n voorskrif, uitgereik deur 'n geneesheer, tandarts of veearts, verkoop mag word. Medisyne en stowwe gelys in Bylaes 1 en 2 van die Wet mag sonder 'n voorskrif maar slegs deur aptekers, verkoop word. Ongeskeduleerde medisyne mag deur enige handelaar verkoop word. Die Raad sal voortaan verwys na voorskrifmedisyne, gelyste nie-voorskrifmedisyne en ongelyste nie-voorskrifmedisyne. Na voorskrifmedisyne word soms ook verwys as “etiese” middels. In die getuienis is die term “patente medisyne” meesal gebruik as sinoniem met nie-voorskrifmedisyne.

Omvang en metode van ondersoek

3. Op 1 Augustus 1975 is kennis van die ondersoek ooreenkomstig artikel 4 (1) van die Wet op Reëling van Monopolistiese Toestande, gegee. Belanghebbendes is versoek om binne agt weke ná die publikasiedatum van die kennisgewing vertoë tot die Raad te rig*.

4. Die Raad het vraelyste aan belanghebbendes gestuur. Van die verskaffers† is 65 antwoorde op die vraelyste ontvang, terwyl van die gespesialiseerde groothandelaars altesaam 14 antwoorde ontvang is. Die Raad het respondente met takke of filiaalmaatskappye toegelaat om slegs een opgawe in te dien op voorwaarde dat die aktiwiteite van al sodanige takke of filiale daarby ingesluit is. Van die 2 071 apteke wat op 31 Desember 1976 geregistreer was, is 'n steekproef van 433 op so 'n wyse getrek dat alle stede en groot dorpe verteenwoordig is en die apteke op kleiner dorpe op 'n streeksgrondslag verteenwoordig is. Altesaam 332 antwoorde op vraelyste is van aptekers, wat 77 persent van die steekproef uitmaak, ontvang. Antwoorde is ook van die verenigings in die bedryfstak ontvang. Uit 'n totaal van 300 is 81 mediese voorsorgskemas betrek en antwoorde op vraelyste van 72 van hulle ontvang. Daar is gepoog om al die skemas wat verrekeningsooreenkomste met PSSA Contracts (Pty) Ltd‡ het, in te sluit.

5. In die loop van die ondersoek het die Raad ook mondelinge getuienis van die volgende aangehoor:

Aptekersvereniging van Suid-Afrika;
Beecham Pharmaceuticals (Pty) Ltd;
Ciba-Geigy (Pty) Ltd;
Continental Ethicals (Pty) Ltd;
Die Suid-Afrikaanse Vereniging van Kleinhandel-
aptekers;
Lederle Laboratories (Pty) Ltd;

* Kennisgewing 534, gepubliseer in *Staatskoerant* 4805 van 1 Augustus 1975.

† Vir omskrywing van die begrip sien paragraaf 21.

‡ PSSA Contracts (Pty) Ltd is 'n maatskappy wat deur die Aptekersvereniging van Suid-Afrika gestig is om die onderhandelings met mediese skemas te behartig en om 'n sentrale verrekeningsliggaam vir die koste van resepterings deur apteke, vir lede van die betrokke skemas, te vorm.

Medi-Kring (Pty) Ltd;
 National Wholesale Drug Association;
 Pretoria Wholesale Druggists (Pty) Ltd;
 Propan Pharmaceuticals (Pty) Ltd;
 Rexall Drug Co. (SA) (Pty) Ltd;
 Roussel Laboratories (Pty) Ltd;
 SCS Pharmaceutical Laboratories (Pty) Ltd;
 South African Druggists Ltd; and
 Iscor Medical Benefit Fund.

6. Cost accountants of the Department of Industries visited some of the manufacturers and carried out detailed cost analyses of certain of their products.

Review of the Board's previous investigations into the pharmaceutical industry

7. The Board has already undertaken two investigations, in terms of the Act, into the supply and distribution of pharmaceutical products. On 1 June 1960 the Board was directed by the Minister to investigate, in terms of section 3 (1) (a) of the Act, the existence or otherwise of monopolistic conditions in the supply and distribution of pharmaceutical products, including cosmetics, in the Republic and, if necessary, to recommend suitable remedial measures. The results of this investigation are contained in the Board's Report 985 (M), dated 19 December 1962*. The Board found that exclusive trade agreements existed between The Pharmaceutical Society and buying associations as well as with medical benefit societies in terms of which the obligatory "open panel system" was imposed on medical aid societies and pharmacists. It was also found that a system of prescribed lists was applied by certain provincial administrations and medical benefit societies while cases of individual resale price maintenance in respect of pharmaceutical products and cosmetics also occurred. The Board came to the conclusion that the said practices were on balance justified in the public interest. However, the Board found it necessary to issue a warning against the reintroduction of any organised action on the part of certain consumers, or groups of consumers, in cases where a supplier had failed to maintain his prices.

8. On 22 March 1962 the Board was directed by the Minister, in terms of section 3 (1) (b) of the Act, to investigate trading practices known as individual and collective resale price maintenance. This investigation concerned resale price maintenance as applied to all products. In Report 1220 (M), dated 8 December 1967, the Board came to the conclusion that both individual and collective resale price maintenance were not in the public interest†. It was therefore recommended in general that the enforcement of resale prices by means of withholding of supplies from resellers, denying distribution rights to resellers, discriminatory sales conditions, fines or any other method, be prohibited. The Board further recommended that suppliers be afforded the right to apply to the Minister for exemption from the proposed prohibition on enforcement of resale prices. The Board was also of the opinion that products

Medi-Kring (Edms.) Bpk.;
 National Wholesale Drug Association;
 Pretoria Wholesale Druggists (Pty) Ltd;
 Propan Pharmaceuticals (Pty) Ltd;
 Rexall Drug Co. (SA) (Pty) Ltd;
 Roussel Laboratories (Pty) Ltd;
 SCS Pharmaceutical Laboratories (Pty) Ltd;
 South African Druggists Ltd; en
 Yskor Mediese Bystandfonds.

6. Kosterekenmeesters van die Departement van Nywerheidswese het sommige vervaardigers besoek en volledige koste-ondersoeke by hulle op sekere produkte uitgevoer.

Oorsig van die Raad se vorige ondersoeke na die farmaseutiese bedryf

7. Die Raad het reeds twee vorige ondersoeke ingevolge die Wet na die verskaffing en verspreiding van farmaseutiese produkte onderneem. Eerstens het die Raad op 1 Junie 1960 van die Minister opdrag ontvang om kragtens artikel 3 (1) (a) van die Wet, ondersoek in te stel na die bestaan, al dan nie, van monopolistiese toestande by die verskaffing en distribusie van farmaseutiese produkte, met inbegrip van skoonheidsmiddels, in die Republiek en om, indien nodig, geskikte verhelpende maatreëls aan te beveel. Die resultate van hierdie ondersoek is vervat in die Raad se Verslag 985 (M) gedateer 19 Desember 1962*. Die Raad het bevind dat eksklusiewe handelsooreenkomste tussen die Aptekersvereniging en koopverenigings bestaan asook met mediese voorsorggenootskappe waarvolgens die verpligte "ope paneelstelsel" op mediese hulpverenigings en aptekers afgedwing word. Voorts is bevind dat 'n stelsel van voorgeskrewe lyste deur sekere provinsiale administrasies en mediese voorsorggenootskappe toegepas is, terwyl gevalle van individuele prysbindings ten opsigte van farmaseutiese produkte en skoonheidsmiddels ook bestaan het. Die Raad het tot die gevolgtrekking gekom dat die gemelde praktyke per saldo in die openbare belang geregverdig was. Die Raad het dit egter nodig gevind om te waarsku teen die instelling van enige georganiseerde optrede aan die kant van sekere afnemers, of groepe van afnemers, in gevalle waar 'n verskaffer versuim het om sy prys te handhaaf.

8. Op 22 Maart 1962 het die Raad van die Minister opdrag ontvang om kragtens artikel 3 (1) (a) van die Wet ondersoek na die handelspraktyke bekend as individuele en gesamentlike prysbinding in te stel. Hierdie ondersoek het betrekking gehad op prysbinding soos toegepas ten opsigte van alle produkte. Volgens Verslag 1220 (M) gedateer 8 Desember 1967, het die Raad tot die gevolgtrekking gekom dat sowel individuele as gesamentlike prysbinding teen die openbare belang is†. Gevolglik is in die algemeen aanbeveel dat die afdwinging van herverkooppryse deur middel van die weerhouding van voorrade van herverkopers, die weiering van distribusieregte aan herverkopers, diskriminerende verkoopvoorwaardes, boete of enige ander metode, verbied word. Die Raad het voorts aanbeveel dat aan verskaffers die geleentheid gegee word om by die Minister om vrystelling van die voorgestelde verbod op handhawing van herverkooppryse aansoek te doen. Die Raad was verder van mening

* BTI: Monopolistic conditions in the supply and distribution of pharmaceutical products, including cosmetics, in the Republic of South Africa

† BTI: Investigation of individual and collective resale price maintenance in the Republic of South Africa.

* RHN, Monopolistiese toestande by die verskaffing en distribusie van farmaseutiese produkte met inbegrip van skoonheidsmiddels in die Republiek van Suid-Afrika.

† RHN, Ondersoek na individuele en gesamentlike prysbinding in die Republiek van Suid-Afrika.

in respect of which resale price maintenance had previously been condoned should also be subject to the proposed measures. In these cases, however, application for exemption could also be made*.

9. The Minister accepted the Board's recommendation and under Government Notice R. 1150 of 28 June 1968 gave notice of his intention to declare the maintenance of resale prices unlawful. At the same time interested parties were invited to apply for exemption from the intended prohibition if they could show that the continued maintenance of resale prices in the case of the relevant commodities was justified in the public interest.

10. In pursuance of the above notice applications for exemption from the proposed prohibition of resale price maintenance with regard to medicines, cosmetics and toiletries were received from the following:

(a) The Pharmaceutical Society of South Africa, consisting of The SA Retail Chemists and Druggists Association, the SA Pharmaceutical and Chemical Manufacturers' Association of South Africa Ltd, and the National Wholesale Drug Association, in respect of medicines.

(b) Three manufacturers of medicines and cosmetics and The South African Manufacturers and Distributors of Franchise Cosmetics, in respect of cosmetics, toiletries and medicines under franchise.

The South African Pharmacy Board submitted separate representations in support of the SA Retail Chemists and Druggists Association's application. After considering the representations the Board recommended that the applications for exemption in respect of medicines and toiletries, medicines and cosmetics sold as franchise lines, be rejected†. The Minister accepted the Board's recommendations and medicines, cosmetics and toiletries were therefore not exempted from the provisions of Government Notice R. 1038 of 25 June 1969. The said notice appeared in *Government Gazette* 2442 of the same date and declared the maintenance of resale prices, subject to certain exemptions, to be unlawful.

Industrial economic investigation into the pharmaceutical industry

11. On 12 September 1975, i.e. shortly after the Board had begun this investigation, the State President appointed a commission under the chairmanship of Professor W. F. J. Steenkamp to inquire into, report and make recommendations on, all aspects relating to the manufacture and marketing of pharmaceutical materials and products in the Republic of South Africa, with special reference to—

(a) the manufacturing processes already undertaken in South Africa, the extent to which these processes secure the country's independence from foreign sources in regard to its essential requirements and, to this end, the proper official measures to encourage further manufacturing;

(b) the raw materials for the pharmaceutical industry which are already being manufactured satisfactorily in the country, which other raw material

dat produkte ten opsigte waarvan prysbinding voorheen gekondoneer is, ook aan die voorgestelde maatreëls onderhewig moet wees. Ook in dié gevalle sou egter aansoek om vrystelling gedoen kon word*.

9. Die Minister het die Raad se aanbeveling aanvaar en op 28 Junie 1968 in Goewermentskennisgewing R. 1150 kennis gegee van sy voorneme om die handhawing van herverkooppryse onwettig te verklaar. Terselfdertyd is belanghebbendes genooi om aansoek om vrystelling van die voorgenome verbod te doen indien hulle kon aantoon dat die voortgesette handhawing van herverkooppryse in die geval van die betrokke handelsware in die openbare belang geregverdig was.

10. Na aanleiding van die bogenoemde kennisgewing, is aansoek om die vrystelling van die voorgestelde verbod op die handhawing van herverkooppryse van medisyne, skoonheidsmiddels en toiletware van die volgende ontvang:

(a) Die Aptekersvereniging van Suid-Afrika, bestaande uit The SA Retail Chemists and Druggists Association, the SA Pharmaceutical and Chemical Manufacturers' Association of South Africa Ltd en die National Wholesale Drug Association, ten opsigte van medisyne.

(b) Drie vervaardigers van medisyne en skoonheidsmiddels en The South African Manufacturers and Distributors of Franchise Cosmetics, ten opsigte van konsessieskoonheidsmiddels, -toiletware en -medisyne.

Die Suid-Afrikaanse Aptekerskommissie het afsonderlik vertoë ter ondersteuning van die SA Retail Chemists and Druggists Association se aansoek ingedien. Na oorweging van die vertoë het die Raad aanbeveel dat die aansoeke om vrystelling ten opsigte van medisyne en toiletware, medisyne en skoonheidsmiddels wat as konsessie-artikels verkoop word, verwerp word†. Die Minister het die aanbevelings van die Raad aanvaar en medisyne, skoonheidsmiddels en toiletware is gevolglik nie van die bepalinge van Goewermentskennisgewing R. 1038 van 25 Junie 1969 uitgesonder nie. Die genoemde kennisgewing het in *Staatskoerant* 2442 van dieselfde datum verskyn en het die handhawing van herverkooppryse, behoudens sekere uitsonderings, onwettig verklaar.

Bedryfsekonomiese ondersoek na die farmaseutiese bedryf

11. Op 12 September 1975, dit wil sê kort nadat die Raad met die huidige ondersoek begin het, het die Staatspresident 'n kommissie onder voorsitterskap van professor W. F. J. Steenkamp aangestel om ondersoek in te stel na en verslag en aanbevelings te doen oor alle aspekte rakende die vervaardiging en bemarking van farmaseutiese stowwe en produkte in die Republiek van Suid-Afrika met spesiale verwysing na—

(a) die vervaardigingsprosesse wat reeds in Suid-Afrika onderneem word, die mate waarin hierdie prosesse die land se onafhanklikheid van buitelandse bronne ten opsigte van sy noodsaaklike behoeftes verseker en die owerheidstappe wat in hierdie rigting aangewese is om verdere vervaardiging aan te moedig;

(b) die grondstowwe vir die farmaseutiese bedryf wat reeds bevredigend in die land vervaardig word, welke ander grondstowwe, om ekonomiese of ander

* Paragraphs 401 and 405.

† BTI: Report 1262 (M): *Prohibition of resale price maintenance in the Republic of South Africa: Applications for exemption, Part II*, 2 April 1969.

*Paragrafe 401 en 405.

† RHN: Verslag 1262 (M): *Verbod op prysbinding in die Republiek van Suid-Afrika: Aansoek om vrystelling*, Deel II, 2 April 1969.

should, for economic or other reasons, be manufactured locally and the cost implications thereof;

(c) the Patents Act, 1952 (Act 37 of 1952), and the limitations it places on the manufacture of pharmaceutical products in the Republic;

(d) the export potential of the pharmaceutical manufacturing industry and the limitations placed thereon by royalty agreements with foreign licence holders;

(e) the price structure of pharmaceutical products, the increase in prices and the factors, usages and practices affecting the prices of such products with a view to combating the trend of increasing prices for pharmaceutical products;

(f) the desirability of joint purchases of pharmaceutical products by the State, including the provincial administrations, and the effect of such purchases on the prices for the aforementioned authorities and in the industry and the trade; and

(g) the customs duties levied on imported raw materials and medicines solely for the sake of revenue and the effect thereof on the cost of medicines*.

In order to avoid overlapping, this Commission was consulted and it was indicated that the Board would also investigate the price structure in so far as it affects the investigation into the existence or otherwise of monopolistic conditions in the supply and distribution of pharmaceutical products. The Commission has meanwhile submitted its report†.

CHAPTER II

ROLE AND STRUCTURE OF THE PHARMACEUTICAL INDUSTRY

12. The use of medicines and the development of the industry were dealt with in the Board's previous report†. Further developments have however taken place since this investigation and, without too much repetition certain aspects of the industry are again dealt with here.

SOCIAL-ECONOMIC SIGNIFICANCE OF THE INDUSTRY

13. The principle of cost benefit analysis has become increasingly important in recent years, especially as regards social or community services. So, for example, the correct use of medicines has the advantage that many man-hours which would otherwise have been lost as a result of the absenteeism of workers can now be put to use as a result of the prevention and effective treatment of illness. On the other hand, longevity has increased and this has created economic and social problems, such as housing and pension requirements. The utilisation of better medical services is also directly related to the size of the population since there are fewer deaths amongst new-born babies and young children. If, in addition, the question of a longer life expectancy, is taken into account, it is clear that medical science can to a great extent, help to increase or control the size of the population and create more productive and pleasanter living conditions.

14. In view of the social-economic significance of the industry it is clear that the price of pharmaceutical products as such is not always of paramount importance to the effective supply and distribution of

redes, hier vervaardig behoort te word, en die koste-implikasies daarvan;

(c) die Wet op Patente, 1952 (Wet 37 van 1952), en die beperkings wat dit op die vervaardiging van farmaseutiese produkte in die Republiek plaas;

(d) die uitvoerpotensiaal van die farmaseutiese vervaardigingsbedryf en die beperkings wat daarop geplaas word deur tantième-ooreenkomste met buitelandse lisensiehouers;

(e) die prysstruktuur van farmaseutiese produkte, die styging in pryse en die faktore, gebruike en praktyke wat die pryse van sodanige produkte beïnvloed, met die oog daarop om die tenders van stygende pryse vir farmaseutiese produkte te bekamp;

(f) die wenslikheid van gesamentlike aankope van farmaseutiese produkte deur die Staat, met inbegrip van die provinsiale administrasies, en die uitwerking van sodanige aankope op die pryse vir voormelde instansies en in die bedryf en die handel; en

(g) die doeaneregte wat bloot uit inkomste-oorewegings op ingevoerde grondstowwe en medisyne gehê word en die invloed daarvan op die koste van medisyne*.

Ten einde oorvleueling uit te skakel, is oorleg met hierdie Kommissie gepleeg en is in die vooruitsig gestel dat die Raad ook die prysstruktuur sal ondersoek in soverre dit die ondersoek na die bestaan al dan nie van monopolistiese toestande in die verskaffing en verspreiding van farmaseutiese produkte raak. Die Kommissie het intussen sy verslag† voorgelê.

HOOFTUK II

ROL EN STRUKTUUR VAN DIE FARMASEUTIESE BEDRYF

12. Die gebruik van medisyne en die ontwikkeling van die bedryfstak is in die Raad se vorige verslag† behandel. Heelwat ontwikkeling het egter sedert hierdie ondersoek plaasgevind en, sonder om te veel te verhaai, word enkele aspekte van die bedryfstak weer hier behandel.

SOSIAAL-EKONOMIESE BETEKENIS VAN DIE BEDRYF

13. Die beginsel van koste-voordeel-ontleding word in die moderne tye sterk beklemtoon, veral wanneer sosiale of gemeenskapsdienste betrokke is. So byvoorbeeld hou die korrekte aanwending van medisyne die voordeel in dat baie man-ure wat andersins as gevolg van die afwesigheid van werkers verlore sou gaan, nou benut kan word deur die voorkoming en effektiewe behandeling van siektes. Hierteenoor word ook die lewe van mense verleng, wat weer ekonomiese en sosiale vraagstukke skep, soos huisvesting en pensioenbehoefte. Die benutting van beter mediese dienste het ook 'n regstreekse verband met die bevolkingsgetalle deurdat minder sterftes by geboortes en onder jong kinders plaasvind. As hierby nog die faktor van lewensverlenging gevoeg word, is dit duidelik dat die mediese wetenskap 'n aansienlike bydrae kan lewer om die bevolkingsgetalle te vergroot of te beheer en meer produktiewe en aangename lewensomstandighede te skep.

14. In die lig van die sosiaal-ekonomiese betekenis van die bedryfstak is dit duidelik dat die prys van farmaseutiese produkte op sigself nie altyd van deurslaggewende belang by die effektiewe verskaffing en

* Government Notice 1725 of 12 September 1975.

† Report R.P. 38/1978: *Report of the Commission of Inquiry into the Pharmaceutical Industry*.

‡ BTI: Report 985 (M), loc. cit. paragraphs 9-26.

* Goewermentskennisgewing 1725 van 12 September 1975.

† Verslag RP 38/1978: *Verslag van die Kommissie van Ondersoek na die Farmaseutiese Bedryf*.

‡ RHN: Verslag 985 (M), t.a.p., paragrawe 9-26.

such products. The demand for medicines has a low elasticity, which may be ascribed to the role played by the doctor in the choice of a specific remedy, the attitude of the patient, a lack of market transparency, and health care schemes*. In South Africa there is a further dimension to be considered, namely, the influence exerted by the multi-national company on the supply of pharmaceutical products and their ability to manipulate prices to a significant extent. An analysis of the turnover of the 24 major pharmaceutical suppliers responsible for 72,2 per cent of the total turnover shows that 61 per cent of this turnover is in the hands of firms controlled from abroad. The analysis has also brought to light that eight firms, controlled from the United States of America, are responsible for 29 per cent of the turnover of the 24 major suppliers. In most cases the production of undertakings controlled in South Africa is bound up with licensing agreements with overseas manufacturers who specialise in research there. The following table shows the number of manufacturers responsible for the manufacture of more than 80 per cent by value of each of 10 pharmaceutical products and also the market share of the major manufacturers of each of these products.

TABLE 1: NUMBER OF MANUFACTURERS RESPONSIBLE FOR THE MANUFACTURE OF MORE THAN 80 PER CENT BY VALUE OF 10 PHARMACEUTICAL PRODUCTS IN 1976

Product	Number of manufacturers	Percentage share	Value of product for all manufacturers R'000	Market share of major manufacturer
A	11	82	11 096	18
B	1	97	6 184	97
C	6	86	6 043	34
D	4	82	3 278	38
E	7	80	2 975	18
F	5	81	2 384	66
G	3	85	1 520	54
H	1	92	1 129	92
I	5	82	905	37
J	3	84	140	36

Source: Analysis made by the Department of Statistics without identification of the products and manufacturers.

15. As far as most pharmaceutical products are concerned there is a considerable degree of product differentiation, which means that competition is imperfect in the economic sense, with the result that—

- (a) the selling price is generally higher than under perfect competition;
- (b) the profits are higher than under perfect competition;
- (c) the average or typical output of undertakings is lower than it would be under perfect competition; and
- (d) the utilisation of production capacity tends to be relatively low†.

Any investigation into monopolistic conditions in the pharmaceutical industry in South Africa must take into account what effect these conditions could have on trade practices and prices of medicines. These practices are discussed in Chapter III.

distribusie daarvan is nie. Die vraag na medisyne het 'n lae elasticiteit wat toe te skryf is aan die rol wat die geneesheer vervul by die keuse van 'n bepaalde middel, die houding van die pasiënt, die gebrek aan markdeursigtigheid en mediese skemas*. In Suid-Afrika is daar ook nog 'n bykomende dimensie, naamlik die invloed wat die multinasionale maatskappy by die verskaffing van farmaseutiese produkte uitoefen en hul vermoë om pryse in 'n belangrike mate te kan manipuleer. 'n Ontleding van die omset van die 24 grootste farmaseutiese verskaffers wat vir 72,2 persent van die totale omset verantwoordelik is, toon dat 61 persent van hierdie omset in die hande is van ondernemings wat buitelandse beheer word. Die ontleding bring ook aan die lig dat agt ondernemings wat vanuit die Verenigde State van Amerika beheer word, vir 29 persent van die omset van die 24 grootste ondernemings verantwoordelik is. Die produksie van die ondernemings wat in Suid-Afrika beheer word, is in die meeste gevalle gekoppel aan lisensie-ooreenkomste met buitelandse vervaardigers wat spesialiseer in navorsing aldaar. Die volgende tabel toon die aantal vervaardigers wat verantwoordelik is vir die vervaardiging van meer as 80 persent van die waarde van elk van 10 farmaseutiese produkte en voorts toon dié tabel ook die marktaandeel van die grootste vervaardigers van elk van dié produkte.

TABEL 1: AANTAL VERVAARDIGERS VERANTWOORDELIK VIR DIE VERVAARDIGING VAN MEER AS 80 PERSENT VAN DIE WAARDE VAN TIEN FARMASEUTIESE PRODUKTE IN 1976

Produk	Getal vervaardigers	Persentuele aandeel	Waarde van produk vir alle vervaardigers R'000	Marktaandeel van grootste vervaardiger
A	11	82	11 096	18
B	1	97	6 184	97
C	6	86	6 043	34
D	4	82	3 278	38
E	7	80	2 975	18
F	5	81	2 384	66
G	3	85	1 520	54
H	1	92	1 129	92
I	5	82	905	37
J	3	84	140	36

Bron: Ontleding gemaak deur die Departement van Statistiek sonder bekendmaking van die produkte en vervaardigers.

15. Ten opsigte van die meeste farmaseutiese produkte bestaan 'n aansienlike mate van produktdifferensiasie, wat meebring dat mededinging onvolmaak is in die ekonomiese sin, met die gevolg dat—

- (a) die verkoopprijs oor die algemeen hoër as onder volmaakte mededinging is;
- (b) die winste hoër as onder volmaakte mededinging is;
- (c) die gemiddelde of tipiese uitset van ondernemings laer is as wat dit onder volmaakte mededinging sou wees; en
- (d) die neiging bestaan dat die benutting van die produksiekapasiteit betreklik laag is†.

Enige ondersoek na monopolistiese toestande in die farmaseutiese bedryf in Suid-Afrika moet rekening hou met die invloed wat hierdie omstandighede op die handelspraktyke en pryse van medisyne kan hê. Hierdie praktyke word in Hoofstuk III bespreek.

* Report of the Steenkamp Commission, page 19.

† Robinson J., *Economics of Imperfect Competition*, p. 93-99.

* Verslag van die Steenkamp-kommissie, bl. 19.

† Robinson, J., *Economics of Imperfect Competition*, bl. 93-99.

16. The connection between the manufacture of pharmaceutical products and the remainder of the economy of the country may be illustrated by means of the following estimated production account for 1975:

16. Die verband tussen die vervaardiging van farmaseutiese produkte en die res van die ekonomie van die land kan aan die hand van die volgende geraamde produksierekening vir 1975 weergegee word:

TABLE 2: PRODUCTION ACCOUNT IN RESPECT OF PHARMACEUTICAL PRODUCTS FOR 1975
(R million)

Inputs		Outputs	
<i>Intermediate inputs</i>		<i>Intermediate demand</i>	
Agriculture, forestry and fishing.....	1	Agriculture, forestry and fishing.....	61
Mining.....	1	Mining.....	6
Processing of meat, dairy products and fish.....	2	Processing of grain, dairy products and animal feeds.....	3
Processing of grain, sugar and animal feeds.....	1	Fertilisers and pesticides.....	6
Other food processing.....	5	Medicinal and pharmaceutical preparations.....	27
Paper containers.....	14	Other chemical products.....	7
Printing and publishing.....	12	Trade.....	5
Synthetic resins, plastic materials and man-made fibres.....	1	Other services.....	36
Other basic chemical products and petroleum and coal products.....	25	Goods and services not classified by origin.....	4
Medicinal and pharmaceutical preparations.....	20		
Other chemical products.....	13		
Other plastic products.....	3		
Glass and glass products.....	8		
Metal products.....	6		
Electricity, gas and steam.....	1		
Trade.....	10		
Transport, storage and communication.....	4		
Other services.....	12		
Goods and services not classified by origin.....	28		
	167		155
<i>Primary inputs</i>		<i>Final demand</i>	
Remuneration of employees.....	50	Household purchases.....	128
Gross operating surplus.....	46	General Government purchases.....	17
Indirect taxes.....	3	Change in stock.....	1
Plus products transferred from other sectors.....	1	Exports.....	14
	267	Minus imports.....	48
			267

Source: Department of Statistics, Report 09-16-02 Input-Output Tables, 1971. Extrapolated from data obtained from the Economic Development Programme for 1975-1981.

TABEL 2: PRODUKSIEREKENING VAN FARMASEUTIESE PRODUKTE VIR 1975
(R miljoen)

Insette		Uitsette	
<i>Intermediêre insette</i>		<i>Intermediêre uitsette</i>	
Landbou, bosbou en visserye.....	1	Landbou, bosbou en visserye.....	61
Mynbou.....	1	Mynbou.....	6
Vleis-, suiwel- en visverwerking.....	2	Graan-, suiwel- en veevoerverwerking.....	3
Graan-, suiker- en veevoerverwerking.....	1	Bemestingstowwe en plaagdoders.....	6
Ander voedselverwerking.....	5	Medisinal- en farmaseutiese preparate.....	27
Papierhouers.....	14	Ander chemiese produkte.....	7
Drukwerk en uitgewery.....	12	Handel.....	5
Sintetiese harse, plastiekstowwe en kunsvesel.....	1	Ander dienste.....	36
Ander basiese chemiese en petroleum- en steenkoolprodukte	25	Goedere en dienste nie volgens herkoms verdeel nie.....	4
Medisinal- en farmaseutiese preparate.....	20		
Ander chemiese produkte.....	13		
Ander plastiekprodukte.....	3		
Glas en glasprodukte.....	8		
Metaalprodukte.....	6		
Elektrisiteit, gas en stoom.....	1		
Handel.....	10		
Vervoer, opberging en kommunikasie.....	4		
Ander dienste.....	12		
Goedere en dienste nie volgens herkoms verdeel nie.....	28		
	167		155
<i>Primêre insette</i>		<i>Finale verbruik</i>	
Vergoeding van werknemers.....	50	Verbruiksbesteding deur huishoudings.....	128
Bruto bedryfsurplus.....	46	Verbruiksbesteding deur algemene owerheid.....	17
Indirekte belasting.....	3	Verandering in voorraad.....	1
Plus produkte vanaf ander sektore oorgeplaas.....	1	Uitvoer.....	14
	267	Min invoer.....	48
			267

Bron: Departement van Statistiek, Verslag 09-16-02 Inset- uitsettabelle, 1971. Geëkstrapoleer met gegewens verkry uit die Ekonomiese Ontwikkelingsprogram vir 1975-1981.

17. From the above table it appears that in 1975 the primary raw materials for the manufacture of pharmaceutical products from agriculture, mining and the food-processing industry totalled R10 million, or 6 per cent of the intermediate inputs. The inputs of other ingredients amounted to R59 million, while the inputs of packaging material and services were R98 million. Ingredients and preparations to the value of R48 million were imported, while products valued at only R14 million were exported. An effort was made to include all the raw materials imported in a form other than that of pharmaceutical products, but because of classification problems the import figure should be regarded as being lower than the actual imports of pharmaceutical products and raw materials.

18. Intermediate outputs, mainly veterinary products valued at R61 million, went to agriculture, forestry and fishing. Outputs to services, mainly medical practitioners and private hospitals, amounted to R36 million in 1975. Household purchases totalled R128 million (40,6 per cent) of the total output (imports not deducted). On the other hand, general Government purchases totalled R17 million. This amount was mainly in respect of Government hospitals. According to information obtained from the Economic Division of the South African Reserve Bank expenditure on pharmaceutical products totalled only 0,9 per cent of the total consumption expenditure for 1977.

INTERNAL STRUCTURE OF THE PHARMACEUTICAL INDUSTRY

19. The pharmaceutical industry may be divided into the individual undertakings and professional persons in the industry on the other. Although the activities of the undertakings and the associations are not unconnected each part of the structure is dealt with separately herein.

(a) Structure of the industry

20. The pharmaceutical industry in South Africa has reached the stage where end-products are produced mainly by the compounding and confectioning of imported raw materials*. In most cases contact between the producer, and the retailer and the consumer is made when publicising a product or promoting its sale. The various elements in the chain responsible for the supply and distribution of pharmaceutical products discussed below are suppliers (manufacturers and importers), specialised wholesalers and retailers (pharmacies).

(i) Suppliers

21. For the purposes of this Report suppliers are divided into actual manufacturers of pharmaceutical products and those firms which import products or only fulfil the function of distributing products on behalf of overseas or specific South African manufacturers, but not specialised wholesalers who act on behalf of numerous suppliers and distributors. All the suppliers are members of the Pharmaceutical and Chemical Manufacturers Association of South Africa Limited. An essential difference between a distributor labelled as a supplier and a specialised wholesaler is that the former only handles one product or a small

17. Uit bogenoemde tabel blyk dat die primêre grondstowwe vir die vervaardiging van farmaseutiese produkte van die landbou, die mynbou en die voedselverwerkingsbedryf in 1975 altesaam R10 miljoen, of 6 persent van die intermediaêre insette, bedra het. Die insette van ander bestanddele het R59 miljoen bedra terwyl die insette van verpakkingsmateriaal en dienste R98 miljoen was. Van die bestanddele en preparate is R48 miljoen ingevoer terwyl produkte met 'n waarde van slegs R14 miljoen uitgevoer is. Daar is gepoog om al die grondstowwe wat in 'n ander vorm as farmaseutiese produkte ingevoer word ook in te sluit dog weens klassifikasieprobleme moet die invoersyfer as laer as die werklike invoer van farmaseutiese produkte en grondstowwe beskou word.

18. Intermediaêre uitsette, hoofsaaklik vecartsenynprodukte ter waarde van R61 miljoen, het na die landbou, bosbou en vissery gegaan. Uitsette aan dienste, hoofsaaklik van mediese praktisyns en private hospitale, het in 1975 R36 miljoen bedra. Verbruiksbesteding deur huishoudings het R128 miljoen (40,6 persent) van die totale uitsette bedra (invoer nie afgetrek nie). Aan die ander kant het verbruiksbesteding deur die algemene owerheid R17 miljoen beloop. Hierdie bedrag was hoofsaaklik ten opsigte van hospitale wat aan die owerheid behoort. Volgens inligting verkry vanaf die Ekonomiese Afdeling van die Suid-Afrikaanse Reserwebank het die besteding aan farmaseutiese produkte slegs 0,9 persent van totale verbruiksbesteding vir 1977 beloop.

INTERNE STRUKTUUR VAN DIE FARMASEUTIESE BEDRYF

19. Die farmaseutiese bedryf kan verdeel word in die individuele ondernemings binne die bedryfstak aan die een kant en die verenigings wat die ondernemings en professionele persone in die bedryfstak bedien, aan die ander kant. Alhoewel die ondernemings en die verenigings se aktiwiteite nie sonder onderlinge verband is nie word die struktuur afsonderlik behandel.

(a) Struktuur van die bedryfstak

20. Die farmaseutiese bedryfstak in Suid-Afrika het ontwikkel tot die stadium waar eindprodukte hoofsaaklik geproduseer word deur die vermenging en samestelling van ingevoerde grondstowwe*. Skakeling tussen die produsent en die kleinhandel en die verbruiker om 'n produk bekend te stel of die verkope daarvan te bevorder, vind in die meeste gevalle plaas. Die onderskeie elemente in die skakel wat vir die verskaffing en distribusie van farmaseutiese produkte verantwoordelik is en wat hieronder bespreek word, is die verskaffers (vervaardigers en invoerders), die gespesialiseerde groothandelaars en die kleinhandelaars (apteke).

(i) Verskaffers

21. Vir die doeleindes van hierdie Verslag word verskaffers verdeel in die werklike vervaardigers van farmaseutiese produkte en daardie ondernemings wat invoerders is of slegs namens oorsese of bepaalde Suid-Afrikaanse vervaardigers die verspreidingsfunksie vervul, maar nie die gespesialiseerde groothandelaars wat namens talle verskaffers en distribueerders optree nie. Al die verskaffers is lede van die Farmaseutiese en Chemiese Vervaardigingsvereniging van Suid-Afrika Bpk. 'n Wesentlike verskil tussen 'n verspreider wat as 'n verskaffer bestempel word en 'n gespesialiseerde groothandelaar is dat eersgenoemde slegs een produk of 'n

* Report of the Steenkamp Commission, p. 10.

* Verslag van die Steenkamp-kommissie, bl. 10.

number of products and sells these only in bulk, while the latter supplies a large number of products in relatively small packings to pharmacies, medical practitioners, dentists, veterinary surgeons, hospitals, medical schemes and clinics.

Suppliers may be divided as follows:

	Number
Manufacturers.....	11
Distributors.....	17
Manufacturers and distributors.....	37
	<u>65</u>

The suppliers involved in the investigation gave the following details of their turnover for the financial year ending 1975:

TABLE 3: TURNOVER OF SUPPLIERS, 1975

Source of supply	Value R'000	Percentage
Manufactured by themselves in South Africa.....	143 611	75,1
Imported.....	34 085	17,8
Obtained from other sources in South Africa.....	13 488	7,1
	<u>191 184</u>	<u>100,0</u>

Source: Board's questionnaires.

22. From the above table it appears that 75,1 per cent of the pharmaceutical products distributed in South Africa in 1975 was manufactured locally, while 17,8 per cent was imported. The rest, namely 7,1 per cent was obtained from other sources in South Africa but consisted partly of imported products. The term "local manufacture" is somewhat misleading because it varies from firms manufacturing the basic raw materials and also formulating the end product to firms which only import an end-product and then compound and package it. The Board suspects that the figure is too low, but because of a lack of proper statistical data it is nevertheless being used. This deduction is further supported by the information given in Table 2. According to this, imports are estimated at R48 million and the added value of local manufacturers at R96 million, which amounts to only 30 per cent of the gross value of production or total sales.

23. It would also appear that most manufacturers are distributors of their own products and in some cases also distributors of products imported by them. From information given to the Board it was calculated that 14,6 per cent of the total turnover of suppliers in 1975 consisted of products for which they held patent rights.

24. The turnover of suppliers is divided as follows between the various types of products:

TABLE 4: DIVISION OF THE TURNOVER OF SUPPLIERS FOR THE 1975 CALENDAR YEAR

Type of product	Percentage of turnover
Non-prescription medicines.....	18,7
Prescription medicines.....	64,3
Cosmetics.....	5,3
Other.....	11,7
Total.....	<u>100,0</u>

Source: Board's questionnaire.

These data emphasise the importance of prescription medicines or ethical remedies to the distribution of pharmaceutical products.

klein aantal produkte hanteer en dit slegs in groot-maat verkoop, terwyl laasgenoemde 'n groot aantal produkte in relatief klein verpakings aan apteke, geneesherre, tandartse, veeartse, hospitale, mediese skemas en klinieke verskaf.

Die verskaffers kan verdeel word in:

	Getal
Vervaardigers.....	11
Verspreiders.....	17
Vervaardigers en verspreiders.....	37
	<u>65</u>

Die verskaffers wat by die ondersoek betrek is, het hulle omset vir die boekjaar wat gedurende 1975 geëindig het, soos volg aangetoon:

TABEL 3: OMSET VAN VERSKAFFERS, 1975

Bron van voorsiening	Waarde R'000	Persentasie
Deur hulself in Suid-Afrika vervaardig....	143 611	75,1
Ingevoer.....	34 085	17,8
Vanaf ander bronne in Suid-Afrika verkry	13 488	7,1
	<u>191 184</u>	<u>100,0</u>

Bron: Raad se vraelyste.

22. Uit bogenoemde tabel blyk dat 75,1 persent van die farmaseutiese produkte wat in 1975 in Suid-Afrika versprei is, in die land self vervaardig is, terwyl 17,8 persent ingevoer is. Die res, naamlik 7,1 persent, is vanaf ander bronne in Suid-Afrika verkry en sal gedeeltelik uit ingevoerde produkte bestaan. Die begrip binne-landse vervaardiging is ietwat misleidend want dit wissel tussen ondernemings wat die basiese grondstof vervaardig en ook die finale produk formuleer tot ondernemings wat slegs 'n finale produk invoer en dit vermeng en verpak. Die Raad vermoed dat die syfer te laag is, dog weens die gebrek aan behoorlike statistiese gegewens word dit nogtans gebruik. Hierdie afleiding word verder gestaaf deur die inligting wat in Tabel 2 verskyn. Hiervolgens word die invoer op R48 miljoen en die toegevoerde waarde van die binne-landse vervaardigers op R96 miljoen geraam, wat slegs 30 persent van die bruto waarde van produksie of totale verkope behoort.

23. 'n Ander verskynsel is dat die meeste vervaardigers verspreiders van hul eie produkte is en in sommige gevalle ook verspreiders is van produkte deur hulle ingevoer. Uit inligting aan die Raad verstrekk, is bereken dat 14,6 persent van die totale omset van verskaffers in 1975 bestaan het uit produkte waarvoor hulle patentregte gehou het.

24. Die omset van verskaffers word as volg tussen die soorte produkte verdeel:

TABEL 4: VERDELING VAN DIE OMSET VAN VERSKAFFERS VIR DIE KALENDERJAAR 1975

Soort produk	Persentasie van omset
Nie-voorskrifmedisyne.....	18,7
Voorskrifmedisyne.....	64,3
Skoonheidsmiddels.....	5,3
Ander.....	11,7
Totaal.....	<u>100,0</u>

Bron: Raad se vraelyste.

Hierdie gegewens beklemtoon die belangrikheid van voorskrifmedisyne of etiese middels, vir die distribusie van farmaseutiese produkte.

(ii) *Specialised wholesalers*

25. The specialised wholesalers in the industry play a key role in the distribution of pharmaceutical products. Suppliers informed the Board that the 2 071 pharmacies in the Republic on 31 December 1976 could not be effectively served by the manufacturers individually. The orders of individual retail pharmacies are so small that it would be uneconomical for manufacturers to supply them direct. Some manufacturers did in the past consider supplying direct to retailers, but abandoned this plan because of the high costs involved. A manufacturer informed the Board that he had investigated the possibility of direct distribution but had come to the conclusion that it would be wholly uneconomical. Retail pharmacies, especially in urban areas, which may possibly justify direct distribution, only keep a minimum supply in stock since wholesalers can meet any unexpected demand, can make daily deliveries and even carry out emergency orders.

26. Only 14 specialised wholesalers, with various branches to deal with distribution over a wide geographical area, have been identified. It is estimated that they have between 60 and 80 wholesale distribution points throughout the country.

27. According to information supplied to the Board by wholesalers, their turnover in 1975 totalled R142 694 000. It is, however, not possible to indicate what part of this was imported by the suppliers. It was determined that 0,5 per cent was imported directly by wholesalers. The turnover of wholesalers, according to type of product, was shown by them to be as follows:

TABLE 5: TURNOVER OF WHOLESALERS ACCORDING TO TYPE OF PRODUCT, 1975

Type of product	Percentage of turnover
Non-prescription medicines.....	22
Prescription medicines.....	56
Cosmetics and toiletries.....	13
Animal remedies.....	1
Other.....	8
Total.....	100

Source: Board's questionnaire.

(iii) *Retail pharmacies*

28. As mentioned in paragraph 25, a total of 2 071 retail pharmacies were registered with the Medicines Control Board in South Africa as at 31 December 1976, they were distributed as follows among the various provinces:

	Number of pharmacies
Cape.....	539
Natal.....	301
Orange Free State.....	134
Transvaal.....	1 097
Total.....	2 071

On 31 April 1977 a total of 5 401 pharmacists (not pharmacies) were registered in South Africa and South West Africa; more than half of these did not have their own pharmacy but were employed by pharmacies, hospitals, manufacturers and other undertakings or organisations, or had already retired.

29. In addition to retail pharmacies, pharmaceutical products are also supplied to hospitals, medical practitioners, dentists, veterinary surgeons and to retail stores, departmental stores and supermarkets.

(ii) *Gespesialiseerde groothandelaars*

25. Die gespesialiseerde groothandelaars in die bedryfstak speel 'n sleutelrol in die verspreiding van farmaseutiese produkte. Verskaffers het die Raad meegedeel dat die 2 071 apteke wat op 31 Desember 1976 in die Republiek bestaan het, nie doeltreffend deur die vervaardigers individueel bedien kan word nie. Die bestellings van individuele kleinhandelsapteke is so klein dat dit vir vervaardigers onekonomies is om regstreeks aan hulle te lewer. Sommige vervaardigers het in die verlede oorweeg om regstreeks aan kleinhandelaars te verskaf, maar die plan laat vaar weens die hoë koste daaraan verbonde. So het 'n vervaardiger die Raad meegedeel dat hy die moontlikheid van direkte distribusie ondersoek het en tot die gevolgtrekking gekom het dat dit geheel en al onekonomies is. Die kleinhandelsapteke, veral in die stedelike gebiede, wat moontlik direkte distribusie kan regverdig, hou slegs 'n minimumvoorraad aan aangesien groothandelaars in die onvoorsiene vraag kan voorsien, daaglikse afleweringe doen en selfs noodbestellings kan uitvoer.

26. Selgs 14 gespesialiseerde groothandelaars, met verskeie takke om die verspreiding oor 'n wye geografiese gebied te behartig, word onderskei. Na beraaming beskik hulle oor tussen 60 en 80 groothandelsverspreidingspunte dwarsdeur die land.

27. Volgens inligting deur die groothandelaars aan die Raad verstrekk, het hul omset in 1975 R142 694 000 beloop. Dit is egter nie moontlik om aan te dui watter gedeelte hiervan deur die verskaffers ingevoer is nie. Dit is bepaal dat 0,5 persent direk deur groothandelaars ingevoer is. Die omset van groothandelaars volgens die soort produk is soos volg deur hulle aangetoon:

TABEL 5: OMSET VAN GROOTHANDELAARS VOLGENS SOORT PRODUKTE, 1975

Soort produk	Persentasie van omset
Nie-voorskrifmedisyne.....	22
Voorskrifmedisyne.....	56
Skoonsheidsmiddels en toiletgoedere.....	13
Dieremiddels.....	1
Ander.....	8
Totaal.....	100

Bron: Raad se vraelyste.

(iii) *Kleinhandelsapteke*

28. Soos in paragraaf 25 gemeld, was altesaam 2 071 kleinhandelsapteke op 31 Desember 1976 in Suid-Afrika by die Medisynebeheerraad geregistreer, wat soos volg tussen die verskillende provinsies verdeel was:

	Aantal apteke
Kaapland.....	539
Natal.....	301
Oranje-Vrystaat.....	134
Transvaal.....	1 097
Totaal.....	2 071

Op 31 April 1977 was altesaam 5 401 aptekers (nie apteke nie) in Suid-Afrika en Suidwes-Afrika geregistreer, van wie meer as die helfte geen eie aptekersaak besit het nie maar by aptekers, hospitale, vervaardigers en ander ondernemings of organisasies in diens was, of reeds afgetree het.

29. Behalwe aan kleinhandelsapteke word farmaseutiese produkte ook aan hospitale, mediese praktisyne, tandartse, veeartse en kleinhandelswinkels, afdelingswinkels en supermarkte verskaf.

(b) *Associations serving the various branches.*

30. A total of five associations serving undertakings and professional persons in the pharmaceutical industry are identified. Two associations represent the manufacturers; one looks after the interests of the specialised wholesalers; one represents the interests of retail pharmacies, while another association considers itself a body representing the interests of professional persons. Each of these five associations will be discussed briefly.

(i) *Pharmaceutical and Chemical Manufacturers Association of South Africa Ltd (PCMA)*

31. The PCMA came into existence in 1967 through the amalgamation of two separate associations, namely, the South African Pharmaceutical Manufacturers Association and the Ethical Drug Association. The PCMA, which looks after the interests of manufacturers, had a total membership of 72* as at 31 December 1975.

32. The aim of this Association is firstly to be able to present a common point of view, especially to the Government, which requires that the opinion of the majority be submitted for consideration. Secondly, its aim is at all times to promote the highest standard of manufacture and marketing for the pharmaceutical industry, as a service to the medical, dental and veterinary professions, and to the public. In addition, ethical codes are compiled and applied, constructive and satisfactory relationships are promoted and maintained, and the business affairs and/or economic interests of members are promoted and protected, provided that the Association does not interfere in the domestic affairs or individual trade policies of its members.

(ii) *The Proprietary Association of South Africa (PASA)*

33. PASA came into existence in 1934 and was reconstituted in 1974. The Association has 64 members, including non-manufacturers. The aims of the Association are briefly to promote co-operation between those involved in the manufacture, agency and/or distribution of patent products and trade-marked goods; to promote and protect the interests of members, and to eliminate undesirable practices among competitors.

34. According to PCMA, and PASA, as described above, they are or were members of—

(i) the Drug Industry National Committee which dealt with representations concerning legal and Government matters and was dissolved in April 1977;

(ii) The Pharmaceutical Consultative Forum, a consultative body on which the various sectors of the pharmaceutical industry are represented and where matters of common interest are discussed;

(iii) the General Council of the Pharmaceutical Society of South Africa;

(iv) the Advertising Standards Authority; and

(v) international associations.

35. Membership of PCMA and PASA is voluntary and no significant liability is associated with membership.

* The difference between this figure and that given in paragraph 20 is due to the fact that certain members are inactive and are members in name only.

(b) *Verenigings wat die verskillende vertakkinge bedien*

30. Altesaam vyf verenigings wat ondernemings en professionele persone in die farmaseutiese bedryfstak bedien, word onderskei. Twee verenigings verteenwoordig die vervaardigers; een behartig die belange van die gespesialiseerde groothandelaars; een weer die belange van kleinhandelsapteke terwyl 'n ander vereniging homself beskou as 'n liggaam wat professionele persone se belange verteenwoordig. Vervolgens word elkeen van die vyf verenigings kortliks toegelig.

(i) *Farmaseutiese en Chemiese Vervaardigingsvereniging van Suid-Afrika Bpk. (FCVV)*

31. Die FCVV het gedurende 1967 ontstaan uit die samesmelting van twee aparte verenigings, naamlik die South African Pharmaceutical Manufacturers Association en die Ethical Drug Association. Die FCVV, wat vervaardigers se belange behartig, het op 31 Desember 1975 altesaam 72* lede gehad.

32. Die oogmerke van hierdie vereniging is eerstens die aanbieding van 'n gesamentlike standpunt, veral met betrekking tot die owerheid, wat vereis dat die mening van die meerderheid vir oorweging voorgelê moet word. Tweedens is die oogmerk om ten alle tye die hoogste standaard van vervaardiging en bemarking vir die farmaseutiese bedryf, as 'n diens aan die mediese, tandheelkundige en veeartsenynprofessie en aan die publiek, te bevorder. Verder word ook etiese kodes opgestel en toegepas, opbouende en bevredigende verhoudinge bevorder en gehandhaaf en sake en/of ekonomiese belange van lede bevorder en beskerm, met dien verstande dat die vereniging nie in die huishoudelike sake of individuele handelsbeleid van sy lede sal inmeng nie.

(ii) *The Proprietary Association of South Africa (PASA)*

33. PASA het gedurende 1934 ontstaan en is in 1974 hersaamgestel. Die Vereniging het 64 lede onder wie ook nie-vervaardigers is. Die oogmerke van die Vereniging is kortliks om samewerking te bevorder tussen diegene wat betrokke is by die vervaardiging, agentskap en/of verspreiding van patentprodukte en handelsmerkgoedere; om die belange van lede te bevorder en te beskerm; en om onwenslike praktyke by die deelnemers uit te skakel.

34. Volgens die FCVV en PASA wat hierbo beskryf is, is of was hulle lede van—

(i) die Nasionale Komitee vir die medisynenywerheid wat vertoë oor regs- en staatsbetrekkinge gehanteer het en in April 1977 ontbind is;

(ii) die Farmaseutiese Raadplegende Forum, 'n raadplegende liggaam waarin die verskeie sektore van die farmaseutiese bedryf verteenwoordig is en waar gemeenskaplike sake bespreek word;

(iii) die Algemene Raad van die Aptekersvereniging van Suid-Afrika;

(iv) die Gesagsvereniging vir Reklamestandaarde; en

(v) internasionale verenigings.

35. Die lidmaatskap van die FCVV en PASA is vrywillig en geen noemenswaardige aanspreeklikheid gaan met lidmaatskap gepaard nie.

* Die verskil met die getal soos in paragraaf 20 getoon, is daaraan te wyte dat sekere lede onaktief is en slegs in naam bestaan.

(iii) *National Wholesale Drug Association (NWDA)*

36. NDWA was established in 1963 for the purpose of serving as a forum for discussions between wholesalers and manufacturers and to provide a service for the dissemination of information. According to evidence submitted by this Association manufacturers distribute their products through wholesalers, while NWDA forms a central point where possible discussions can take place. The Association also plans to ensure the consequent orderly marketing at the intermediate stages in the distribution chain from the manufacturer to the retailer. The Association claims that prior to its establishment the distribution pattern was inefficient and uneconomical because of fragmented and disorderly wholesale practices in the pharmaceutical industry.

37. The membership of the Association totalled 46 in 1975, but branches and subsidiary companies are also registered as members with the result that only 14 wholesalers can be particularised.

(iv) *The South African Retail Chemists and Druggist Association (SARCD)*

38. SARCD originated from The Pharmaceutical Society of South Africa in 1949. At present it has a membership of 1 578. Its aims are described as "express adequately and militantly the rights of the retail pharmacists". In addition, all difficult problems or matters concerning conflicts in the commercial interest of members of the Pharmaceutical Society (see paragraphs 40 to 43) are referred to this Association. The following are the Associations more specific aims:

(a) To promote the interests and welfare of members by co-operating in matters pertaining to the pharmaceutical trade;

(b) to protect individual members and give them the benefit of joint action;

(c) to protect the trade interests of members and ensure a fair trading policy in the pharmaceutical industry;

(d) to promote or oppose legislation or other measures affecting the interests of members; and

(e) to co-operate with the Pharmaceutical Society of South Africa and/or organised Trade and Industry, and to promote or participate in the establishment of associations (incorporated or not), having objectives altogether or in part similar to those of this Association, and to co-operate with any association in promoting such aims.

39. Membership of the Pharmaceutical Society is a prerequisite for admission as a member of SARCD. Two of the members of this Association are also members of the General Counsel of the Pharmaceutical Society. This indicates that there are particularly strong bonds between these two associations.

(v) *The Pharmaceutical Society of South Africa (PSSA)*

40. PSSA was established in 1945 to replace The Associated Pharmaceutical Societies of South Africa. A representative of PSSA described the division of the functions of this Association and those of SARCD as follows: "The Pharmaceutical Society is a body of people who are qualified pharmacists, whereas the

(iii) *National Wholesale Drug Association (NWDA)*

36. Die NWDA is gedurende 1963 gestig met die doel om as 'n forum vir samesprekings tussen groothandelaars en vervaardigers te dien en om 'n diens ten opsigte van die verspreiding van inligting te skep. Volgens getuienis van hierdie Vereniging versprei vervaardigers hul produkte deur groothandelaars, terwyl die NWDA 'n sentrale punt vorm waar moontlike samesprekings kan plaasvind. Verder beoog die Vereniging om die konsekwente en ordelike bemaking by die tussenstadia in die distribusieketting vanaf die vervaardiger tot die kleinhandel te verseker. Die Vereniging maak daarop aanspraak dat vóór sy ontstaan 'n ondoeltreffende en onekonomiese verspreidingspatroon as gevolg van die gefragmenteerde en ongeordende groothandelspraktjke in die farmaseutiese handel bestaan het.

37. Die ledetal van die Vereniging het in 1975 altesaam 46 beloop, dog takke en filiale word ook as lede ingeskryf met die gevolg dat slegs 14 groothandelaars onderskei word.

(iv) *Suid-Afrikaanse Vereniging van Kleinhandelsaptekers (SAVKA)*

38. SAVKA het in 1949 uit die aptekersvereniging van Suid-Afrika ontstaan. Dit het tans 'n ledetal van 1 578. Die oogmerke word beskryf as "to express adequately and militantly the rights of the retail pharmacists". Verder word alle netelige aangeleenthede of aangeleenthede wat handel oor konflikte by die handelsbelange van lede van die Aptekersvereniging (kyk paragrawe 40 tot 43) na hierdie vereniging verwys. Die volgende is die meer spesifieke oogmerke:

(a) Om die belange en welsyn van lede te bevorder deur samewerking in sake aangaande die farmaseutiese handel;

(b) om individuele lede te beskerm en die voordeel van gesamentlike optrede te verkry;

(c) om lede se handelsbelange te beskerm en om 'n billike handelsbeleid in die farmaseutiese bedryf te verseker;

(d) om wetgewing of ander maatreëls te bevorder of teen te staan wanneer dit die belange van lede raak; en

(e) om op te tree saam met die Aptekersvereniging van Suid-Afrika en/of die georganiseerde handel en nywerheid en om die stigting van verenigings te bevorder of daaraan mee te doen (geïnkorporeer of nie), met dieselfde of met gedeeltelike oogmerke as hierdie vereniging en om met enige vereniging saam te werk om sodanige oogmerke te bewerkstellig.

39. Lidmaatskap van die Aptekersvereniging is 'n voorvereiste vir toelating as lid van SAVKA. Twee van die lede van hierdie Vereniging het ook sitting op die Algemene Raad van die Aptekersvereniging. Dit dui daarop dat besondere sterk bande tussen hierdie twee verenigings bestaan.

(v) *Aptekersvereniging van Suid-Afrika (AVSA)*

40. AVSA is in 1945 gestig om The Associated Pharmaceutical Societies of South Africa te vervang. 'n Verteenwoordiger van AVSA het die verdeling van die funksies van hierdie Vereniging en dié van SAVKA beskryf as "the Pharmaceutical Society is a body of people who are qualified pharmacists, whereas the

Retailers Association is an association of retail pharmacies, businesses, *per se*". Members of The Pharmaceutical Society practise their profession in the various fields of pharmacy, retail, wholesale, manufacturing, distribution, and other institutions, such as education and hospitals. Each field has its own association which caters for its own specific interests. These associations are represented on the General Council of The Pharmaceutical Society, as laid down in section 18 of its constitution. The affiliated associations are SARCD, the South African Chemists and Druggists Association connected with Institutions PCMA and the Proprietary Association of South Africa.

41. The constitution of the PSSA regulates matters such as hours of business, and other matters concerning the running of a society, and section 3B (ii), (iii) and (iv) contains a description of its objectives. These objectives are especially important to the Board's investigation and are therefore quoted here:

Section B (ii):

"To regulate and fix by negotiation in consultation with the appropriate authorities the prices at and the conditions under which members may buy and sell goods, subject to the provisions of any laws of any Province of the Republic of South Africa, pertaining to such matters."

Section B (iii):

"To lay down in consultation with the appropriate authorities and enforce the observance of a tariff for the dispensing of prescriptions, and fees for professional pharmaceutical services."

Section B (iv):

"To regulate the conditions under which any member or Branch, either directly or indirectly, may contract or be a party in any wise to a contract for the supply of medicines or other articles usually supplied by pharmacists to Medical Benefit Societies; and to control such contracts, including contract prices, so as to ensure fair trading and for the purposes of better giving effect to such control and regulation and laying down the conditions under which such contracts may be negotiated, established and concluded, to prepare such contracts and to delegate to officers of the Society the authority to enter into such contracts with Medical Benefit Societies."

42. Of the 5 345 pharmacists registered with the South African Pharmacy Board on 30 November 1977, 3 450 (64,5 per cent) belong to The Pharmaceutical Society. The Society differentiates between the following types of members:

- (i) Ordinary members;
- (ii) associate members;
- (iii) honorary life members;
- (iv) student associate members; and
- (v) honorary life members of branches.

43. The only condition on which a person may join as an ordinary member is that he must be registered in terms of sections 13 and 17 of the Pharmacy Act (Act 53 of 1974). The so-called associate members are retail pharmacies, which are allowed as members, specially for the purpose of sharing in the privileges available under an arrangement by of PSSA Contracts (Pty) Ltd. This company was specially established on legal advice, to negotiate with various medical schemes for the purpose of granting pharmacist members the

Retailers Association is an association of retail pharmacies, businesses *per se*". Lede van die Aptekersvereniging beoefen hul professie op die verskillende terreine van die farmasie, kleinhandel, groothandel, vervaardiging, verspreiding en ander instellings soos onderwys en hospitale. Elke terrein het sy eie vereniging wat besig is met sy eie besondere belange. Hierdie verenigings is in die Algemene Raad van die Aptekersvereniging verteenwoordig, soos bepaal in artikel 18 van die grondwet. Die geaffilieerde vereniging is die SAVKA, die Suid-Afrikaanse Vereniging van Aptekers verbonde aan Instellings, die FCVV en die "Proprietary Association of South Africa".

41. Die grondwet van AVSA reël aspekte soos die ure waartydens sake gedoen kan word, en ander aspekte wat nodig is om 'n vereniging te bedryf, en beskryf in artikel B (ii), (iii) en (iv) die oogmerke. Dit is veral dié oogmerke wat vir die Raad se ondersoek ter sake is en word derhalwe aangehaal:

Artikel B (ii):

"Om die pryse waarteen en die voorwaardes waaronder die lede goedere mag koop en verkoop te reguleer en deur onderhandelings vas te stel, onderhewig aan die bepalings van enige wette van enige Provinsie of van die Republiek van Suid-Afrika met betrekking tot sulke sake."

Artikel B (iii):

"Om 'n tarief vir die reseptering van voorskrifte en gelde vir professionele artsenykundige dienste, vas te stel en die nakoming daarvan te handhaaf."

Artikel B (iv):

"Om die voorwaardes te reguleer waaronder enige lid of tak, of direk of indirek, mag ooreenkom of op enige wyse deelgenoot mag wees aan 'n kontrak vir die verskaffing aan Mediese Hulpverenigings van medisyne of enige artikel wat gewoonlik deur aptekers verskaf word, en om sodanige kontrakte, insluitende kontrakpryse, te beheer ten einde billike handel te verseker, en vir die doeleindes van beter uitvoering van sodanige beheer en regulering en bepaling van die voorwaardes waaronder sulke kontrakte onderhandel, aangaan en gesluit mag word, om sodanige kontrakte op te stel en om ampsdraers van die Vereniging die magtiging te verleen om sulke kontrakte met Mediese Hulpvereniging aan te gaan."

42. Van die 5 345 aptekers wat op 30 November 1977 by die Suid-Afrikaanse Aptekersraad geregistreer was, het 3 450 (64,5 persent) tot die Aptekersvereniging behoort. Die Vereniging onderskei tussen die volgende soorte lede:

- (i) Gewone lede;
- (ii) medelede;
- (iii) erelewenslede;
- (iv) studente-medeledes; en
- (v) erelewenslede van takke.

43. Die voorwaarde waarop 'n persoon as gewone lid mag aansluit, is slegs dat hy ingevolge artikels 13 en 17 van die Wet op Aptekers (Wet 53 van 1974) geregistreer moet wees. Die sogenaamde medelede beteken dat kleinhandelsapteke toegelaat word as lede, veral met die doel om te deel in die voorregte wat beskikbaar is onder 'n reëling van PSSA Contracts (Pty) Ltd. Hierdie maatskappy is spesiaal in die lewe geroep, op grond van regsadvies, om met verskillende mediese skemas te onderhandel met die doel om aan

benefit of a central clearing organisation and ensuring that the so-called openpanel system was maintained. This ensures that members of the relevant medical schemes can have medical prescriptions made up on the same conditions by all pharmacists who are members of the Society, and in this way special arrangements with a specific pharmacy or group of pharmacies are eliminated. The advantage of this agreement to members of medical schemes is that only the member's contribution is claimed when a prescription is presented at a pharmacy and that the balance is then recovered by PSSA Contracts (Pty) Ltd and paid to the pharmacy. This ensures that a member is free to support the pharmacy of his choice.

(c) *The South African Pharmacy Board*

44. The Pharmacy Board was established in 1929, after provision had been made for this in section 2 of the Medical, Dental and Pharmacy Act of 1928 (Act 13 of 1928). The continued existence of the Board was ratified, in terms of the Pharmacy Act of 1974 (Act 53 of 1974). The functions of the Pharmacy Board are more clearly defined in the latter Act.

45. The purpose of the Pharmacy Board is to protect and promote the professional status of the pharmacist. Persons who have obtained the required qualifications must be registered with the Board as pharmacists and only then may they practise this profession.

46. The Pharmacy Board makes rules governing offences in terms of section 41 of the Pharmacy Act. However, no rule is of force and effect unless approved by the Minister of Health and published in the *Government Gazette*.

47. The following practices are some of those prohibited in terms of the said rules of the Pharmacy Board:

"(7) The sale or supply of products not compatible with the practice of retail pharmacy, including arms and ammunition, clothing (excluding pantihose and supportive or surgical garments), fireworks, groceries (other than baby, diabetic and invalid foods), mineral waters, television sets and tobacco."

"(9) (a) Canvassing or touting for prescriptions, verbally either personally or through an agent, or by means of circulars, letters or advertisements, or by the handing out or sending of gifts having more than minimal intrinsic value."

"(b) Engaging in any mail order prescription business in which prescriptions are solicited and received through the mail for dispensing, or in which prescriptions are dispensed and delivered by mail to customers other than those personally known to the pharmacist in charge of a pharmacy."

48. When a pharmacist has infringed a rule of the Pharmacy Board it is customary for the Board after a meeting of its members at which the case has been substantiated, to warn him to cease from such unlawful practice. The Act also authorises the Pharmacy Board to remove any person's name from the register with the result that such person may no longer practice as a pharmacist. Thus far this has happened only in highly exceptional cases.

(d) *Medical schemes*

49. Medical schemes are registered with the Registrar of Medical Schemes and are divided into three categories. Table 6 gives information on the types of medical schemes.

aptekerslede die voordeel van 'n sentrale verrekenings-organisatie te gee en ook om te verseker dat die sogenaamde ope paneelstelsel gehandhaaf word. Hiervolgens word verseker dat lede van die betrokke mediese skemas by alle apteke wat lede van die Vereniging is voorskrifte van dokters op eenvormige voorwaardes laat uitvoer en hierdeur word spesiale reëlins met 'n bepaalde apteek of 'n groep apteke uitgeskakel. Die voordeel wat die ooreenkoms vir lede van mediese skemas inhou, is dat slegs die lid se bydrae gevorder word wanneer 'n voorskrif by 'n apteek ingedien word en die balans dan deur PSSA Contracts (Pty) Ltd verhaal en weer aan die apteek betaal word. Dit verseker dat 'n lid vry is om die apteek van sy keuse te ondersteun.

(c) *Die Suid-Afrikaanse Aptekersraad*

44. Die Aptekersraad is in 1929 gestig, nadat in artikel 2 van die Wet op Geneeshere, Tandartse en Aptekers van 1928 (Wet 13 van 1928), daarvoor voorsiening gemaak is. Die voortbestaan van die Raad is ingevolge die Wet op Aptekers van 1974 (Wet 53 van 1974) (Aptekerswet), bekragtig is. Die funksies van die Aptekersraad is duideliker in laasgenoemde Wet omskryf.

45. Die doel van die Aptekersraad is om die professionele status van die apteker te beskerm en te bevorder. Persone wat die vereiste kwalifikasies verwerf het, word by die Raad as aptekers geregistreer en mag dan eers dié beroep beoefen.

46. Die Aptekersraad vaardig reëls aangaande misdrywe ingevolge artikel 41 van die Aptekerswet uit. Geen reël is egter van krag tensy dit deur die Minister van Gesondheid goedgekeur en in die *Staatskoerant* gepubliseer is nie.

47. Die volgende praktyke is onder meer ingevolge sodanige reëls van die Aptekersraad verbied:

"(7) Die verkoop of verskaffing van produkte wat nie met die praktyk van kleinhandelsaptekerswese verenigbaar is nie, met inbegrip van wapens en ammunisie, klerasie (uitsluitende kousbroeke en ondersteunende of chirurgiese kledingstukke), vuurwerke, kruideniersware (met uitsondering van baba- en diabete- en siekevoedsel), mineraalwater, beeldradiostelle en tabak."

"(9) (a) Oorreding vir die verkryging van voorskrifte, mondeling of persoonlik, of deur 'n agent of deur middel van omsendbriewe, briewe of advertensies of deur die uitgee of stuur van geskenke wat meer as 'n minimale intrinsieke waarde het."

"(b) Betrokkenheid in enige posbestellingsvoorskrifdiens waarby voorskrifte deur die pos gewerf en ontvang word vir reseptering of waarby voorskrifte gerepteer en deur die pos aan klante afgelewer word, uitgesonderd dié wat persoonlik aan die apteker in beheer van 'n apteek bekend is."

48. Die prosedure wat gevolg word wanneer 'n apteker een van die reëls oortree het, is dat die Aptekersraad ná 'n sitting waarop die saak bewys is, die oortreder gewoonlik waarsku om af te sien van die praktyk. Hierdie Wet magtig ook die Aptekersraad om 'n persoon se naam uit die register te verwyder met die gevolg dat so 'n persoon dan nie meer as apteker kan praktiseer nie. Tot dusver het dit slegs in hoogs uitsonderlike gevalle gebeur.

(d) *Mediese skemas*

49. Mediese skemas word by die Registrateur van Mediese Skemas geregistreer en in drie kategorieë verdeel. Tabel 6 verskaf inligting in verband met die soorte mediese skemas.

TABLE 6: MEDICAL SCHEMES: PARTICULARS AS AT 31 DECEMBER 1976

Type of scheme	Number of schemes	No. of members		No. of dependants	
		White	Non-White	White	Non-White
Medical aid scheme...	209	786 075	40 901	1 316 221	91 449
Medical benefit scheme...	42	109 502	82 434	229 023	43 236
Exempted scheme...	49	280 426	226 995	480 746	138 947
Total....	300	1 176 003	350 330	2 025 990	273 632

Source: Registrar of Medical Schemes.

50. The descriptions of the types of schemes are as follows:

(i) An *aid scheme* is a scheme in accordance with which no panel medical practitioners, dentists and pharmacists are chosen and a member is therefore entitled to go to a practitioner of his own choice;

(ii) a *benefit scheme* is a scheme where a panel of doctors and dentists or a clinic is made available by the scheme and where the member is restricted to these practitioners and dispensing is usually also done through the scheme; and

(iii) *exempted schemes* are schemes which need not be registered with the Registrar in terms of the Medical Schemes Act and which prescribe their own conditions and benefits.

CHAPTER III

TRADE PRACTICES AND THE CREATION OF POSSIBLE MONOPOLISTIC CONDITION

51. The trade practices in connection with the supply and distribution of pharmaceutical products which came to the notice of the Board, and which could possibly be responsible for monopolistic conditions, are discussed hereunder. A broad outline is given in the first place of the trade practices as they occur in the policies followed in respect of products, price, distribution and publicity. Thereafter there is a discussion of the more specific trade practices in relation to marketing.

GENERAL TRADE PRACTICES

(a) Product policy

52. The product policy of domestic manufacturers of pharmaceutical products is twofold. Firstly, there are manufacturers who manufacture a product which has been developed overseas, often by a parent company, while in other cases products are developed through own research, and then manufactured and marketed. A product intended for the South African market must first be registered with the Medicines Control Board before it may be marketed. According to evidence given by manufacturers in South Africa this Board's requirements are particularly strict, with the result that certain products, which are accepted overseas, are not suitable for registration in the Republic.

53. The investigation brought to light that in the pharmaceutical industry one also has to do with a fragmented market in which there are many substitutes for certain remedies. This result from an agreement between local undertakings and many overseas developers and manufacturers of medicines, and from the fact

TABEL 6: MEDIESE SKEMAS: BESONDERHEDE SOOS OP 31 DESEMBER 1976

Soort skema	Getal skemas	Getal lede		Getal afhanklikes	
		Blankes	Nie-Blankes	Blankes	Nie-Blankes
Hulpskema..	209	786 075	40 901	1 316 221	91 449
Bystand-skema....	42	109 502	82 434	229 023	43 236
Vrygestelde skema....	49	280 426	226 995	480 746	138 947
Totaal....	300	1 176 003	350 330	2 025 990	273 632

Bron: Registrateur van Mediese Skemas.

50. Die beskrywings van die soorte skemas is soos volg:

(i) 'n *Hulpskema* is 'n skema waarvolgens geen paneeldokters, tandartse en aptekers gekies is nie en 'n lid derhalwe geregtig is om na 'n praktisyn van sy eie keuse te gaan;

(ii) 'n *bystandskema* is 'n skema waar 'n paneel van dokters en tandartse of 'n kliniek deur die skema beskikbaar gestel word en waar die lid tot hulle beperk is en die reseptering gewoonlik ook deur die skema gedoen word; en

(iii) *vrygestelde skemas* is skemas wat nie ingevolge die Wet op Mediese Skemas by die Registrateur geregistreer hoef te wees nie en hul eie voorwaardes en voordele neerlê.

HOOFSTUK III

BEDRYFSPRAKTYKE EN DIE SKEPPING VAN MOONTLIKE MONOPOLISTIESE TOESTANDE

51. Die bedryfspraktyke wat ten opsigte van die verskaffing en distribusie van farmaseutiese produkte onder die aandag van die Raad gekom het en wat moontlik vir monopolistiese toestande verantwoordelik kan wees, word vervolgens bespreek. Eerstens word 'n breë beskouing van die bedryfspraktyke soos dit voorkom met betrekking tot produk-, prys-, distribusie- en reklamebeleid gegee. Hierna word oorgegaan tot 'n bespreking van meer spesifieke bedryfspraktyke met betrekking tot bemarking.

ALGEMENE BEDRYFSPRAKTYKE

(a) Produkbeleid

52. Die produkbeleid van die binnelandse vervaardigers van farmaseutiese produkte is van tweeërlei aard. Eerstens word vervaardigers aangetref wat 'n produk vervaardig wat in die buiteland ontwikkel is, in baie gevalle deur 'n moedermaatskappy, terwyl in ander gevalle produkte deur eie navorsing ontwikkel, vervaardig en bemark word. 'n Produk wat vir die Suid-Afrikaanse mark bestem is, moet egter eers by die Medisyne-beheerraad geregistreer word alvorens dit bemark mag word. Volgens getuienis van vervaardigers in Suid-Afrika is hierdie Raad se vereistes besonder streng, met die gevolg dat sekere produkte wat in die buiteland aanvaar is, nie in die Republiek vir registrasie geskik is nie.

53. Die ondersoek het aan die lig gebring dat in die farmaseutiese bedryf ook te doen gekry word met 'n gefragmenteerde mark waar baie substitute vir sekere middels bestaan. Dit is die gevolg van die verbintenisse van die binnelandse ondernemings met soveel buitelandse ontwikkelaars en vervaardigers van medisyne

that when a remedy has been developed through research and is marketed, a number of substitutes may soon appear on the market at lower prices. Several manufacturers asserted that no single manufacturer's share of the market for a specific product is more than 15 to 20 per cent.

54. From the above two paragraphs it is clear that the product policy of the pharmaceutical industry is largely geared to research. The literature on the pharmaceutical industry usually deals with the research function in detail. The report of the Steenkamp Commission* puts the case for South Africa as follows: "South Africa relies most heavily upon the research and development conducted by the pharmaceutical giants of the Western World. Up to the present, only three local firms and one foreign-owned company have undertaken research, and that on a very small scale. Most of this research, moreover, has been concerned with existing preparations, it being mainly directed to the cultivation of medicinal plants and the development of known processes and products." The justification for research is to a large extent affected by the extent of the market, whether it be the local or the export market. By means of the following table the position of South Africa, as regards the need for research, is gauged by the frequency of a specific malady, compared with certain Western countries:

TABLE 7: INTERNATIONAL COMPARISON OF VISITS BY PATIENTS TO MEDICAL PRACTITIONERS FOR THE TREATMENT OF ESSENTIAL BENIGNE HYPERTENSION AND SALES OF PHARMACEUTICAL PRODUCTS.

Country	Annual visits by patients ('000)	Percentage share in the sale of pharmaceutical products—Free World
USA.....	39 212	29
Italy.....	13 052	10
German Federal Republic.....	12 773	9
United Kingdom.....	9 506	7
Spain.....	4 216	3
Belgium.....	3 223	2
Argentina.....	2 405	2
Canada.....	2 147	2
Brazil.....	1 676	1
South Africa.....	1 069	1
Mexico.....	646	0
		<u>66</u>

Source: D. A. West, lecture at the "International Symposium—Medicines in our time", Pretoria, October 1972, p. 14.

55. The economic justification for research is considerably greater in a country such as the USA, which has a higher demand for medicine than South Africa. The benefits of the remedies developed are however made use of in all countries, whether by imports or by production under licensing agreements.

(b) Price policy

56. Price policy is important to the sale of medicine. Here it is important to differentiate between medicine resulting from research and imitations of already existing remedies or medicines in respect of which patent rights have lapsed. The price policy is aimed at recovering the cost of the various inputs in order to make provision for future research and a reasonable profit. The price policy in respect of remedies

* Paragraph 118.

en ook die praktyk dat wanneer 'n middel deur navorsing ontwikkel is en bemark word, 'n aantal substitute teen laer pryse spoedig op die mark kan verskyn. Verskeie vervaardigers het beweer dat geen enkele vervaardiger meer as 15 tot 20 persent van die mark vir 'n bepaalde produk het nie.

54. Uit die voorgaande twee paragrawe is dit duidelik dat die produktebeleid van die farmaseutiese bedryf in 'n groot mate op navorsing toegespits is. In die literatuur oor die farmaseutiese bedryf word die navorsingsfunksie gewoonlik breedvoerig behandel. Die verslag van die Steenkamp-kommissie* stel die saak vir Suid-Afrika as volg: "South Africa relies most heavily upon the research and development conducted by the pharmaceutical giants of the Western World. Up to the present, only three local firms and one foreign owned company have undertaken research, and that on a very small scale. Most of this research, moreover, has been concerned with existing preparations, it being mainly directed to the cultivation of medicinal plants and the development of known processes and products." Die regverdiging vir navorsing word in 'n groot mate deur die omvang van die mark beïnvloed, hetsy in die binnelandse, hetsy in die uitvoermark. Aan die hand van die volgende tabel word die posisie van Suid-Afrika, in soverre dit die behoefte aan navorsing, gemeet deur die frekwensie waarmee 'n bepaalde siektetoestand voorkom, met sekere Westerse lande vergelyk:

TABEL 7: INTERNASIONALE VERGELYKING VAN PASIËNTBESOEKE AAN GENEESHERE VIR DIE SIEKTETOESTAND NIE-KWAADAARDIGE HOËBLOEDDRUK EN VERKOPE VAN FARMASEUTIESE PRODUKTE

Land	Jaarlikse besoek deur pasiënte ('000)	Persentuele aandeel in die verkope van farmaseutiese produkte—Vrye wêreld
VSA.....	39 212	29
Italië.....	13 052	10
Bondsrepubliek Duitsland.....	12 773	9
Verenigde Koninkryk.....	9 506	7
Spanje.....	4 216	3
België.....	3 223	2
Argentinië.....	2 405	2
Kanada.....	2 147	2
Brasilië.....	1 676	1
Suid-Afrika.....	1 069	1
Meksiko.....	646	0
		<u>66</u>

Bron: D. A. West, lesing by die "International Symposium—Medicines in our time", Pretoria, Oktober 1972, bl. 14.

55. Die ekonomiese regverdiging vir navorsing is aansienlik hoër in 'n land soos die VSA met 'n sterker vraag na medisyne as wat dit in Suid-Afrika is. Die voordele van die middels wat ontwikkel word, word egter in alle lande benut, hetsy deur invoer, hetsy deur produksie ingevolge lisensie-ooreenkomste.

(b) Prysheid

56. Prysheid is belangrik by die afset van medisyne. Hier is dit belangrik om te onderskei tussen medisyne wat die resultaat is van navorsing, of nabootsing van reeds bestaande middels of waarvan die patentreg reeds verval het. Die prysbeleid is daarop gemik om die koste van die verskillende insette te verhaal, om voorsiening te maak vir toekomstige navorsing en om 'n redelike wins te maak. Die prysbeleid van middels

* Paragraaf 118.

developed through own research will lead to the recovery of the costs involved, while the price of imitations of existing remedies or remedies in respect of which the patent rights have lapsed will be low enough to compete successfully with new remedies. There are a variety of inputs which may be set out as follows:

TABLE 8: ANALYSIS OF THE COST STRUCTURE OF 51 MANUFACTURERS OF PHARMACEUTICAL PRODUCTS IN SOUTH AFRICA, 1974 AND 1975

Type of input	1974		1975	
	Rm	Per-centage	Rm	Per-centage
Active ingredients.....	36,4	27,8	45,9	29,6
Inactive ingredients.....	4,1	3,1	5,2	3,4
Packaging.....	9,9	7,6	12,3	7,9
Manufacturing costs (including quality control)	13,2	10,1	16,8	10,8
Royalties.....	3,1	2,3	3,4	2,2
Research and development	3,0	2,3	3,5	2,3
Promotion, selling, distribution and warehousing	29,1	22,2	32,9	21,2
Other overheads.....	10,8	8,3	14,6	9,4
Profit before tax.....	21,3	16,3	20,5	13,2
Total turnover.....	130,9	100,0	155,1	100,0

Source: Table 6.11, *Report of the Steenkamp Commission*, p. 28.

57. In South Africa research and development constituted only 2,3 and 2,2 per cent, respectively, of the total inputs for 1974 and 1975. If royalties are added, research and development represented 4,6 and 4,5 per cent, respectively. In the United States of America this figure is considerably higher. An analysis of the cost structure of an inventor shows that one-third of the total expenditure is for research and development*. Ingredients, which are mainly imported, constituted 30,9 and 33,0 per cent of the total costs in South Africa. More than 50 per cent was spent on manufacturing, while sales costs constituted 22,2 and 21,2 per cent. The following quotation from the report of the Steenkamp Commission explains the above-mentioned international differences: "One explanation for these differences could be that the South African firms, as a group, engage in more trading than manufacturing; another no doubt is that quite a number, if not all, of the transnationals—which obtain their active ingredients mainly from their parent companies—are charged higher prices for these than the prices at which the South African-owned companies obtain their active ingredients in the world market. There seems to be clear evidence here of transfer pricing in favour of the parent firms, in particular amongst the European companies."†.

58. Manufacturers, wholesalers and retail pharmacies voluntarily subjected themselves to the determination of maximum prices by the Price Controller. This price control has a particularly strong influence on the price policy of the manufacturers and importers of pharmaceutical products. According to Table 7 the manufacturers in the random sample taken in 1975 achieved an average net profit before tax of 13,2 per cent on factory prices. A specialised wholesaler enjoys a gross profit margin of 17,5 per cent calculated on the sales price, while the retail pharmacist in turn has a gross profit margin of 50 per cent on cost price. The above is the position as regards prescription medicines and

wat deur eie navorsing ontwikkel is, sal die koste daarvan verhaal terwyl die prys van nabootsings van bestaande middels of middels waarvan die patentreg reeds verval het, laag genoeg sal wees om suksesvol met nuwe middels mee te ding. Die insette bestaan uit 'n verskeidenheid wat as volg saamgestel kan word:

TABEL 8: ONTLEDING VAN DIE KOSTESTRUKTUUR VAN 51 VERVAARDIGERS VAN FARMASEUTIESE PRODUKTE IN SUID-AFRIKA, 1974 EN 1975

Soort inset	1974		1975	
	Rm	Persentasie	Rm	Persentasie
Aktiewe bestanddele.....	36,4	27,8	35,9	29,6
Onaktiewe bestanddele...	4,1	3,1	5,2	3,4
Verpakking.....	9,9	7,6	12,3	7,9
Vervaardigingskoste (ingeslote gehaltebeheer)...	13,2	10,1	16,8	10,8
Vrugreg.....	3,1	2,3	3,4	2,2
Navorsing en ontwikkeling	3,0	2,3	3,5	2,3
Bevordering, verkoop, verspreiding en opberging.	29,1	22,2	32,9	21,2
Ander indirekte koste.....	10,8	8,3	14,6	9,4
Wins voor belasting.....	21,3	16,3	20,5	13,2
Totale omset.....	130,9	100,0	155,1	100,0

Bron: Tabel 6.11, *Verslag van die Steenkamp-kommissie*, bl. 28.

57. In Suid-Afrika het navorsing en ontwikkeling slegs 2,3 en 2,2 persent van totale insette vir 1974 en 1975 respektiewelik beloop. Indien vrugregte hierby gevoeg word, het navorsing en ontwikkeling 4,6 en 4,5 persent respektiewelik beloop. In die Verenigde State van Amerika beloop dit aansienlik meer. 'n Ontleding van die kostestruktuur van 'n uitvinder toon dat een derde van die totale uitgawes aan navorsing en ontwikkeling bestee word*. Die bestanddele, wat hoofsaaklik ingevoer word, het 30,9 en 33,0 persent van die totale koste in Suid-Afrika uitgemaak. Meer as 50 persent is aan vervaardiging bestee terwyl verkoopkoste 22,2 en 21,2 persent beloop het. Die volgende aanhaling uit die verslag van die Steenkamp-kommissie verduidelik die bogenoemde internasionale verskille: "One explanation for these differences could be that the South African firms, as a group, engage in more trading than manufacturing; another no doubt is that quite a number, if not all, of the transnationals—which obtain their active ingredients mainly from their parent companies—are charged higher prices for these than the prices at which the South African-owned companies obtain their active ingredients in the world market. There seems to be clear evidence here of transfer pricing in favour of the parent firms, in particular amongst the European companies."†.

58. Vervaardigers, groothandelaars en kleinhandelsapteke het hulle vrywilliglik onderwerp aan die vaststelling van maksimumpryse deur die Pryscontroleur. Hierdie prysbeheer het 'n besonder sterk invloed op die prysbeleid van die vervaardigers en invoerders van farmaseutiese produkte. Volgens Tabel 7 het die vervaardigers in die steekproef in 1975 'n gemiddelde netto wins vóór belasting van 13,2 persent van fabriekspryse behaal. 'n Gespesialiseerde groothandelaar geniet 'n bruto winsgrens van 17,5 persent bereken op die verkoopprijs, terwyl die kleinhandelsapteek weer 'n bruto winsgrens van 50 persent op kosprys het. Die voorafgaande is die posisie ten opsigte van voorskrifmiddels en sommige nie-voorskrifmiddels. Ten opsigte van

* O. Notwotny, lecture at the "International Symposium—Medicines in our time", Pretoria, October 1972, p. 471.

† *Report of the Steenkamp Commission*, p. 30.

* O. Notwotny, lesing by die "International Symposium—medicines in our time", Pretoria, Oktober 1972, bl. 471.

† *Verslag van die Steenkamp-kommissie*, bl. 30.

certain non-prescription medicines. In the case of other non-prescription medicines, both higher and lower profit margins are recovered. This applies also to remedies which are allowed as unscheduled medicines in terms of the Medicines Control Act, and are therefore also available at stores other than pharmacies. At supermarkets and departmental stores these medicines are usually sold at very low prices. Special prices apply to medicines sold to medical practitioners and hospitals.

(c) *Distribution policy*

59. The distribution policy regarding scheduled medicines is subject to the provisions of the Medicines Control Act, which provides that scheduled medicines may be sold only by pharmacists and medical practitioners. All medicines intended for the retail market are usually delivered in large quantities to wholesalers, who distribute them in small quantities as required by pharmacies. Medicines are also delivered direct by manufacturers to medical practitioners and hospitals.

60. Certain manufacturers, make use also of distributors, sometimes called agents, apart from the wholesalers, to handle their products. It is also the practice of some manufacturers to make their products available for sale in pharmacies only, although these products are not restricted under the schedule in terms of the Medicines Control Act.

61. Certain medicines have a limited life-span and are handled in a special way so as to reach the point of consumption as soon as possible. As a rule it is the policy of pharmacies in urban areas to keep only small stocks, since daily deliveries, and in some cases emergency deliveries, are easily obtainable from wholesalers. This policy favours the retail pharmacist for two reasons. In the first place it lessens the danger of stocks becoming stale on his shelves and having to be destroyed. In the second place it enables him to keep this inventory and his operating costs at a relatively low level. On the other hand, the wholesaler's costs must be adversely affected by the execution of small orders.

(d) *Publicity policy*

62. Publicity regarding the marketing of pharmaceutical products is mainly aimed at influencing the person who must decide whether to use a specific remedy or not. This decision is taken either by the public or by the medical practitioners. Certain remedies may be purchased by the public from pharmacies or other stores without a doctor's prescription. In fact, some remedies are never prescribed by medical practitioners, but the merits of the particular product are brought to the notice of the general public by means of publicity in the press, on the radio, and in handbills. In this case the pharmacist is of the greatest importance to the manufacturer because he plays an important role in the way in which he exhibits the products and offers advice to his customers. For these reasons suppliers consciously try to impress the pharmacist with their products. This is done by means of the so-called bonus system, under which a pharmacist receives up to 25 per cent of the products free of charge.

63. Other remedies can be obtained only on a doctor's prescription or are usually prescribed by medical practitioners. In this case the decision is taken for the patient and he has little or no say in the matter. A medical practitioner is approached on a high level as a professional person and the supplier ensures that the doctor is aware of the availability and of a product in specific cases. In these cases personal visits are paid

ander nie-voorskrifmiddels word soms hoër of laer winsgrense verhaal. Dit is ook die geval by middels wat volgens die Medisynewet as ongelyste medisyne toegelaat is en gevolglik ook by ander winkels as apteke beskikbaar is. By supermarkte en afdelingswinkels word hierdie medisyne gewoonlik teen baie lae pryse verkoop. Spesiale pryse geld vir medisyne wat aan dokters en hospitale verkoop word.

(c) *Distribusiebeleid*

59. Die distribusiebeleid in die geval van gelyste medisyne is onderworpe aan die bepalings van die Medisynewet, wat bepaal dat gelyste medisyne slegs deur apteke en geneeshere verkoop mag word. Alle medisyne wat vir die kleinhandel bestem is, word normaalweg in groot hoeveelhede aan groothandelaars gelever, wat dit versprei in klein hoeveelhede soos deur apteke verlang. Medisyne word ook deur die vervaardigers direk aan geneeshere en hospitale gelever.

60. Sekere vervaardigers gebruik, afgesien van die groothandelaars, ook verspreiders, soms agente genoem wat hul produkte hanteer. Dit is ook die praktyk by sommige vervaardigers om hulle produkte slegs vir verkoop in apteke beskikbaar te stel alhoewel dit nie deur die lys ingevolge die Medisynewet ingeperk is nie.

61. Sekere medisyne het 'n beperkte lewensduur en word op 'n spesiale wyse gehanteer om dit spoedig by die punt van verbruik te kry. Dit is die beleid van die apteke wat in die stedelike gebiede geleë is om oor die algemeen klein voorrade aan te hou, aangesien daaglikse aflewings, en in sommige gevalle noodaflewings, spoedig by groothandelaars bekom kan word. Hierdie beleid begunstig die kleinhandelsapteker om twee redes. Eerstens verminder dit die gevaar van voorrade wat op sy rakte verouder en dan vernietig word. Tweedens stel dit hom in staat om sy inventaris asook sy bedryfskoste op 'n relatief lae peil te hou. Aan die ander kant moet die groothandelaar se koste deur die uitvoer van klein bestellings nadelig beïnvloed word.

(d) *Reklamebeleid*

62. Die doel van reklame met betrekking tot die bemarking van farmaseutiese produkte is hoofsaaklik daarop gerig om die persoon wat besluit of 'n bepaalde middel gebruik moet word of nie, te beïnvloed. Hierdie besluit word of deur die publiek of deur die geneesheer geneem. Sekere middels kan deur die publiek by apteke of ander winkels sonder 'n voorskrif van 'n geneesheer gekoop word. Sommige middels word inderdaad ook nooit deur geneeshere voorgeskryf nie, maar die verdienste van die produk word deur middel van reklame in die pers, oor die radio en plakkaat onder die algemene publiek se aandag gebring. In hierdie geval is die apteker vir die vervaardiger van die allergrootste belang omdat hy 'n belangrike rol speel deur die wyse van uitstalling en deur middel van advies aan sy klante. Om dié rede strewe verskaffers doelbewus daarna om die apteker gunstig teenoor sy produk te stem. Deur gebruik te maak van die sogenaamde bonusstelsel, waardeur 'n apteker tot 25 persent van die produkte gratis ontvang, word hy gunstig gestem.

63. Ander middels kan slegs op 'n voorskrif van 'n geneesheer verkry word of is middels wat gewoonlik deur 'n geneesheer voorgeskryf word. Hier word die besluit namens die pasiënte geneem en het hy geen of weinig invloed daarop. 'n Geneesheer word op 'n hoë vlak as professionele persoon genader en die verskaffer verseker dat hy bewus is van die beskikbaarheid en aanwendbaarheid van 'n produk in besondere gevalle.

to practitioners by medical representatives supported by publicity in the medical press and through the post, the supply of free samples and sales promotion through holding or sponsoring medical congresses or symposia. Of the publicity methods used personal visits by medical representatives are certainly the most important, since these involve a two-way communication where the representative ascertains the opinion of the medical practitioners and reports back. The Board was informed that representatives are trained intensively in a limited field so that they are able to hold discussions on specific products at the level of the practitioners. Familiarizing medical practitioner with products is not only done initially but is continued during the life of the products to ensure that their particular characteristics remain known to them. The representative tries also to convince the medical practitioner of his product's properties.

64. Sometimes a more subtle method of gaining recognition for products is used by, for example, the arranging of a function where matters of a highly academic nature may be studied. In this connection films are sometimes shown without the name of any specific medicament being mentioned. The name of the sponsor is, however, made known.

SPECIFIC TRADE PRACTICES

65. The Board then investigated the specific trade practices which could possibly lead to monopolistic conditions. The following specific trade practices are discussed in detail to determine whether one or more of them are responsible for a monopolistic condition in terms of the Act:

- (a) Proposed or recommended prices and the application thereof;
- (b) uniform tender prices;
- (c) the bonus system;
- (d) possession of financial interests in the retail market;
- (e) canalisation of pharmaceutical products;
- (f) restriction of entry;
- (g) remedial products franchise; and
- (h) conditions for membership and actions of PSSA Contracts (Pty) Ltd.

(a) Suggested or recommended prices and the application thereof

66. The Board's attention was drawn to the practice whereby resale prices of prescription medicines are recommended by the manufacturer at wholesale and retail level. The Price Controller's approval of proposed new prices is sought by the manufacturer or importer of new remedies, or in the case of an increase in the prices of existing remedies. This is done voluntarily because pharmaceutical products are not subject to official price control.

67. The proposed resale prices include a fixed gross profit margin of 17,5 per cent on the selling price for the wholesalers. In a few exceptional cases a margin of 15 per cent is applied. The Board has however been informed that, through the concerted action of the National Wholesale Drug Association, suppliers have already to a large extent been persuaded to allow a general profit margin of 17,5 per cent on all prescription remedies, so that other profit margins at present apply to certain non-prescription medicines

In hierdie gevalle word van persoonlike besoeke aan geneeshere deur mediese verteenwoordigers gebruik gemaak, gesteun deur reklame in die mediese pers en deur die pos, die verskaffing van gratis monsters sowel as verkoopbevordering deur middel van die hou of borg van mediese kongresse of simposia. Van die reklame-middele wat gebruik word, is die persoonlike besoeke van die mediese verteenwoordigers seker die belangrikste, want dit behels 'n tweerigting-kommunikasie waar die verteenwoordiger die mening van die geneesheer verneem en dit terugrapporteer. Die Raad is meegedeel dat verteenwoordigers op 'n beperkte terrein intensief opgelei word sodat hulle in staat is om op die vlak van die geneesheer oor die besondere produk besprekings te voer. Bekendstelling van produkte aan geneeshere word nie slegs aanvanklik gedoen nie, maar word volgehou gedurende die leeftyd van die produkte om te verseker dat die besondere eienskappe steeds aan hom bekend bly. Die verteenwoordiger probeer ook om die geneeshere van sy produk se kwaliteite te oortuig.

64. Soms word geprobeer om op 'n meer subtiële manier bekendheid vir produkte te verwerf deur byvoorbeeld die reëling van 'n geleentheid waar sake van hoogs akademiese aard bestudeer kan word. In hierdie verband word rolprente soms gebruik sonder dat die naam van enige bepaalde geneesmiddel ter sprake is. Die naam van die borg is egter bekend.

BEPAAALDE BEDRYFSPRAKTYKE

65. Vervolgens het die Raad ondersoek na die bepaalde bedryfspraktyke wat tot moontlike monopolistiese toestande aanleiding kan gee, ingestel. Die volgende bepaalde bedryfspraktyke word breedvoerig beskou ten einde te bepaal of een of meer daarvan vir 'n monopolistiese toestand ingevolge die Wet verantwoordelik is:

- (a) Voorgestelde of aanbevole pryse en die toepassing daarvan;
- (b) eenvormige tenderpryse;
- (c) die bonusstelsel;
- (d) besit van finansiële belange in die kleinhandel;
- (e) kanalisering van farmaseutiese produkte;
- (f) beperking op toetrede;
- (g) konsessiemiddels; en
- (h) voorwaardes vir lidmaatskap en optrede van PSSA Contracts (Pty) Ltd.

(a) Voorgestelde of aanbevole pryse en die toepassing daarvan

66. Die praktyk waarvolgens die herverkooppryse van voorskrifmiddels deur die vervaardiger op die groothandels- en kleinhandelsvlak aanbeveel word, het onder die Raad se aandag gekom. Die vervaardiger of invoerder van nuwe middels, of in die geval van die verhoging van pryse van bestaande middels, doen by die Pryscontroleur aansoek om goedkeuring van sy beoogde pryse. Dit geskied op 'n vrywillige basis aangesien farmaseutiese produkte nie aan amptelike prys-beheer onderhewig is nie.

67. Die voorgestelde herverkooppryse sluit 'n vaste bruto winsgrens van 17,5 persent op verkoopprijs vir die groothandelaar in. In enkele uitsonderlike gevalle word 'n marge van 15 persent toegepas. Die Raad is egter meegedeel dat, deur die gesamentlike optrede van die National Wholesale Drug Association, verskaffers in 'n groot mate reeds ooreed is om 'n algemene winsgrens van 17,5 persent op alle voorskrifmiddels toe te laat, sodat slegs vir sekere nie-voorskrifmedisyne 'n ander winsgrens tans geld. Hierdie vaste winsgrens is

only. This fixed profit margin is not based on economic considerations, since it is not determined according to the volume of sales, speed of turnover or other cost and trade considerations. The Board was advised that the profit margins developed historically and are generally accepted. It was also established that no party deviates from these margins. From the minutes of a meeting of the National Wholesale Drug Association's Executive Committee, held on 26 June 1975, the following is quoted: "In the meantime members should be reminded not to accept new products from Ethical Houses which did not allow a service fee of 17½ per cent, irrespective of cash discount." No proof was found that this profit margin was in any way being forced on wholesalers, but from answers received from wholesalers to questionnaires, it appeared that all maintained these margins. This practice points to collusion in maintaining a uniform profit margin at wholesale level. The argument that the Price Controller has approved the profit margin does not affect the position, since the approved profit margin is intended to be a maximum, and not a fixed, profit margin. The Board is of the opinion that the members of NWDA do not negotiate individually and separately with suppliers on prices, but follow a policy according to which uniform wholesale profit margins on pharmaceutical products are maintained by all.

68. The policy of fixed uniform profit margins is however not followed as regards non-prescription medicines and representatives of NWDA asserted that price differences occurred here when different quantities were purchased.

69. The system of recommended prices followed by suppliers of prescription medicines allows the retail pharmacist a profit margin of 50 per cent, calculated on cost price. On non-prescription medicines percentages of 50, 33½, 20, 25 and 10 are applied. The investigation revealed that prescription medicines constitute 32,7 per cent and non-prescription medicines 29,6 per cent, of the turnover of pharmacists and that the proposed or recommended prices and profit margins on prescription medicines are maintained. Professional dispensing fees are applied according to a scale compiled by PSSA, and the Board was informed that the fees were approved by the Price Controller. Representatives of PSSA and SARCDIA informed the Board that the proposed price of prescription medicines and the professional dispensing fees are maintained by retail pharmacists because it would be unprofessional if a pharmacist let it be known that he worked at lower prices and tariffs. SARCDIA stated that pharmacists would be reported to the Pharmacy Board and that this body would take action if a pharmacist sold at prices lower than the supplier's recommended prices. The Registrar of the Pharmacy Board confirmed that his Board would consider it unprofessional if retail pharmacists were to advertise that discount would be given on prescription medicines. This does not, however, prevent the pharmacy from deviating from the proposed prices, provided no attempt is made to attract customers by indicating, either through advertising, or orally, that discounts are granted on the suggested prices of prescription medicines. The Pharmacy Board does not consider this to be maintaining resale prices and therefore in conflict with the provisions of Government Notice R. 1038 of June 1969. The Pharmacy Board also denies that it enforces the

nie gebaseer op ekonomiese gronde nie, aangesien dit nie volgens omvang van verkope, omsetsnelheid of ander koste- en handelsoorwegings bepaal word nie. Dit is aan die Raad meegedeel dat die winsgrense histories ontwikkel het en algemeen aanvaar word. Daar is ook vasgestel dat geen party hiervan afwyk nie. Uit die notule van 'n vergadering van die National Wholesale Drug Association se Uitvoerende Komitee, gehou op 26 Junie 1975, word die volgende aangehaal: "In the meantime members should be reminded not to accept new products from Ethical Houses which did not allow a service fee of 17½ per cent, irrespective of cash discount." Geen bewys is gevind dat hierdie winsgrens op enige wyse op groothandelaars afgedwing word nie, maar uit die antwoorde op vrae wat van groothandelaars ontvang is, het dit geblyk dat almal dit handhaaf. Hierdie praktyk dui op samespanning om 'n eenvormige winsgrens op groothandelsvlak te handhaaf. Die argument dat die Pryscontroleur die winsgrens goedgekeur het, beïnvloed nie die posisie nie, aangesien die goedgekeurde winsgrens as 'n maksimum en nie as 'n vaste winsgrens nie, bedoel is. Die Raad is van mening dat die lede van die NWDA nie individueel en afsonderlik met verskaffers oor pryse onderhandel nie, maar 'n beleid volg waarvolgens eenvormige groothandelswinsgrense op farmaseutiese produkte op 'n gesamentlike grondslag gehandhaaf word.

68. Die beleid van vaste eenvormige winsgrense word egter nie ten opsigte van nie-voorskrifmedisyne gevolg nie en verteenwoordigers van die NWDA het beweer dat prysverskille hier bestaan wanneer verskillende hoeveelhede aangekoop word.

69. Die stelsel van aanbevole pryse wat deur die verskaffers van voorskrifmiddels gevolg word, laat die kleinhandelsapteek 'n winsgrens van 50 persent, bereken op kosprys, toe. Op nie-voorskrifmedisyne word persentasies van 50, 33½, 20, 25 en 10 toegepas. Uit die ondersoek het geblyk dat voorskrifmedisyne 32,7 persent en nie-voorskrifmedisyne 29,6 persent van die omset van apteke behels en dat die voorgestelde of aanbevole pryse en winsgrense op voorskrifmedisyne gehandhaaf word. Professionele voorbereidingsgelde word volgens 'n skaal deur AVSA opgestel, toegepas en die Raad is meegedeel dat die gelde deur die Pryscontroleur goedgekeur is. Verteenwoordigers van AVSA en van SAVKA het die Raad meegedeel dat die voorgestelde prys van voorskrifmedisyne en die professionele voorbereidingsgelde deur die kleinhandelsapteker gehandhaaf word omdat dit onprofessioneel sou wees as 'n apteker bekend maak dat hy teen laer pryse en tariewe werk. SAVKA beweer dat apteke by die Aptekersraad gerapporteer sal word en dat hierdie liggaam sal optree indien teen pryse laer as die verskaffer se aanbevole pryse verkoop word. Die Registrateur van die Aptekersraad het bevestig dat sy Raad dit as onprofessioneel beskou indien kleinhandelsapteke sou adverteer dat afslag op voorskrifmiddels gegee word. Dit belet egter geensins die apteek om van die voorgestelde pryse af te wyk nie, mits daar nie geprobeer word om klante te trek deur op enige wyse aan te dui, hetsy deur advertensie, hetsy deur mondelinge mededelings, dat diskonto's op die voorgestelde pryse van voorskrifmiddels verleen word nie. Die Aptekersraad beskou hierdie voorwaarde nie as 'n handhawing van herverkooppryse en daarom strydig met die bepalinge van Goewermentskennisgewing R. 1038 van Junie 1969 nie. Die Aptekersraad ontken ook dat die professionele voorbereidingsgelde deur hom afgedwing word.

professional dispensing fees. No cases of deviation from dispensing fees have been reported to the Pharmacy Board. The Board has already taken action against pharmacists who placed advertisements in the press or indicated on their premises that all medicines could be purchased from them at lower prices.

70. The position would seem to be that retail prices for prescription medicines were generally maintained and that members of SARCD and PSSA have been under the misapprehension that the sale of such remedies at prices lower than the recommended prices would be considered unprofessional conduct. Although strictly speaking, there is no actual enforcement of resale prices except that lower prices may not be publicised in terms of the Pharmacy Board's policy, such prices are maintained by the majority of pharmacists in practice.

71. As regards the wholesale sector, the Board is of the opinion that the suppliers of prescription medicines are forced by the behaviour of NWDA and/or its members, either individually or jointly, to allow wholesale distributors a uniform trade margin. In the opinion of the Board this practice is a monopolistic condition because it limits competition and has the effect, or is calculated to have the effect, of increasing or maintaining prices of medicines.

(b) Uniform tender prices

72. During the investigation the Board's attention was drawn to a special, confidential agreement entered into by certain manufacturers and a wholesaler or pharmaceutical products. The agreement was reputed to be between two South African manufacturers and one wholesaler for the purpose of dividing tenders for medicines of a relatively low price, but of a large quantity, amongst themselves. The aim was to utilise the production capacity of each to the optimum and to be able to compete with the stronger multinational undertakings. The Board ascertained that two attempts had been made in this connection. The first was abandoned in 1970 and the second in 1975. According to the parties to the agreement neither of these attempts could get under way. However, the Board found indisputable proof that in spite of the manufacturers' categorical denial some of them still conspire to tender for the supply of pharmaceutical products to the State on uniform conditions and at uniform prices. This practice in limiting competition tending to increase and maintain prices, is a monopolistic practice in terms of the Act.

(c) The bonus system

73. The practice whereby suppliers allow a bonus to retail pharmacies and medical practitioners when a specific product is purchased in order to encourage them to promote sales of this product was brought to the notice of the Board. Although this system could be an unsatisfactory trade practice, the Board cannot find it to be a monopolistic condition, in terms of the Act, because it does not limit competition. The attention of the Trade Practices Advisory Committee has already been drawn to this practice. The Board is also of the opinion that the Pharmacy Board ought to give attention to this practice to determine its effect on the professional image of pharmacists. The Board has gained the impression that the bonus system could influence the pharmacist to such an extent that a product is promoted on the grounds of the financial incentive involved in its sale, and not on the ground of its medicinal properties.

Geen gevalle is by die Aptekersraad gerapporteer ten opsigte van die afwyking van voorbereidingstariëwe nie. Die Raad het al opgetree teen aptekers wat advertensies in die pers geplaas het of op hulle persele aangedui het dat alle medisyne by hulle teen lae pryse gekoop kan word.

70. Die posisie blyk te wees dat kleinhandelspryse vir voorskryfmedisyne oor die algemeen wel gehandhaaf word en dat die indruk verkeerdlik onder die lede van SAVKA en AVSA geskep is dat die verkoop van sodanige middels teen laer as die aanbevole pryse as onprofessionele gedrag beskou word. Alhoewel daar streng gesproke geen werklike afdwinging van herverkooppryse bestaan nie behalwe dat laer pryse ingevolge die Aptekersraad se beleid nie bekendgemaak mag word nie, word sodanige pryse in die praktyk deur die meerderheid gehandhaaf.

71. Wat die groothandelsvlak betref, is die Raad van mening dat die verskaffers van voorskryfmedisyne deur die optrede van die NWDA en/of sy lede, hetsy individueel, hetsy gesamentlik, gedwing word om 'n eenvormige handelsmarge aan groothandeldistribueerders toe te staan. Hierdie praktyk is na die Raad se mening 'n monopolistiese toestand deurdat dit mededinging beperk en die uitwerking het of daarop bereken is om pryse van medisyne te verhoog of te handhaaf.

(b) Eenvormige tenderpryse

72. Tydens die ondersoek is die Raad se aandag op 'n spesiale en vertroulike ooreenkoms wat onder sekere vervaardigers en 'n groothandelaar van farmaseutiese produkte sou bestaan het, gevestig. Die ooreenkoms sou tussen twee Suid-Afrikaanse vervaardigers en een groothandelaar bestaan het met die doel om tenders vir middels met relatief lae pryse, maar van groot omvang, onder mekaar te verdeel. Die doel was om die produksiekapasiteit van elkeen optimaal te benut en om teen die sterker multinasionale ondernemings te kan meeding. Die Raad het vasgestel dat twee pogings in hierdie rigting aangewend is. Die een is in 1970 laat vaar en die ander gedurende 1975. Volgens die partye tot die ooreenkoms kon geeneen van die pogings ooit aan die gang kom nie. Die Raad het egter onomstootlike bewyse gevind dat ten spyte van die vervaardigers se kategoriese ontkenning, sommige steeds saamspan om op eenvormige voorwaardes en pryse vir die lewering van farmaseutiese produkte aan die staat te tender. Hierdie praktyk, deur dat dit mededinging beperk en die uitwerking het om pryse te verhoog en te handhaaf, is 'n monopolistiese praktyk ingevolge die Wet.

(c) Die bonusstelsel

73. Die praktyk waarvolgens verskaffers aan kleinhandelsapteke en geneeshere 'n bonus laat toekom wanneer 'n bepaalde produk gekoop word ten einde hulle aan te moedig om die verkope daarvan te bevorder, het onder die aandag van die Raad gekom. Hoewel hierdie stelsel 'n onbevredigende handelspraktyk kan wees, kan die Raad dit nie as 'n monopolistiese toestand ingevolge die Wet bevind nie omdat dit nie mededinging onderling beperk nie. Die aandag van die Handelspraktyke-advieskomitee is reeds op hierdie praktyk gevestig. Die Raad is ook die mening toegedaan dat die Aptekersraad aandag behoort te skenk aan die praktyk om vas te stel wat die invloed daarvan op die professionele beeld van die apteker is. Die Raad kry die indruk dat die bonusstelsel die apteker in so 'n mate kan beïnvloed dat 'n produk op grond van die geldelike aanspooring wat met die verkoop daarvan gepaard gaan, bevorder word en nie op grond van die geneeskundige kwaliteit daarvan nie.

(d) Financial aid to retail pharmacies

74. The Board's investigation brought to light that in 1975 five wholesalers granted loans to pharmacies or held preferential shares to the value of about R7 million in 274 pharmacies. According to information given to the Board 42 per cent of the total turnover of the relevant wholesalers is sold to pharmacies with which they have concluded a financial agreement. It was also established that these pharmacies were compelled to obtain 67 per cent on average of all their purchases from the relevant wholesalers. These enforced purchases result from a condition included in the loan agreement according to which the retail pharmacies undertake to buy a certain percentage of their goods from the wholesaler making the loan. Because the prices of prescription remedies charged by all wholesalers are the same, this limitation of a pharmacist's choice when purchasing could possibly be to his disadvantage only so far as his purchases of non-prescription remedies, toiletries and other goods are concerned. During the investigation the Board inspected a number of contracts and discovered, *inter alia* a provision which binds the pharmacist, who is negotiating a loan, to obtain 75 per cent of his purchases from the relative wholesaler, up to three years after the loan has been redeemed in full. The wholesaler concerned has undertaken to ensure that this provision is deleted from the contract.

75. The wholesalers maintain that there is a gap in the financing facilities available to pharmacists as a result of certain clauses in the Pharmacy Act (No. 53 of 1974), and the Health Laws Amendment Act (No. 36 of 1977), which prescribe who may own a pharmacy. In the latter Amendment Act subsection 22 (6) has been added to the existing Act and the first sentence of subsection 22 (6) (b) (i) reads: "Only natural persons who are pharmacists may hold the shares of such company or have any interest in such shares". Subsection (a) lays down that bodies corporate who owned pharmacies prior to the commencement of the Act may continue unchanged thereafter. The effect of the Act is that any interest obtained after the coming into force of the Act is restricted to loans and to non-voting preference shares.

76. The Board considered the restriction on the freedom of purchase of pharmacists receiving financial aid (loans and shareholding) from wholesalers and came to the conclusion that the practice was responsible for a monopolistic condition, in terms of the Act. Because it limits competition it has the effect of restricting, or is calculated to restrict, the entry of new distributors and so to curtail distribution facilities in respect of medicines.

(e) Canalisation of pharmaceutical products

77. Pharmaceutical products are differentiated from ordinary goods which may be freely possessed and purchased by any member of the public. The possession of medicines is controlled by the Medicines and Related Substances Control Act (No. 101 of 1965), as already discussed in paragraph 2 of this report. Scheduled medicines may only be sold by qualified pharmacists, while unscheduled medicines may also be sold by other dealers. In the discussion below attention is given only to the so-called unscheduled medicines, which include some non-prescription medicines.

(d) Finansieringshulp aan kleinhandelsapteke

74. Die Raad se ondersoek het aan die lig gebring dat vyf groothandelaars in 1975 lenings aan apteke verskaf het of voorkeuraandeel ter waarde van ongeveer R7 miljoen in 274 apteke besit het. Volgens inligting aan die Raad verstrekkend, word 42 persent van die totale omset van die betrokke groothandelaars aan apteke verkoop waarmee hulle 'n finansiële verbintenis het. Voorts is vasgestel dat die gemiddelde persentasie van hierdie apteke se aankope wat hulle verplig is om van die betrokke groothandelaars te doen, 67 is. Die verpligte aankoop spruit uit 'n voorwaarde wat in die leningsooreenkoms ingesluit is waarvolgens die kleinhandelsapteke onderneem om gereeld 'n sekere gedeelte van sy aankope by die groothandelaar wat die lening verskaf het, te doen. Aangesien die pryse van die voorskryfmiddels tussen groothandelaars dieselfde is, kan hierdie beperking van 'n apteker se keuse by inkoop moontlik slegs ten opsigte van sy aankope van nie-voorskryfmiddels, toiletware en ander goedere 'n nadeel inhou. Die Raad het tydens die ondersoek verskillende kontrakte ter insae gehad en onder meer op 'n bepaling afgekom wat die apteker wat die lening aangaan, bind om 75 persent van sy aankope by die betrokke groothandelaar te doen, tot selfs drie jaar nadat die volle bedrag van die lening gedelg is. Die betrokke groothandelaar het onderneem om toe te sien dat hierdie bepaling in die kontrak geskrap word.

75. Die groothandelaars beweer dat 'n gaping bestaan in die finansieringsfasiliteite ter beskikking van 'n apteker as gevolg van sekere bepalings in die Wet op Aptekers (No. 53 van 1974), en die Wysigingswet op Gesondheidswetgewing (No. 36 van 1977), waarvolgens bepaal word wie die eienaar van 'n apteek mag wees. Laasgenoemde Wysigingswet voeg subartikel 22 (6) tot die bestaande Wet toe en die eerste sin van subartikel 22 (6) (b) (i) lui: "Slegs natuurlike persone wat aptekers is, mag die aandele van so 'n maatskappy hou of 'n belang in sodanige aandele hê." In subartikel (a) word bepaal dat regspersone wat apteke vóór die inwerkingtreding van die Wet besit het onveranderd daarna mag voortgaan. Die uitwerking van die Wet is dat die belange wat ná die inwerkingtreding van die Wet verkry word, beperk is tot lenings en nie-stemgeregtigde voorkeuraandeel.

76. Die Raad het die beperking op die vryheid van inkoop van aptekers wat finansieringshulp (lenings en aandeelhouing) van groothandelaars ontvang, oorweeg en tot die gevolgtrekking gekom dat die praktyk vir 'n monopolistiese toestand ingevolge die Wet verantwoordelik is. Deurdat dit mededinging beperk, het dit die gevolg of is dit daarop bereken om die toetreding van nuwe distribueerders te beperk en die distribusiefasiliteite van medisyne in te kort.

(e) Kanalisering van farmaseutiese produkte

77. Farmaseutiese produkte word van gewone handelsware wat vrylik deur enige lid van die publiek besit en gekoop mag word, onderskei. Die besit van medisyne word deur die Wet op die Beheer van Medisyne en Verwante Stowwe (No. 101 van 1965), soos reeds bespreek in paragraaf 2 van hierdie verslag, gereël. Medisyne wat gelys is, mag slegs deur gekwalifiseerde aptekers verkoop word, terwyl ongelyste medisyne ook deur ander handelaars verkoop mag word. In die bespreking wat volg, word slegs gelet op die sogenaamde ongelyste medisyne, wat 'n gedeelte van nie-voorskryfmedisyne behels.

78. It is especially at retail level that continued efforts are made to have the trade in unscheduled medicines restricted to pharmacies. In this regard various circulars issued by the Pretoria Branch of SARCD and the President of the Association contain examples in which pharmacists are strongly advised not to deal in products which are also available to other retailers. In this regard the following appeared in a circular of the Pretoria Branch in January 1974: "Support only the manufacturers and distributing firms who have pharmacy's interests at heart and who have a true respect for our feelings. One or two firms openly derided Retail Pharmacy and they should be noted." The following is an extract from the speech by the President of SARCD at the general meeting held on 12 and 13 March 1973: "Last year's Resolution 11 called for a plan of action to force the authorities to recognise our claim for canalisation of medicine." He continued: "We have given ourselves three years to see if this has a chance to work. We must never fall into the trap of being coerced, or of being side-tracked from any basic principles:

- (1) Non-promoting the existing supermarket medicines.
- (2) Stop new supermarket medicines.
- (3) Active and positive promotion of professional medicines.
- (4) Continuous and vigorous propaganda."

79. The Board is of the opinion that these attempts by SARCD and/or its members to exert pressure on suppliers of certain pharmaceutical products, by means of joint action, to withhold supplies from retailers who are entitled to sell such goods, represents a monopolistic condition in that it directly or indirectly limits competition, has the effect of restricting the marketing of pharmaceutical products and of raising or maintaining their prices, or is calculated so to do.

(f) Restriction on entry to distribution

80. A wholesaler who entered the market for the distribution of pharmaceutical products in 1973 was initially not allowed to join NWDA. The reason cited by NWDA for this was his failure to meet the requirement of a minimum share capital of R100 000. However, the requirement that a member should have R100 000 in share capital was only agreed to at the annual meeting held on 28 October 1975. Prior to this date the requirement was R50 000. In addition, the Association made the requirement of a share capital of R100 000 applicable to new members only.

81. Initially 12 suppliers refused to sell pharmaceutical products manufactured or distributed by them to the relevant wholesaler, but when the Board's investigation began, the major suppliers began delivering to him. The reasons given by the manufacturers for the initial refusal were of a diverse nature and may be summarised as follows:

- (a) To supply to an additional wholesaler would only fragment their market and so increase their distribution costs;
- (b) there was already an established wholesaler in the area and if the business was to be divided it would not be economically justified;

78. Dit is veral op die kleinhandelsvlak waar voortdurende pogings aangewend word om die handel in ongelyste medisyne tot apteke beperk te kry. So is daar uit verskeie omsendbriewe wat deur die Pretoria-tak van SAVKA en die President van die Vereniging uitgereik is, voorbeelde gevind waar aptekers sterk aangeraai word om nie met produkte handel te dryf wat ook aan ander kleinhandelaars beskikbaar gestel is nie. In hierdie verband het die volgende in 'n omsendbrief van die Pretoria-tak van Januarie 1974 verskyn: "Support only the manufacturers and distributing firms who have pharmacy's interests at heart and who have a true respect for our feelings. One or two firms openly derided Retail Pharmacy and they should be noted." Die volgende is 'n uittreksel uit die toespraak van die President van SAVKA by die Algemene Vergadering op 12 en 13 Maart 1973: "Last year's Resolution 11 called for a plan of action to force the authorities to recognise our claim for canalisation of medicine." Hy gaan voort: "We have given ourselves three years to see if this has a chance to work. We must never fall into the trap of being coerced, or of being side-tracked from any basic principles:

- (1) Non-promoting the existing supermarket medicines.
- (2) Stop new supermarket medicines.
- (3) Active and positive promotion of professional medicines.
- (4) Continuous and vigorous propaganda."

79. Die Raad is van mening dat hierdie pogings deur SAVKA en/of sy lede om deur middel van gesamentlike optrede druk op die verskaffers van sekere farmaseutiese produkte uit te oefen om voorrade te weerhou van kleinhandelaars wat daarop geregtig is om ook sodanige handelsware te verkoop, op 'n monopolistiese toestand neerkom deurdat dit mededinging regstreeks of onregstreeks beperk, die uitwerking het of daarop bereken is om die afset van farmaseutiese produkte te beperk en die pryse daarvan te verhoog of te handhaaf.

(f) Beperking op toetreding tot distribusie

80. 'n Groothandelaar wat gedurende 1973 tot die distribusie van farmaseutiese produkte toegetree het, is aanvanklik nie toegelaat om by die NWDA aan te sluit nie. As gronde vir die weiering het NWDA aangedui dat nie aan die vereiste van 'n minimum-aandelekapitaal van R100 000 voldoen is nie. Die vereiste dat 'n lid R100 000 aan aandelekapitaal moet besit, is egter eers op die jaarvergadering wat op 28 Oktober 1975 gehou is, aanvaar. Vroeër was dit R50 000. Daarbenewens het die Vereniging die vereiste van 'n aandelekapitaal van R100 000 slegs op nuwe lede van toepassing gemaak.

81. Aanvanklik het 12 verskaffers geweier om farmaseutiese produkte, deur hulle vervaardig of versprei, aan die betrokke groothandelaar te verkoop. Nadat die ondersoek van die Raad begin het, het die belangrikste verskaffers egter aan die groothandelaar begin lewer. Die redes wat deur die vervaardigers vir die aanvanklike weiering aangegee is, is uiteenlopend en word as volg opgesom:

- (a) Om aan 'n addisionele groothandelaar te verskaf sal alleenlik hulle mark fragmenteer en aldus hul verspreidingskoste verhoog;
- (b) dat daar reeds 'n groothandelaar in die gebied gevestig was en indien die besigheid verdeel sou word, dit nie ekonomies geregverdig sou wees nie;

(c) "in the eyes of our company you (the wholesaler) do not appear to qualify as a wholesaler as defined by the Wholesale Drug Association of SA."; and

(d) the wholesaler had not yet been accepted as a member of NWDA.

82. The wholesaler in question was finally accepted as a member of the National Wholesale Drug Association in 1976. Since his acceptance the particular wholesaler has experienced no further problems in obtaining stocks from suppliers.

83. In the opinion of the Board the action of the relevant manufacturers in withholding supplies from new distributors until such time as they are accepted as members of the National Wholesale Drug Association constitutes a monopolistic condition which, by limiting competition, has the effect of preventing the distribution of pharmaceutical products in the most effective way and of restricting the entry of new distributors, or is calculated so to do.

(g) Remedial products franchise

84. The investigation by the Board brought to light that a manufacturer of patent medicines, most of which are unscheduled, follows a system whereby only certain pharmacies are supplied by him direct. The choice of such a "concession pharmacy" is based on the fact that it is able to serve a certain area. The consideration on which this practice is based is that such pharmacies are amply compensated and work at a larger profit margin than that which applies to other competitive products. Because the manufacturer in most cases delivers direct to the pharmacy, it is possible that he saves part of the normal wholesale profit margin. The manufacturer who follows this form of distribution maintains that it saves a great deal in publicity costs in that the pharmacies accepted as his distributors promote sales on the basis of the incentive they receive. Another pharmacy can obtain these specific remedies from the concession pharmacy if the demand therefore exists. The conditions on which the transaction takes place are arranged mutually and it is even possible for another pharmacy to keep a small supply in stock.

85. The Board is of the opinion that the action of the manufacturer in withholding stocks from certain pharmacies amounts to a monopolistic condition which, in that it restricts competition, has the effect of or is calculated to restrict the sale of pharmaceutical products.

(h) Conditions of membership and actions of PSSA Contracts (Pty) Ltd

86. The aims of PSSA Contracts (Pty) Ltd have already been mentioned, namely to negotiate with the various medical schemes with the object of giving pharmacist members the benefit of a central clearing organisation, and also to ensure that the so-called open-panel system is maintained. In order to give effect to this arrangement two contracts are entered into by the company, that is one with the pharmacist (called a subcontractor), and the other with the relative medical scheme.

87. In the contract with pharmacists the following appears in paragraph 4:

"That the subcontractor hereby agrees that he will not, for a period of twelve (12) months after termination of this contract, render services or supply goods to any Medical Scheme, Consumer Co-operative Group

(c) "in the eyes of our company you (die groothandelaar) do not appear to qualify as a wholesaler as defined by the Wholesale Drug Association of SA."; en

(d) die groothandelaar is nog nie aanvaar as lid van NWDA nie.

82. Die betrokke groothandelaar is uiteindelik gedurende 1976 as lid van die National Wholesale Drug Association aanvaar. Sedert sy aanvaarding het die betrokke groothandelaar geen verdere probleme met die verkryging van voorrade van die verskaffers ondervind nie.

83. Na die mening van die Raad is die optrede van die betrokke vervaardigers om voorrade van nuwe distribueerders te weerhou tot tyd en wyl hulle as lede van die National Wholesale Drug Association aanvaar is, 'n monopolistiese toestand wat, deurdat dit mededinging beperk, die uitwerking het of daarop bereken is om die distribusie van farmaseutiese produkte op die mees doeltreffende wyse te verhoed en die toetrede van nuwe distribueerders te beperk.

(g) Konsessiemiddels

84. Die ondersoek van die Raad het aan die lig gebring dat 'n vervaardiger van patentemedisyne waarvan die meeste ongelys is, 'n stelsel volg waarvolgens net sekere apteke regstreeks deur hom voorsien word. Die keuse van sulke "konsessie-apteke" berus daarop dat dit 'n sekere gebied kan bedien. Die oorweging waarop hierdie stelsel berus, is dat sulke apteke ruimskoots vergoed word en op 'n groter winsgrens werk, as die wat vir ander mededingende produkte geld. Omdat die vervaardiger in die meeste gevalle direk aan die apteek lewer, is dit moontlik dat hy 'n gedeelte van die normale groothandelswinsgrens bespaar. Die vervaardiger wat hierdie vorm van distribusie volg, beweer dat aansienlike reklamekoste bespaar word deurdat die apteke wat as sy distribueerders aanvaar word die verkope bevorder op grond van die aansporing wat hulle ontvang. 'n Ander apteek kan die besondere middels by die konsessie-apteek bekom indien die vraag daarvoor ontstaan. Die voorwaardes waarop die transaksie plaasvind, word onderling gereël en dit is selfs moontlik dat 'n ander apteek 'n klein voorraad daaryan kan aanhou.

85. Die Raad is van mening dat hierdie optrede van die vervaardiger waardeur voorrade van sekere apteke weerhou word op 'n monopolistiese toestand neerkom, wat, deurdat dit mededinging beperk, die uitwerking het of daarop bereken is om die afset van farmaseutiese produkte te beperk.

(h) Voorwaardes vir lidmaatskap, en optrede van PSSA Contracts (Pty) Ltd

86. Die oogmerke van PSSA Contracts (Pty) Ltd is reeds vermeld, naamlik om met die verskillende mediese skemas te onderhandel met die doel om aan aptekerslede die voordeel van 'n sentrale verrekenings-organisasie te gee en ook om te verseker dat die sogenaamde ope-paneelstelsel gehandhaaf word. Ten einde die reëling in werking te stel, word twee kontrakte deur die maatskappy aangegaan, naamlik een met die apteker ('n onderkontraktant genoem) en die ander met die betrokke mediese skema.

87. In die kontrak met apteke verskyn die volgende in paragraaf 4:

"Dat die onderkontraktant hiermee instem dat hy vir 'n tydperk van twaalf (12) maande na beëindiging van hierdie kontrak, geen dienste hoegenaamd aan enige Mediese Skema, Koöperatiewe Verbruikersgroepe en

and other similar organisation whatsoever or to any of their members, nor tender or make arrangement to do so, nor directly or indirectly and whether as principal, agent, director or shareholder nominee; or be financially interested in any retail pharmaceutical business rendering services or supplying goods to any Medical Scheme, Consumer Co-operative Group and other similar organisation or to any of their members in terms of the Contract between the Company and such contracting bodies; except that he shall be entitled to render services or supply goods to any member of any Medical Scheme, Consumer Co-operative Group or other similar organisation, whether recognised by the company or not, subject to the condition that the individual members of such Medical Scheme, Consumer Co-operative Group and other similar organisation shall personally pay at full prevailing rates and in the normal course of business for the service rendered or the goods supplies."

88. In the contract entered into with a medical scheme, the following appears in paragraph 2:

"Subject to the terms, conditions and exceptions herein set out, the Scheme agrees to acquire only from chemists and druggists nominated by the Company and the Company agrees on behalf of such chemists and druggists to supply to the Scheme medicines which are prescribed by medical practitioners and dentists for the medical or surgical treatment of its members or of their registered dependants."

89. A case was brought to the Board's attention in which a medical scheme in Pretoria, which had an agreement with a specific pharmacy, was approached in 1974 to enter into a contract with PSSA Contracts (Pty) Ltd. While negotiations were still under way, certain pharmacists in Pretoria who had a longstanding arrangement with the relative scheme to make up prescriptions for members and recover the costs of these from the scheme, decided to drop this arrangement to supply medicines to members for cash only. At the same time wholesalers in Pretoria decided to supply stocks to the pharmacist belonging to the scheme on a cash basis only, and eventually went so far as to withhold stocks from him altogether. This state of affairs lasted for only about three months, however, after which delivery to the pharmacy was resumed on normal conditions. A wholesaler who was on the executive council of the Pretoria Branch of the pharmaceutical society at the time of this occurrence explained this action as follows: "I believe the undertaking was at that time to make supplies from normal wholesale—we had to choose, are we going to support our X number of chemist customers who have supported us over all the years, or must we support one chemist shop who is deviating from the normal pattern." Their choice fell on the X number of pharmacies.

90. The conditions of the contract offered by PSSA Contracts (Pty) Ltd to the medical scheme were not acceptable to the scheme. Amongst others the scheme made the following demands:

(a) That all members of PSSA, if they should so choose, be allowed to become suppliers of services to members of the scheme;

(b) that the scheme be free to negotiate with a non-member of PSSA in regard to the supply of services to its members if there should be a demand for such services;

ander soortgelyke organisasies of enige van hulle lede sal lewer of goedere aan hulle sal verskaf nie of sal tender of reëlings sal tref om dit direk of indirek en as prinsipaal, agent, direkteur of genomineerde aandeelhouer te doen nie; of om geldelike belang by enige kleinhandelsapteeksaak te hê wat dienste verskaf of goedere lewer aan 'n Mediese Skema, Koöperatiewe Verbruikersgroep en ander soortgelyke organisasie of enige van hulle lede ingevolge die Kontrak tussen die Maatskappy en sodanige Kontrakterende liggame nie; met die voorbehoud dat hy daarop geregtig sal wees om goedere aan enige lid van enige Mediese Skema, Koöperatiewe Verbruikersgroep en ander soortgelyke organisasies te lewer, of dit ook al deur die Maatskappy erken word al dan nie, behoudens die voorwaarde dat die individuele lede van sodanige Mediese Skema, Koöperatiewe Verbruikersgroep en ander soortgelyke organisasie persoonlik vir die gelewerde dienste of verskafte goedere teen die volle heersende tariewe in die gewone loop van sake moet betaal."

88. In die kontrak wat met 'n mediese skema aangegaan word, verskyn die volgende in paragraaf 2:

"Die Skema gaan daarmee akkoord om, onderhewig aan die bepalings, voorwaardes en uitsonderings hierin vervat, slegs by aptekers wat deur die Maatskappy benoem word, medisyne aan te skaf wat deur geneeshere en tandartse vir die geneeskundige of chirurgiese behandeling van sy lede of hulle geregistreerde afhanklikes voorgeskryf word, en die Maatskappy gaan namens dié sulke aptekers akkoord om aan die Skema sodanige medisyne te verskaf."

89. 'n Geval het onder die Raad se aandag gekom waar 'n mediese skema in Pretoria, wat 'n verbintenis met 'n bepaalde apteek het, gedurende 1974 genader is om by PSSA Contracts (Pty) Ltd in te skakel. Terwyl die onderhandelinge nog aan die gang was, het sekere aptekers in Pretoria wat 'n ou reëling met die betrokke skema gehad het om vir lede voorskrifte uit te voer en die koste daarvan van die skema te verhaal, besluit om dit op te skort en medisyne slegs teen kontant aan lede te verskaf. Groothandelaars van Pretoria het gelyktydig besluit om die apteek wat aan die skema verbonde is slegs op 'n kontantbasis van voorrade te voorsien en het mettertyd sover gegaan om voorrade heeltemal van hom te weerhou. Laasgenoemde toedrag van sake het egter net vir ongeveer drie maande geduur, waarna lewering aan die apteek op normale voorwaardes hervat is. 'n Groothandelaar wat ten tye van die gebeurtenis op die uitvoerende bestuur van die Pretoria-tak van die Aptekersvereniging gedien het, het die optrede as volg verklaar: "I believe the undertaking was at that time to make supplies from normal wholesale—we had to choose, are we going to support our X number of chemist customers who have supported us over all the years, or must we support one chemist shop who is deviating from the normal pattern." Hulle keuse het op die X getal apteke geval.

90. Die voorwaardes van die kontrak wat PSSA Contracts (Pty) Ltd die mediese skema aangebied het, was nie vir die mediese skema aanvaarbaar nie. Die skema het onder meer die volgende eise gestel:

(a) Dat alle lede van AVSA, indien hulle so sou verkies, toegelaat word om leweransiers van dienste aan lede van die skema te word;

(b) dat dit die skema vrystaan om met 'n nie-lid van AVSA te onderhandel in verband met die lewering van dienste aan sy lede indien daar 'n vraag na sulke dienste ontstaan;

(c) that PSSA will not bind its members to any fixed prices of goods (excluding approved fees for professional services);

(d) that the scheme be free to erect clinics, as long as this is done on a limited scale, and that the scheme shall acquaint the Pharmaceutical Society beforehand, i.e. within a reasonable time of such erection, of the place where and the date on which such clinic is to be erected; and

(e) that the principle of a sliding scale of discounts based on volume of sales by a pharmacy to members of the scheme should be considered.

91. The demands made by the medical scheme under (a) and (b) resulted from the provision in the contract entered into by PSSA Contracts (Pty) Ltd with medical schemes (shown in paragraph 88) in terms of which the freedom of the scheme to enter into an agreement with any pharmacy is restricted. This is responsible for the practice referred to in paragraph 93 (b) below. The question of the fixing and maintaining of resale prices, as mentioned in (c) above, has also been discussed fully in paragraphs 66 to 71. As regards (d), it would seem that the pharmaceutical society's objection is aimed at the dispensing of medicines at such clinics. The possibility of incorporating a pharmacy in a clinic was ruled out on the introduction of the Health Laws Amendment Act, 1977 (No. 36 of 1977), section 9 (d) and (e), already discussed fully in paragraph 75. This Act prevents the voting shares of a pharmacy from being in the possession of any person other than a natural person registered as a pharmacist with the Pharmacy Board or the family of such person. It is therefore no longer necessary for the Board to express an opinion on this matter.

92. The Board then investigated the matter of discounts as mentioned in (e) offered by PSSA Contracts, above. From the answers to the Board's questionnaire sent to medical schemes it appeared that various discounts were granted, which fluctuated between 2,5 and 22,5 per cent. In addition, there was no logical connection between the size of the discounts and the number of members of each fund. In reply to an enquiry the Pharmaceutical Society indicated that the differences resulted from the time and manner in which each agreement had been entered into, i.e. they had developed historically. During the Board's previous investigation* the Pharmaceutical Society used a scale in accordance with which discount was granted. It would seem that this scale was not taken over when PSSA Contracts (Pty) Ltd was established on 12 February 1976. The following cases illustrate the absence of a fixed policy:

Scheme A with 13 411 members gets 5 per cent discount;

Scheme B with 17 500 members gets 15 per cent discount; and

Scheme C with 31 813 members gets 7 per cent discount.

From the above it appears that Scheme B receives three times as much discount as Scheme A, while its membership is only 30 per cent higher. Scheme C with 81,8 per cent more members than Scheme B receives less than half of B's discount.

* Report 985 (M) of 19 December 1962, paragraph 33.

(c) dat AVSA nie sy lede sal bind aan enige vasgestelde pryse van goedere nie (goedgekeurde fooie vir professionele dienste uitgesluit);

(d) dat dit die skema vrystaan om klinieke op te rig, mits dit op 'n beperkte skaal geskied en dat die skema 'n redelike tyd vooraf aan die Aptekersvereniging kennis gee van die plek waar, asook die datum waarop sodanige kliniek opgerig sal word; en

(e) dat die beginsel van 'n wisselskaal van diskonto's gebaseer op volume van verkope deur 'n apteek aan lede van die bystandsfonds oorweeg word.

91. Die eise wat die mediese skema onder (a) en (b) gestel het, spruit uit die bepaling in die kontrak wat PSSA Contracts (Pty) Ltd met mediese skemas aangaan (getoon in paragraaf 88) ingevolge waarvan die skema sy vryheid om met enige apteek 'n ooreenkoms aan te gaan, beperk word. Dit is verantwoordelik vir die praktyk waarna in paragraaf 93 (b) hieronder verwys word. Die kwessie van die vasstelling en handhawing van herverkooppryse (c) hierbo is ook volledig in paragrafe 66 tot 71 bespreek. Ten opsigte van (d) wil dit voorkom asof die Aptekersvereniging se beswaar gemik is teen die reseptering van medisyne wat by so 'n kliniek plaasvind. Die moontlikheid dat 'n apteek by 'n kliniek ingesakel mag word, het verdwyn met die Wysigingswet op Gesondheidswetgewing 1977 (No. 36 van 1977), artikel 9 (d) en (e), wat reeds volledig in paragraaf 75 bespreek is. Dit verhoed dat die stemgeregtigde aandeel van 'n apteek deur 'n persoon anders as 'n natuurlike persoon wat by die Aptekersraad as apteker geregistreer is of so 'n persoon se familie, besit mag word. Dit is derhalwe nie meer nodig vir die Raad om 'n mening oor hierdie aangeleentheid uit te spreek nie.

92. Die Raad het vervolgens die aangeleentheid van diskonto's, (e) hierbo, van PSSA Contracts ondersoek. Uit die antwoorde op die Raad se vraeys aan Mediese Skemas het dit geblyk dat 'n verskeidenheid kortings toegestaan word wat wissel tussen 2,5 en 22,5 persent; verder dat daar geen logiese verband bestaan tussen die omvang van die diskonto's en die aantal lede van elke fonds nie. Op 'n navraag het die Aptekersvereniging berig dat die verskille die gevolg is van die tyd en wyse waarop elke ooreenkoms aangegaan is, dit het met ander woorde histories ontwikkel. By die Raad se vorige ondersoek* het die Aptekersvereniging 'n skaal, waarvolgens korting toegelaat word, in werking gehad. Dit wil voorkom asof hierdie skaal nie met die stigting van PSSA Contracts (Pty) Ltd op 12 Februarie 1976 oorgeneem is nie. Die volgende gevalle illustreer die afwesigheid van 'n vaste beleid:

Skema A met 13 411 lede kry 5 persent diskonto;

Skema B met 17 500 lede kry 15 persent diskonto; en

Skema C met 31 813 lede kry 7 persent diskonto.

Dit blyk uit bostaande, dat Skema B drie maal soveel diskonto as Skema A ontvang, terwyl sy lede slegs 30 persent hoër is. Skema C ontvang met 81,8 persent meer lede as Skema B, minder as die helfte van B se diskonto.

* Verslag 985 (M) van 19 Desember 1962, paragraaf 33.

93. The Board is of the opinion that the differing courses of action adopted by PSSA Contracts (Pty) Ltd, as sketched in paragraphs 86 to 91, are responsible for the creation of monopolistic practices which, by limiting competition, tend to, or are calculated to—

(a) restrict the entry of pharmacists to the retail trade in pharmaceutical products;

(b) restrict the distribution of pharmaceutical products in the most efficient and most economical way; and

(c) increase or maintain prices.

94. As regards the scale of discounts to medical schemes, the Board finds no grounds for justification of the obvious anomalies. The practice is, however, not a monopolistic condition in terms of the Act, because it does not limit competition in the industry. The Board therefore considers this to be a matter which should receive the attention of the Trade Practices Advisory Committee.

CHAPTER IV

MONOPOLISTIC CONDITIONS IN THE SUPPLY AND DISTRIBUTION OF PHARMACEUTICAL PRODUCTS AND THE PUBLIC INTEREST

95. In the previous chapter the trade practices which led to the creation of monopolistic conditions were indicated. However, the parties concerned maintained that these conditions were in the public interest. Their arguments are reflected in this chapter. The Board will also analyse in the following paragraphs the arguments of the relevant parties in order to determine whether conditions exist which justify the monopolistic conditions in question, as being in the public interest.

(a) *Collective maintenance of uniform profit margins*

96. In the previous chapter the practice of suggested or recommended prices and their application were discussed and the conclusion was reached that the National Wholesale Drug Association (NWDA) and/or its members enforced uniform profit margins on a collective basis on the suppliers of prescription medicines. In justifying the profit margin of 17,5 per cent wholesalers claim that this has been approved by the Price Controller and must therefore be maintained.

97. In its written evidence to the Board NWDA tried to justify the wholesale profit margins on ethical medicines as follows: "... the suggesting of prices as being in the public interest both from an economic and health point of view since it ensures a viable and complete service from manufacturer right down to the consumer, throughout the country. From time immemorial all sections of the pharmaceutical distribution service have worked on standard accepted margins." A spokesman for NWDA stated that a wholesaler had to stock about 17 500 products to meet all the requirements of the retailer, including products of a low turnover rate. If the standard profit margin of 17,5 per cent should be deviated from, certain products would not be kept in stock. This assertion was made bearing in mind the fixing of the maximum profit margin by the Price Controller. This representative of NWDA went on to say

93. Die Raad is van mening dat die onderskeie optredes van PSSA Contracts (Pty) Ltd soos in paragrafe 86 tot 91 hierbo geskets verantwoordelik is vir die skepping van monopolistiese praktyke wat, deurdat dit mededinging beperk, die uitwerking het of daarop bereken is om—

(a) die toetrede van aptekers tot die kleinhandel in farmaseutiese produkte te beperk;

(b) die distribusie van farmaseutiese produkte op die doeltreffendste en mees ekonomiese wyse te beperk; en

(c) pryse te verhoog of te handhaaf.

94. Wat die skaal van diskonto's aan mediese skema betref vind die Raad geen gronde ter regverdiging van die ooglopende ongerymdhede nie. Die praktyk is egter nie 'n monopolistiese toestand ingevolge die Wet nie, omdat dit nie mededinging in die bedryfstak beperk nie. Die Raad beskou dit derhalwe as 'n aangeleentheid wat die aandag van die Handelspraktyke-advieskomitee behoort te geniet.

HOOFSTUK IV

MONOPOLISTIESE TOESTANDE BY DIE VERSKAFFING EN VERSPREIDING VAN FARMA-SEUTIESE PRODUKTE EN DIE OPENBARE BELANG

95. In die vorige hoofstuk is die bedryfspraktyke wat die skepping van monopolistiese toestande tot gevolg het, aangedui. Die betrokke partye het egter aangevoer dat sodanige toestande in die openbare belang is. In hierdie hoofstuk word die argumente wat hulle geopper het, weergegee. Die Raad sal ook in die volgende paragrafe die argumente van die betrokke partye ontleed ten einde te bepaal of omstandighede bestaan wat die betrokke monopolistiese toestande in die openbare belang regverdig.

(a) *Die gesamentlike handhawing van eenvormige winsgrense*

96. In die vorige hoofstuk is die praktyk van voorgestelde of aanbevole pryse en die toepassing daarvan bespreek en tot die gevolgtrekking gekom dat die National Wholesale Drug Association (NWDA) en/of sy lede eenvormige winsgrense op 'n kollektiewe basis op die verskaffers van voorskryfmedisyne afdwing. Ter regverdiging van die winsgrens van 17,5 persent beweer groothandelaars dat dit deur die Pryscontroleur goedgekeur is en gevolglik gehandhaaf moet word.

97. NWDA het in sy geskrewe getuienis aan die Raad die groothandelswinsgrense op etiese medisyne as volg probeer regverdig: "... the suggesting of prices as being in the public interest both from an economic and health point of view since it ensures a viable and complete service from manufacturer right down to the consumer, throughout the country. From time immemorial all sections of the pharmaceutical distribution service have worked on standard accepted margins." 'n Woordvoerder van die NWDA het beweer dat 'n groothandelaar ongeveer 17 500 produkte in voorraad hou om in al die behoeftes van die kleinhandelaar te voorsien wat onder meer ook produkte met 'n lae omsetsnelheid insluit. Indien van die standaard-winsgrens van 17,5 persent afgewyk sou word, sal sekere produkte nie aangehou word nie. Hierdie bewering is gemaak gedagtig aan die vasstelling van die maksimumwinsgrens deur die Pryscontroleur. Hierdie verteenwoordiger van die NWDA het verder opgemerk dat "... it is certainly in the national inte-

that "... it is certainly in the national interest for a person who is ill to be able to get the out-of-way product when he requires it, and I can assure you that none of the ethical houses will send one of a product for the treatment of a very ill patient at 17,5 per cent or at wholesale discounts to an individual pharmacist."

98. Another spokesman for NWDA stated that the legislation governing the control of drugs strongly influenced the cost structure of a wholesaler. He had the following to say on the matter: "You have heard how many thefts there have been recently of these dangerous drugs; only recently as a result of all these thefts, we try our best to control them under lock and key, which is very expensive to do. You have to have special people watching these things. I think just a couple of weeks ago these products have been taken off the market completely, so believe me that we work together in the spirit of—to benefit of the community as a whole, ...".

99. In addition to the above arguments, manufacturers who accept and apply the profit margin of the wholesalers reasoned that more or less the same prices would have prevailed even if they had not been suggested, since wholesale and retail profit margins were traditional and standard as far as the pharmaceutical industries were concerned. If this standard practice were deviated from prices in sparsely populated areas would be higher than those in densely populated areas. This is the result of the higher and more rapid turnover in densely populated areas, which gives a pharmacist a higher profit and allows him to enjoy a considerable advantage if he works on the same profit margin as a less favourably situated pharmacy. Transport costs would have played an important role, but at present these are recovered on the basis of average cost. The practice of suggested prices is considered to be in the public interest, because, if resale prices are recommended, the retail pharmacist need not calculate them himself. It was stated that the pharmacist's training thus far had not made provision for his mastering the principles of costing. To calculate the selling price of more than 1 500 articles at retail level would be very time consuming, and would mean that little time would be left to give attention to the professional aspects of a pharmacist's activities. The manufacture maintains that lowering prices will force certain pharmacies to close down because of keen competition and high cost structure, with the result that the support of these pharmacies would be lost to the manufacturer. It also enables medical schemes and health departments to control prices for remedies used by them or their members, and prevents exploitation by pharmacies who might charge excessive prices, where possible. The choice of certain remedies for the patient is made by the medical practitioner and it would be easy for a pharmacist to overcharge for the prescription without the patients being aware of this. Another argument is that the pharmacist can maintain a high ethical standard in his business if he is not concerned with the fixing of the profit margins in respect of his products.

100. As regards the public interest in so far as it concerns the health aspect, manufacturers reason that the present distribution by wholesalers and retail pharmacies ensures that medicines are available to the public at all times. By recovering a reasonable profit

rest for a person who is ill to be able to get the out-of-way product when he requires it, and I can assure you that none of the ethical houses will send one of a product for the treatment of a very ill patient at 17,5 per cent or at wholesale discounts to an individual pharmacist."

98. 'n Ander woordvoerder van die NWDA het die stelling gemaak dat die wetgewing op die beheer van verdowingsmiddels 'n sterk invloed op die kostestruktuur van 'n groothandelaar het. Hy het soos volg verklaar: "You have heard how many thefts there have been recently of these dangerous drugs, only recently as a result of all these thefts, we try our best to control them under lock and key, which is very expensive to do. You have to have special people watching these things. I think just a couple of weeks ago these products have been taken off the market completely, so believe me that we work together in the spirit of—to the benefit of the community as a whole, ...".

99. Aanvullend tot bogenoemde argumente het vervaardigers, wat die winsgrens van die groothandelaars aanvaar en toepas, geredeneer dat min of meer dieselfde pryse sou geheers het as dit nie voorgestel was nie, aangesien die groothandels- en kleinhandels-winsgrense tradisioneel en standaard in die farmaseutiese bedryf is. Indien van hierdie standaardpraktik afgewyk word, sou die pryse in dun bevolkte gebiede hoër gewees het as in dig bevolkte gebiede. Dit is die gevolg van die hoër en vinniger omset in dig bevolkte gebiede, wat aan 'n apteker 'n hoër wins besorg, terwyl, as hy op dieselfde winsgrens as 'n minder gunstig geleë apteek werk, hy 'n aansienlike voordeel geniet. Die vervoerkoste sou 'n belangrike rol gespeel het, maar tans word dit verhaal op die basis van 'n gemiddelde koste. Die praktyk van voorgestelde pryse word beskou as in die openbare belang te wees omdat dit die kleinhandelsapteek help as die herverkooppryse aanbeveel is, omdat hy dit andersins sou moes bereken het. Die bewering is gemaak dat die apteker se opleiding tot dusver nie daarvoor voorsiening gemaak het om die beginsels van kosteberekening onder die knie te kry nie. Om op die vlak van die kleinhandelsapteek die verkoopprijs van die meer as 1 500 artikels te bereken, sal baie tydrowend wees. Die gevolg hiervan sou wees dat weinig tyd oor sou wees om aandag aan die professionele aspek van die aktiwiteite in 'n apteek te skenk. Die vervaardiger beweer dat deur die verlaging van die pryse sekere apteke sal moet sluit weens die sterk kompetisie en hoë kostestruktuur, met die gevolg dat die steun van hierdie apteke vir 'n vervaardiger verlore sou raak. Dit stel ook mediese skemas en gesondheidsdepartemente in staat om die pryse, wat vir middels deur hulle of hulle lede gebruik, gevra word, te kontroleer. Voorts voorkom dit ook uitbuiting deur die vra van buitensporige pryse, deur apteke wat in so 'n posisie verkeer, waar dit moontlik is. Die keuse van sekere middels word deur die geneesheer vir die pasiënt gedoen en dit sou maklik vir 'n apteker wees om 'n té hoë prys te vra vir die voorskrif sonder dat die klant daarvan bewus is. Nog 'n argument is dat die apteker die etiese standaard in sy besigheid op 'n hoë vlak kan handhaaf as hy nie bemoei word met die vasstelling van winsgrense op sy produkte nie.

100. Wat betref die openbare belang in soverre dit die gesondheidsaspek raak, redeneer vervaardigers dat die huidige verspreiding deur groothandelaars en kleinhandelsapteke verseker dat medisyne te alle tye aan die publiek beskikbaar is. Deur die verhalings van 'n

wholesalers and retailers are enabled to keep sufficient supplies in stock to be able to offer a speedy service. If members of the public are accustomed to obtaining medicines at a fixed price at all pharmacies, they can confidently make their purchases at the pharmacy most convenient to them. It is also stated that it would be dangerous for wholesalers to promote the sale of medicines for monetary gain since the decision regarding their purchase should be based on medical grounds. A standard price will ensure continuity and reinvestment in quality, research and professional services, so that the latest medicines can be made available to the public.

101. The Board is of the opinion that wholesalers and manufacturers succeed only in justifying the principle of suggested or recommended prices. They are, however, unable to justify the maintenance of a uniform profit margin in respect of prescription medicines for wholesalers as being in the public interest. Through this practice commercial considerations such as rate of turnover, life-span of medicines, the nature and extent of a wholesaler's service, such as special storage of products, are not taken into account. The system of enforced uniform profit margins results in the subsidisation of the purchaser of relatively high-priced medicines by the purchaser of prescription medicines which are relatively low-priced. It is not so much a question of the size of the profit margin as the restriction placed on the freedom of the various parties to negotiate individually and independently, i.e. without outside pressure, with regard to prices and profit margins, and which could result in decreases in cost not being reflected in price decreases. The Board is therefore not convinced that conditions exist which justify the collective maintenance of uniform wholesale profit margins in the public interest.

(b) Collusion in respect of uniform tender prices and conditions

102. The Board can find no grounds for justifying this practice as being in the public interest. Indeed, the economic merits of a tender system lie in the fact that the lowest prices can thereby be obtained. Collusion, as determined by the Board, foils this underlying principle to the disadvantage of the tender buyer and, in cases where the State is the buyer, the taxpayer. The argument that prices are uniform because tenderers obtain the basic raw materials and/or remedies from the same suppliers at identical prices cannot be accepted because the operating costs of the various tenderers are not identical.

(c) Restrictions on retail pharmacies, in respect of the purchase of pharmaceutical products for resale, by wholesalers with financial interests in such retail pharmacies

103. In the previous chapter this matter was discussed, and the conclusion was reached that wholesalers who force retail pharmacies in which they have financial interests to purchase a large part of their requirements from them are engaging in monopolistic practices.

104. Spokesmen for NWDA deny that this practice is engaged in by them collectively. Each wholesaler practises it individually. The wholesalers argue that the

redelike wins word groot- en kleinhandelaars in staat gestel om voldoende voorraad aan te hou om 'n spoeddiens te kan lewer. As lede van die publiek gewoon is om medisyne teen 'n vaste prys by alle apteke te bekom, kan hulle met vertroue by die apteek wat die gerieflikste geleë is, hul aankope doen. Dit word ook verklaar dat dit gevaarlik sou wees as groothandelaars die verkope van medisyne vir die geldelike gewin daarvan sou bevorder terwyl die besluit tot die aankoop daarvan op mediese gronde berus. 'n Standaardprys sal kontinuïteit verseker en sorg vir herinvestering in kwaliteit, navorsing en professionele dienste, sodat die jongste moontlike medisyne aan die publiek beskikbaar gestel kan word.

101. Die Raad is van mening dat die groothandelaars en vervaardigers slegs daarin slaag om die beginsel van voorgestelde of aanbevole pryse te regverdig. Hulle bly egter in gebreke om die handhawing van 'n eenvormige winsgrens op voorskrifmedisyne vir groothandelaars in die openbare belang te regverdig. Met hierdie praktyk word kommersiële oorwegings soos omloopsnelheid, lewensduur van medisyne, die aard en omvang van 'n groothandelaar se diens, soos die spesiale opberging van produkte, buite rekening gelaat. Die stelsel van verpligte eenvormige winsgrense het die uitwerking dat die koper van voorskrifmedisyne met relatief lae koste die koper van medisyne met relatief hoë koste subsidieer. Dit gaan hier nie so seer om die hoogte van die winsgrens nie maar oor die beperking wat op die onderlinge partye se vryheid geplaas word om individueel en onafhanklik, dit wil sê, sonder dwang van buite, oor pryse en winsgrense te onderhandel en wat die gevolg kan hê dat kosteverlagings nie in prysverlagings weerspieël word nie. Die Raad is derhalwe nie oortuig dat daar omstandighede bestaan wat die gesamentlike handhawing van eenvormige groothandelswinsgrense in die openbare belang regverdig nie.

(b) Samespanning tot eenvormige tenderpryse en -voorwaardes

102. Die Raad kan geen grond, waarvolgens hierdie praktyk in die openbare belang geregverdig is, vind nie. Die ekonomiese verdienste van 'n tenderstelsel is juis dat die laagste pryse daardeur verkry kan word. Samespanning, soos deur die Raad vasgestel, veryd el hierdie onderliggende beginsel tot nadeel van die tenderkoper en, waar die staat die koper is, die belastingbetaler. Die argument dat pryse eenvormig is omdat tenderaars die basiese grondstowwe en/of middels van dieselfde leweransiers teen identiese pryse verkry, kan nie aanvaar word nie, omdat die bedryfskoste van die verskillende tenderaars nie identies is nie.

(c) Beperkings op kleinhandelsapteke met betrekking tot die aankoop van farmaseutiese produkte vir herverkoop, deur groothandelaars met finansiële belange in sodanige kleinhandelsapteke

103. In die vorige hoofstuk is hierdie praktyk bespreek en is tot die slotsom gekom dat die verpligting, wat die betrokke groothandelaars wat finansiële belange in hulle het, op kleinhandelsapteke plaas om hulle benodighede in groot mate by sodanige groothandelaars te koop, 'n monopolistiese praktyk is.

104. Woordvoerders van die NWDA ontken dat hierdie praktyk op enige wyse deur hulle gesamentlik beoefen word. Dit word deur elke groothandelaar op 'n individuele basis beoefen. Die groothandelaars argumenteer dat die praktyk in die openbare belang is,

practice is in the public interest, because pharmacists entering the industry are in this way enabled to start their own businesses, with the financial aid of a wholesaler. The wholesaler however provides the pharmacist with financial assistance on certain conditions, for example, that he is obliged to obtain a definite percentage of his purchases from the wholesaler concerned.

105. Another argument put forward is that the wholesaler provides the retail pharmacy with the necessary financial aid to enable him to compete under present conditions. In this regard special reference is made to the present high inflation rate and to the fact that the keeping of adequate stocks makes great demands on the financial resources of the retail pharmacists. The financial aid which wholesalers make available to retail pharmacies helps the latter to some extent to compete with the lower prices of supermarkets. The wholesalers consider themselves to be the bankers for retail pharmacies because, according to them, retail pharmacists cannot easily obtain loans from financial institutions, since the latter may not take possession of a pharmacy (the Pharmacy Act, No. 53 of 1974, as amended, makes it impossible for a corporate body or any other person who is not a qualified pharmacist to own a pharmacy). It is therefore very difficult for an institution outside the pharmaceutical industry to handle the financial interests of a pharmacy. The wholesalers affirm that because of their close contact with the pharmacist they are best able to judge his creditworthiness. According to information given to the Board the extent to which a commercial bank will assist a pharmacist with capital depends on the security, not including stocks, which the pharmacist can offer. In contrast, a pharmacist may be financed by a wholesaler for virtually his entire capital requirements. This financing involves considerable risks. It is therefore agreed that the wholesaler concerned shall have regular access to the pharmacist's books and pharmacy to ensure that the pharmacist is acting in a responsible manner. The transaction is a calculated risk for the wholesaler, which would not be the case as regards it a financial institution were involved.

106. Although the Board agrees that the financing of retail pharmacies by wholesalers meets an essential need as far as pharmacists are concerned, it is of the opinion that some conditions of such financing agreements are unnecessarily restrictive. So, for example, it feels that the percentage of compulsory purchases by pharmacists from wholesalers is sometimes too high. Moreover, the Board cannot understand how the agreement entered into by a specific wholesaler with pharmacists in terms of which a pharmacist is compelled to continue to buy 75 per cent of his purchases from that wholesaler for three years after the loan has been redeemed, can be justified in the public interest.

(d) Joint action to restrict the sale of pharmaceutical products to retail pharmacies

107. Joint action by the South African Retail Chemists and Druggist Association (SARCD) to restrict the sale of pharmaceutical products to retail pharmacies has been discussed in the previous chapter. The conclusion has been reached that joint action by retail pharmacies to exert pressure on suppliers of certain

omdat toetredende aptekers op hierdie wyse in staat gestel word om 'n eie besigheid met die finansiële hulp van 'n groothandelaar te begin. Die groothandelaar help egter die apteek op sekere voorwaardes, byvoorbeeld dat hy 'n verpligte persentasie van sy aankope doen by die groothandelaar wat die finansiële hulp aan hom verleen het.

105. Nog 'n argument wat geopper word, is dat die groothandelaar die kleinhandelsapteek van die nodige finansiële middele voorsien om onder die huidige omstandighede mee te ding. In hierdie verband word veral verwys na die huidige hoë inflasiekoers en dat die hou van voldoende handelsvoorrade 'n groot eis aan die finansieringsvermoë van die kleinhandelsapteker stel. Die finansieringshulp wat groothandelaars aan kleinhandelsapteke beskikbaar stel, help laasgenoemde om in 'n mate teen die laer pryse van supermarkte te kan meeding. Die groothandelaars beskou hulself as die bank van die kleinhandelsapteek aangesien, volgens hulle, 'n kleinhandelsapteker nie geredelik by 'n finansiële instelling lenings kan bekom nie, want hierdie instellings mag nie op 'n apteek beslag lê nie (die Wet op Aptekers, No. 53 van 1974, soos gewysig, maak dit onmoontlik vir 'n regspersoon of 'n ander persoon wat nie 'n gekwalifiseerde apteker is nie, om 'n apteek te besit). Dit is derhalwe baie moeilik vir 'n instansie buite die farmaseutiese bedryf om die belang van 'n apteek te hanteer. Die groothandelaars beweer dat hulle met hul noue kontak met die apteker ten beste in staat is om oor sy kredietwaardigheid te oordeel. Volgens inligting aan die Raad verskaf sal die mate waarin 'n handelsbank 'n apteker van kapitaal sal voorsien, afhang van die sekuriteit wat die apteker kan aanbied, wat nie voorraad insluit nie. Daarteenoor kan 'n apteker vir feitlik sy totale kapitaalbehoefte deur 'n groothandelaar gefinansier word. Hierdie finansiering gaan met aansienlike risiko gepaard. Die verstandhouding is dan dat die betrokke groothandelaar gereeld toegang tot die apteker se boekhouding en apteek het om te verseker dat die apteker verantwoordelik optree. Dit is derhalwe vir die groothandelaar 'n berekende risiko, wat nie die geval ten opsigte van finansiële instellings sal wees nie.

106. Hoewel die Raad saamstem dat die finansiering van kleinhandelsapteke deur groothandelaars in 'n noodsaaklike behoefte wat by aptekers bestaan, voorsien, is hy van mening dat sommige voorwaardes van sulke finansieringsooreenkomste onnodig beperkend is. So is die persentasie van die verpligte aankope deur aptekers van groothandelaars, na die Raad se mening soms te hoog. Die Raad kan ook nie insien hoedat die bepaling wat 'n bepaalde groothandelaar met aptekers aangaan, ingevolge waarvan 'n apteker verplig word om 75 persent van sy aankope vir drie jaar nadat die lening gedolg is nog steeds by hierdie groothandelaar te doen, in die openbare belang geregtig kan word nie.

(d) Gesamentlike optrede om die afset van farmaseutiese produkte tot kleinhandelsapteke te beperk

107. Die gesamentlike optrede van die Suid-Afrikaanse Vereniging van Kleinhandelsaptekers (SAVKA) om die afset van farmaseutiese produkte tot die kleinhandelsapteke te beperk, is in die vorige hoofstuk bespreek. Daar is tot die gevolgtrekking gekom dat die gesamentlike optrede van kleinhandelsapteke om druk op verskaffers van sekere farmaseutiese produkte uit te oefen om voorrade van kleinhandelaars wat

pharmaceutical products to withhold supplies from retailers who are entitled to sell such goods amounts to a monopolistic condition.

108. In justification of its attitude SARCD A asserts that a remedy may be sold by pharmacies at a certain price, and subsequently it is found that the same remedy is being not sold for 10 to 15 per cent less in supermarkets. In some cases supermarkets sell remedies at 50 per cent less than the price charged by a pharmacy. This is ascribed to the fact that the initial cost of the remedies concerned is recovered through the sales by the pharmacies. Alternatively, according to SARCD A, it may be reasoned that pharmacies pay an excessive price while supermarkets pay the correct price. The result is that the higher-priced article on the shelves of the pharmacy remains unsold, and this leads to a financial loss.

109. In evidence to the Board a spokesman for SARCD A stated that pharmacies are traditionally entitled to sell medicines. According to him, a pharmacist is able to draw the purchaser's attention to the adverse effects of medicines. He goes on to say: "These things are manufactured by pharmacists, under the control of pharmacists and I think it is essential that the chain of control be carried on. I mean you talk about . . . , or an anti-acid product. I still say that there is a degree of professional knowledge to sell that product correctly . . . I will take this argument a little bit further, and that is in so far as the selling of medicine by self-service goes. There is a big move afoot in pharmacy at the moment to curtail this, because we want to have better control over the sale of even simple medicines. I am not altogether in favour of this, because I still maintain that in pharmacy we have very very good control even on the sale of simple medicines, provided it appears in the right place in the pharmacy. And I think that retail pharmacy has a very very just case for the—if you want to call it monopolistic—for the restricted practice of selling medicines."

110. The Board considered these arguments and came to the conclusion that certain counter arguments were not entirely refuted. Advice on the effect of remedies is not regularly given to customers in a pharmacy, especially in urban areas where there is seldom a personal relationship between the customer and the pharmacist. Misuse of remedies purchased from a pharmacy is therefore also possible. The Board is of the opinion that a pharmacy offering a variety of remedies not available at other retail sales points will still attract clients. As shown in Table 4, non-prescription medicines represent less than 19 per cent of pharmacy's average turnover, and only some of these are sold by other stores. The share in the market in which pharmacies have to compete with other retailers is therefore small. Consequently a pharmacist need not fear that he will lose his customers if certain remedies are sold elsewhere also. The public interest is best served by using economically founded prices. The Board could find no justification for restricting the sale of unscheduled non-prescription medicines to pharmacies.

111. The Board also received sufficient evidence indicating that a manufacturer's products were boycotted if he supplied other retail sales points as well. It is true that no action is taken against "offenders",

daarop geregtig is om sodanige handelsware te verkoop, te weerhou, op 'n monopolistiese toestand neerkom.

108. Ter regverdiging van sy optrede voer SAVKA aan dat 'n middel byvoorbeeld deur die apteke teen 'n sekere prys verkoop word en later word bevind dat sodanige middel teen 10 tot 15 persent laer by supermarkte te koop is. Gevalle kom ook voor waar 'n supermark middels teen 50 persent laer as die prys by 'n apteek verkoop. Dit word daaraan toegeskryf dat die aanvangskoste van die betrokke middels deur die verkope van die apteke verhaal word. Alternatiewelik, beweer SAVKA, kan geredeneer word dat apteke 'n buitensporige prys betaal terwyl supermarkte die korrekte prys betaal. Die gevolg is dat die hoër geprysde artikel op die rakke van die apteek bly staan en 'n gevolglike verlies beteken.

109. 'n Woordvoerder van SAVKA het in getuienis aan die Raad beweer dat dit die tradisionele reg van apteke is om medisyne te verkoop. Volgens hom is 'n apteker in staat om die koper se aandag op die nadelige gevolge van medisyne te vestig en hy verklaar: "These things are manufactured by pharmacists, under the control of pharmacists and I think it is essential that the chain of control be carried on. I mean you talk about . . . , or an anti-acid product, I still say that there is a degree of professional knowledge to sell that product correctly . . . I will take this argument a little bit further, and that is in so far as the selling of medicine by self-service goes. There is a big move afoot in pharmacy at the moment to curtail this, because we want to have better control over the sale of even simple medicines. I am not altogether in favour of this, because I still maintain that in pharmacy we have very very good control even on the sale of simple medicines, provided it appears in the right place in the pharmacy. And I think that retail pharmacy has a very very just case for the—if you want to call it monopolistic—for the restricted practise of selling medicines."

110. Die Raad het die argumente oorweeg en tot die slotsom gekom dat sekere teenargumente nie volledig weerlê word nie. Advies oor die uitwerking van middels word nie gereeld aan klante in 'n apteek gegee nie, veral nie in stedelike sentra waar daar selde 'n persoonlike verhouding tussen klant en apteker bestaan. Dit is derhalwe moontlik om middels te misbruik al is dit in 'n apteek gekoop. Die Raad is van mening dat 'n apteek deur die aanbod van 'n verskeidenheid van middels, wat nie in ander kleinhandelsafsetpunte beskikbaar is nie, steeds klante sal trek. Soos in Tabel 4 aangetoon, verteenwoordig nie-voorskrifmedisyne minder as 19 persent van apteke se gemiddelde omset, waarvan ook net sommige deur nie-apteke verkoop word. Die deel van die mark waarin apteke met ander kleinhandelaars moet meeding, is derhalwe gering. Dit is dus nie vir 'n apteker nodig om te vrees dat hy sy klante sal verloor as sekere middels ook elders verkoop word nie. Deur die gebruik van ekonomies gefundeerde pryse sal die openbare belang die beste gedien word. Die Raad kon geen regverdiging daarvoor vind dat die verkoop van ongelyste nie-voorskrifmiddels slegs tot apteke beperk word nie.

111. Die Raad het ook voldoende getuienis ontvang wat aandui dat 'n vervaardiger se produkte geboikot word indien hy ook aan ander kleinhandelsafsetpunte sou lewer. Dit is waar dat nie teen "oortreders" opgetree word nie, maar deur die gebruik van onder meer

but through the use of, *inter alia*, circulars sent out by SARCD, pharmacies are influenced to adopt certain trade procedures aimed at collectively boycotting suppliers who do not sell to pharmacies only. The Board can find nothing to justify this practice in the public interest.

(e) *Restriction of wholesale facilities to members of the Pharmaceutical Wholesale Association*

112. In the previous chapter the case of a wholesaler who was initially refused membership of NWDA and from whom suppliers were withheld by 12 manufacturers is dealt with. The Board feels that the stipulation that a wholesaler should have R100 000 in share capital, which came into force on 28 October 1975, as against the amount of R50 000, which applied previously, is discriminatory because it was not made applicable to existing members as well. No evidence was given that manufacturers insist on this increased share capital. It therefore appears to the Board that, by this action, the Wholesale Association wishes to restrict entry to its ranks. The Board is also of the opinion that the requirement of a share capital of a certain amount is not the only requirement for the creditworthiness of an undertaking nor is it in any way guarantee of such creditworthiness. In the Board's opinion there are better ways of achieving this objective. The time at which this requirement was introduced and the way in which the Association postponed giving attention to the applicant's representation, creates the impression that the Association was not in favour of the relative wholesaler's intended entry.

113. The refusal of the 12 manufacturers to deliver supplies to the wholesaler for the reasons already indicated is discussed below. The argument that the entry of an additional wholesaler would reduce the volume of their business was used only by one manufacturer out of a total of 65 suppliers (as set out in paragraph 21). In the opinion of the Board this is not necessarily true, because the admission of another wholesaler may also mean that the turnover of a supplier can be increased. According to evidence submitted to the Board the admission of new wholesalers in other areas in competition with existing firms was such that an existing firm had to close its branch in the area concerned. The Board is not convinced that an exception was justified in the above case. The requirement that a wholesaler must be a member of NWDA or must meet the requirements laid down by this Association is not a valid argument. The Association is a voluntary organisation and insists that it does not force any supplier to meet certain requirements. If suppliers are under this impression and have demanded compliance with this requirement, they have acted in a discriminatory manner and have restricted the sale of goods. An action of this nature can, in the opinion of the Board, not be justified in the public interest.

(f) *Restriction of pharmaceutical products to concessionary pharmacies*

114. The circumstances under which certain pharmacies are made sole distributors by a manufacturer have been discussed in the previous chapter. The conclusion has been reached that this action is responsible for the creation of a monopolistic condition. The manufacturer claims that this is a rational marketing method and that it saves costs. Every member of the

omsendbriewe deur SAVKA word aptekers beïnvloed om sekere handelswyses te aanvaar wat daarop gemik is om verskaffers wat produkte nie net aan apteke verkoop nie, op 'n kollektiewe wyse te boikot. Die Raad kan geen omstandighede vind wat hierdie praktyk in die openbare belang regverdig nie.

(e) *Beperking van groothandelsfasiliteite tot lede van die farmaseutiese groothandelsvereniging*

112. In die vorige hoofstuk is die omstandighede van 'n groothandelaar wat aanvanklik lidmaatskap van die NWDA geweier is en deur 12 vervaardigers van voorrade weerhou is, behandel. Die Raad meen dat die vereiste dat 'n groothandelaar sedert 28 Oktober 1975, R100 000 aandeelkapitaal moet besit, teenoor R50 000 voorheen, diskriminerend is aangesien dit nie op bestaande lede ook van toepassing gemaak is nie. Geen getuienis is gelewer dat vervaardigers op hierdie verhoogde aandeelkapitaal aandring nie. Dit wil dus vir die Raad voorkom asof die groothandelaarsvereniging deur hierdie optrede toetredende tot sy geledere wil beperk. Voorts is die Raad van mening dat die vereiste van 'n aandeelkapitaal van 'n sekere omvang nie die enigste vereiste van die kredietwaardigheid van 'n onderneming of hoegenaamd 'n waarborg daarvan is nie. Na die Raad se mening is daar beter metodes om hierdie doel te bereik. Die tydstip waarop hierdie vereiste ingestel is en die wyse waarop gesloer is om aan die aansoeker se versoë aandag te gee, skep die indruk dat die Vereniging nie genoeg met die betrokke groothandelaar se beoogde toetredende geneem het nie.

113. Die weiering van die 12 vervaardigers om aan die groothandelaar voorraad te lewer op grond van die redes reeds aangedui, word vervolgens bespreek. Die argument dat die toelating van 'n addisionele groothandelaar hulle besigheid sou verdun, word deur slegs een vervaardiger uit 'n totaal van 65 verskaffers geopper (soos onderskei in paragraaf 21). Dit is na die mening van die Raad nie noodwendig waar nie, want die toelating van nog 'n groothandelaar kan ook beteken dat die omset van 'n verskaffer uitgebrei kan word. Volgens getuienis aan die Raad voorgelê is nuwe groothandelaars in ander gebiede toegelaat in mededinging met bestaande ondernemings en wel in so 'n mate dat 'n bestaande onderneming sy tak in die betrokke gebied moes sluit. Die Raad is nie oortuig dat 'n uitsondering in bogenoemde geval geregverdig was nie. Die vereiste dat 'n groothandelaar lid van die NWDA moet wees of moet voldoen aan die vereistes wat deur dié vereniging gestel word, is geen geldige argument nie. Die Vereniging is 'n vrywillige organisasie en maak daarop aanspraak dat hy geen verskaffer verplig om aan sekere vereistes te voldoen nie. Indien verskaffers onder sodanige indruk verkeer, en dit toepas, het hulle dus diskriminerend opgetree en die afset van handelsware beperk. 'n Optrede van hierdie aard kan na die mening van die Raad nie in die openbare belang geregverdig word nie.

(f) *Beperking van farmaseutiese produkte tot konsessie-apteke*

114. Die omstandighede waar sekere apteke deur 'n vervaardiger as alleendistribueerders aangestel word, is in die vorige hoofstuk bespreek. Daar is tot die gevolgtrekking gekom dat die optrede verantwoordelik is vir die skepping van 'n monopolistiese toestand. Die vervaardiger beweer dat dit 'n rasionele bemarkingsmetode is en kostebesparend is. Elke lid van die publiek is in

public is able to obtain the remedies and non-concessionary pharmacies can also purchase these and even keep small supplies in stock. According to estimates by the manufacturer his products constitute only 3 per cent of the total turnover in respect of pharmaceutical products, and a number of substitutes are also available. The Board received no complaints about the actions of the relative manufacturer from any pharmacy or member of the public. The Board therefore does not consider this practice to be against the public interest.

(g) Conditions resulting from the policy of PSSA Contracts (Pty) Ltd

115. The actions of PSSA Contracts (Pty) Ltd were discussed in the previous chapter and the conclusion was reached that the company was responsible for the creation of monopolistic practices. These practices are discussed below.

(i) Restriction on the contractual freedom of former subcontractors (pharmacists) of PSSA Contracts (Pty) Ltd

116. The policy of PSSA Contracts (Pty) Ltd in accordance with which the freedom of a subcontractor (pharmacist) to enter into further contracts with medical schemes for 12 months after the cancellation of such contract with PSSA Contracts (Pty) Ltd is restricted, was discussed in the previous chapter. This is aimed at making it impossible for a pharmacist to terminate his agreement with PSSA Contracts (Pty) Ltd and to compete with his fellow pharmacists on an equal footing. The Pharmaceutical Society of South Africa (PSSA), which acts on behalf of PSSA Contracts (Pty) Ltd, put forward no argument to the Board to justify this action in the public interest.

(ii) Restriction of the sale of pharmaceutical products to members of medical schemes to suppliers/contractors of PSSA Contracts (Pty) Ltd

117. The provision in the contract with medical schemes that members of such schemes may purchase medicines on prescription only from pharmacists nominated by PSSA Contracts (Pty) Ltd was discussed in the previous chapter.

118. The Pharmaceutical Society of South Africa reasons that this practice is in the public interest, because dispensing is done on a collective basis on behalf of members of medical schemes and such service is guaranteed, no matter where the member may be. Members of medical schemes know that they can obtain medicines without having to pay for them themselves and that the costs will be recovered from the medical scheme. In this way they are assured that the medicines will be supplied at standard prices and that they will not have to pay too much for them. The practice ensures that the so-called open-panel system is maintained and that all pharmacies who are members of PSSA Contract (Pty) Ltd participate, and that a member of the medical scheme concerned has the right to support the pharmacy of his choice.

119. However, the Board rejects the arguments set out above, since the practice interferes with the competitive freedom of pharmacists who choose not to remain members of PSSA Contracts (Pty) Ltd, and also prevent members of the public, who are not members of the schemes concerned, from having dispensing done for them at pharmacies, which are members of PSSA

staat om die middels te bekom en nie-konsessie-apteke is ook in staat om dit te koop en selfs 'n klein voorraad daarvan aan te hou. Volgens skatting van die vervaardiger vorm sy produkte slegs 3 persent van die totale omset in farmaseutiese produkte, en is heelwat substitute ook beskikbaar. Die Raad het geen klage oor die optrede van die betrokke vervaardiger van enige apteker of lid van die publiek ontvang nie. Die Raad beskou derhalwe hierdie praktyk nie as teen die openbare belang nie.

(g) Toestande wat voortspruit uit die beleid van PSSA Contracts (Pty) Ltd

115. Die optrede van PSSA Contracts (Pty) Ltd word bespreek in die vorige hoofstuk en daar word tot die gevolgtrekking geraak dat die maa skappy verantwoordelik is vir die totstandkoming van monopolistiese praktyke. Die praktyke word vervolgens beskou.

(i) Beperking op gewese onderkontraktante (aptekers) van PSSA Contracts (Pty) Ltd se kontraktuele vryheid

116. Die optrede van PSSA Contracts (Pty) Ltd waarvolgens 'n onderkontraktant (apteker) se vryheid, om verder kontrakte met mediese skemas te sluit, vir 12 maande ná opsegging van sodanige kontrak met PSSA Contracts (Pty) Ltd, beperk word, word in die vorige hoofstuk beskryf. Dit is daarop gemik om dit vir 'n apteker onmoontlik te maak om sy verbintenis met PSSA Contracts (Pty) Ltd te beëindig en om op gelyke voet met sy mede-aptekers mee te ding. Die Aptekersvereniging van Suid-Afrika (AVSA) wat namens PSSA Contracts (Pty) Ltd optree, het geen argument om hierdie optrede in die openbare belang te regverdig voor die Raad gelê nie.

(ii) Beperking van die verkoop van farmaseutiese produkte aan lede van mediese skemas tot leweransiers/kontraktante van PSSA Contracts (Pty) Ltd

117. Die bepaling in die kontrak met mediese skemas dat lede van sulke skemas slegs by aptekers wat deur PSSA Contracts (Pty) Ltd benoem is medisyne op voorskrif mag aankoop is in die vorige hoofstuk beskryf.

118. Die Aptekersvereniging van Suid-Afrika redeneer dat hierdie praktyk in die openbare belang is, aangesien reseptering namens lede van mediese skemas op 'n kollektiewe basis gedoen word en so 'n diens aan 'n persoon gewaarborg word, ongeag van waar in die land by hom bevind. Lede van mediese skemas weet dat hulle medisyne kan bekom sonder dat hulle self daarvoor hoef te betaal en dat die koste van die mediese skema verhaal sal word. Sodoende is hulle verseker dat die medisyne teen standaardpryse verskaf sal word en dat hulle nie te veel daarvoor sal betaal nie. Die praktyk verseker dat die sogenaamde open-paneel-stelsel bewaar word en dat alle apteke wat lede van PSSA Contracts (Pty) Ltd is deelneem en dat aan 'n lid van die betrokke mediese skemas die reg verleen word om die apteek van sy keuse te ondersteun.

119. Die Raad verwerp egter die argumente hierbo geopper, aangesien dit inbreuk maak op die mededingingsvryheid van aptekers wat verkies om nie lede van PSSA Contracts (Pty) Ltd te bly nie asook die weerhouding van die publiek wat nie lede van die betrokke skemas is nie om by apteke wat lede van PSSA Contracts (Pty) Ltd is op dieselfde gunstige voorwaardes

Contracts (Pty) Ltd, on such favourable conditions as apply in the case of members. The Board has therefore come to the conclusion that the action of PSSA Contracts (Pty) Ltd is not in the public interest.

CHAPTER V

CONCLUSIONS AND RECOMMENDATION CONCLUSIONS

120. In accordance with the Minister's directive in terms of section 3 (1) (a) of the Regulation of Monopolistic Conditions Act (No. 24 of 1955), the Board finds that some practices in the supply and distribution of pharmaceutical products in the Republic of South Africa constitute monopolistic conditions, as defined in section 2 of the said Act. These conditions are described in Chapter III. In the opinion of the Board certain of these monopolistic conditions cannot be justified in the public interests. These conditions are identified in Chapter IV and mentioned again below.

(a) *Collective maintenance of uniform profit margins*

121. The Board can find no justification for the system whereby wholesalers maintain uniform wholesale profit margins in the distribution of certain pharmaceutical products, either through the National Wholesale Drug Association or through the joint action of its members. As has already been pointed out, such uniform profit margins do not make allowance for economic principles such as rate of turnover, life-span of products, cost of special handling or differences in the nature and quality of the services supplied by various wholesalers. The evidence of the Association and/or its members also did not convince the Board that there are circumstances which justify this monopolistic practice in the public interest (paragraphs 97 to 101).

(b) *Collusion in respect of uniform tender prices and conditions*

122. The Board could find nothing to justify the co-operation of manufacturers in bringing about uniform tender prices and conditions in the public interest (see paragraph 102).

(c) *Restrictions on retail pharmacies, in respect of the purchase of pharmaceutical products for resale, by wholesalers with financial interests in such retail pharmacies*

123. Although the Board is of the opinion that the granting of financial aid by wholesalers to retail pharmacies can be justified in the public interest, it feels that compulsory purchases exceeding 50 per cent are unreasonably high. The Board could also not justify the provision that a pharmacy was still compelled to make a certain percentage of its purchases from the relative wholesaler for a period after the loan had been redeemed in full, as being in the public interest (paragraphs 103 to 106).

(d) *Joint action to restrict the sale of pharmaceutical products to retail pharmacies*

124. The Board could find nothing to justify in the public interest the action of the South African Retail Chemists and Druggists Association in encouraging its members to boycott suppliers who fail to restrict the sale of certain pharmaceutical products to retail pharmacies only. The Board considers these attempts by a

reseptering te laat doen as in die geval van lede. Die Raad kom derhalwe tot die gevolgtrekking dat die optrede van PSSA Contracts (Pty) Ltd teen die openbare belang is.

HOOFSTUK V

GEVOLGTREKKINGS EN AANBEVELING

GEVOLGTREKKINGS

120. Ooreenkomstig die Minister se opdrag ingevolge artikel 3 (1) (a) van die Wet op Reëling van Monopolistiese Toestande (No. 24 van 1955), bevind die Raad dat sommige praktyke by die verskaffing en verspreiding van farmaseutiese produkte in die Republiek van Suid-Afrika monopolistiese toestande uitmaak, soos in artikel 2 van die genoemde Wet omskryf. Hierdie toestande is in Hoofstuk III beskryf. Na die Raad se mening word sekere van hierdie monopolistiese toestande nie in die openbare belang geregverdig nie. Sodanige toestande is in Hoofstuk IV geïdentifiseer en word weer eens genoem.

(a) *Gesamentlike handhawing van eenvormige winsgrense*

121. Die Raad kan geen regverdiging vind vir die stelsel waarvolgens groothandelaars, hetsy deur middel van die National Wholesale Drug Association, hetsy deur die gesamentlike optrede van sy lede, eenvormige groothandelswinsgrense by die distribusie van sekere farmaseutiese produkte handhaaf nie. Soos reeds daarop gewys, hou sulke eenvormige winsgrense nie rekening met ekonomiese beginsels soos omloopsnelheid, lewensduur van produkte, koste van spesiale hantering of verskille in die aard en kwaliteit van die diens wat deur onderskeie groothandelaars gelewer word nie. Die getuienis van die Vereniging en/of sy lede het ook nie die Raad oortuig dat daar omstandighede bestaan wat hierdie monopolistiese praktyk in die openbare belang regverdig nie (paragrafe 97 tot 101).

(b) *Samespanning tot eenvormige tenderpryse en -voorwaardes*

122. Die Raad kon geen omstandighede vind waarvolgens die samespanning van vervaardigers om eenvormige tenderpryse en -voorwaardes te bewerkstellig in die openbare belang geregverdig is nie (kyk paragraaf 102).

(c) *Beperkings op kleinhandelsapteke met betrekking tot die aankoop van farmaseutiese produkte vir herverkoop, deur groothandelaars met finansiële belange in sodanige kleinhandelsapteke*

123. Hoewel die Raad van mening is dat die verlening van finansiële hulp deur groothandelaars aan kleinhandelsapteke in die openbare belang geregverdig kan word, meen hy dat 'n verpligting tot aankope wat 50 persent te bowe gaan onredelik hoog is. Ewe-eens kon die Raad die bepaling dat 'n apteek vir 'n tydperk nadat die leningskuld ten volle gedelg is nog verplig word om 'n sekere persentasie van sy aankope by die betrokke groothandelaar te doen, nie in die openbare belang regverdig nie (kyk paragrafe 103 tot 106).

(d) *Gesamentlike optrede om die afset van farmaseutiese produkte tot kleinhandelsapteke te beperk*

124. Die Raad kon geen omstandighede vind wat die Suid-Afrikaanse Vereniging van Kleinhandel-Aptekers se optrede om sy lede aan te moedig om verskaffers te boikot wat nalaat om die verkoop van sekere farmaseutiese produkte slegs tot kleinhandelsapteke te beperk, in die openbare belang regverdig nie. Die Raad beskou

commercial association to deprive resellers of their right to deal in goods within the scope of the laws of the country, in a serious light, and feels that this practice could have far-reaching repercussions for the country's free economic system unless it is opposed (see paragraphs 107 to 111).

(e) *Restriction of wholesale facilities to members of the Pharmaceutical Wholesale Drug Association*

125. The Board came to the conclusion that no conditions exist which could justify the practice whereby manufacturers or suppliers withhold supplies from a wholesaler, who is not a member of the NWDA, as being in the public interest (see paragraphs 112 to 113).

(f) *Conditions resulting from the policy of PSSA Contracts (Pty) Ltd*

126. The practices for which PSSA Contracts (Pty) Ltd is responsible (see paragraphs 115 to 119), are the following:

(i) *Restriction on the contractual freedom of former subcontractors (pharmacists) of PSSA Contracts (Pty) Ltd*

127. The Board could find nothing to justify in the public interest the provision in the contract entered into by PSSA Contracts (Pty) Ltd with a pharmacist (who is a member of PSSA) whereby such pharmacist is prevented, for a period of 12 months after his agreement with PSSA Contracts (Pty) Ltd has been terminated, from entering into similar agreements with other schemes.

(ii) *Restriction of the sale of pharmaceutical products to members of medical schemes to suppliers/contractors of PSSA Contracts (Pty) Ltd*

128. The Board could find nothing to justify in the public interest the provision in the contract entered into by PSSA Contracts (Pty) Ltd with medical schemes in terms of which members of such schemes are compelled to have their dispensing done only by suppliers/contractors of PSSA Contracts (Pty) Ltd.

RECOMMENDATION

129. In terms of section 3 (2) of the Act the Board recommends to the Minister that the monopolistic conditions mentioned in the above paragraphs of this chapter be prohibited by means of a notice in the *Government Gazette*, in terms of section 6 (1) (b) of the Act, and subject to section 3 (2) of the Act.

S. J. KLEU, Chairman.

H. S. MABIN, Deputy Chairman.

D. J. MOUTON, Member.

H. J. P. L. KRUGER, Member.

M. R. HEYNS, Member.

G. J. J. BREYL, Director.

Pretoria, 14 November 1978.

(T6/2/6/2)

hierdie pogings van 'n handelsvereniging om herverkopers se reg te ontnem om in goedere handel te dryf binne die wette van die land, in 'n ernstige lig wat verregaande reperkussies vir die land se vrye ekonomiese stelsel kan hê indien dit nie teengegaan word nie (paragrafe 107 tot 111).

(e) *Beperking van groothandelsfasiliteite tot lede van die farmaseutiese groothandelsvereniging*

125. Die Raad het tot die gevolgtrekking gekom dat daar geen omstandighede bestaan wat die praktyk waarvolgens vervaardigers of verskaffers voorrade van 'n groothandelaar weerhou omdat sodanige groothandelaar nie 'n lid van die NWDA is nie, in die openbare belang regverdig nie (kyk paragrafe 112 tot 113).

(f) *Toestande wat voortspruit uit die beleid van PSSA Contracts (Pty) Ltd*

126. Die praktyke waarvoor PSSA Contracts (Pty) Ltd verantwoordelik is (kyk paragrafe 115 tot 119), is soos volg:

(i) *Beperking op gewese onderkontraktante (aptekers) van PSSA Contracts (Pty) Ltd se kontraktuele vryheid.*

127. Die Raad kon geen omstandighede vind wat die bepaling in die kontrak wat PSSA Contracts (Pty) Ltd met 'n apteker (wat 'n lid van die AVSA is) aangaan, en waarvolgens sodanige apteker vir 12 maande nadat sy verbintenis met PSSA Contracts (Pty) Ltd beëindig is, verhinder om dergelike ooreenkomste met ander skemas aan te gaan, in die openbare belang regverdig nie.

(ii) *Beperking van die verkoop van farmaseutiese produkte aan lede van mediese skemas tot leweransiers/kontraktante van PSSA Contracts (Pty) Ltd*

128. Die Raad kon geen omstandighede vind wat die bepaling in die kontrak wat PSSA Contracts (Pty) Ltd met mediese skemas aangaan, waardeur lede van sodanige skemas verplig word om hulle reseptering slegs by leweransiers/kontraktante van PSSA Contracts (Pty) Ltd te laat doen, in die openbare belang regverdig nie.

AANBEVELING

129. Ooreenkomstig artikel 3 (2) van die Wet beveel die Raad by die Minister aan dat die monopolistiese toestande vermeld in die vorige paragrafe van hierdie hoofstuk by wyse van 'n kennisgewing in die Staatskoerant ingevolge artikel 6 (1) (b) van genoemde Wet en behoudens artikel 3 (2) van die Wet verbied word.

S. J. KLEU, Voorsitter.

H. S. MABIN, Adjunk-voorsitter.

D. J. MOUTON, Lid.

H. J. P. L. KRUGER, Lid.

M. R. HEYNS, Lid.

G. J. J. BREYL, Direkteur.

Pretoria, 14 November 1978.

(T6/2/6/2)

SOUTH AFRICAN DEFENCE FORCE

No. R. 1298

20 June 1980

AMENDMENTS TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

The State President has been pleased in terms of sections 33 and 87 (1) of the Defence Act, 1957 (Act 44 of 1957), to amend Chapter II of the General Regulations for the South African Defence Force and the Reserve promulgated under Government Notice R. 2108 of 26 November 1971, as set out in the Annexure hereto.

ANNEXURE

Regulation 4 is hereby amended by the substitution therefor of the following regulation:

"Organisation of the commandos

4. (1) The Commando System which includes air commandos for the provision of air support, consists of commando groups, commandos and commando squadrons, established by the Minister in terms of section 32 of the Act under the designations he may determine.

(2) Subject to subregulations (5) and (6) a commando or commando squadron consists of—

(a) an element which is not bound as to area and to which members are allotted who—

(i) are liable to serve in the commandos in terms of sections 35 and 44 of the Act;

(ii) have enrolled or engaged themselves voluntarily for service in the commandos in terms of section 36 of the Act and who undertook in writing to serve in this element;

(iii) have engaged themselves voluntarily for service in the commandos in terms of the proviso to section 2 of the Act, excluding female persons, and who undertook in writing to serve in this element;

(b) an element which is bound as to area and to which members are allotted who—

(i) are liable to serve in the commandos in terms of sections 35 and 44 of the Act;

(ii) have enrolled or engaged themselves voluntarily for service in the commandos in terms of section 36 of the Act and who did not undertake in writing to serve in the element referred to in paragraph (a) above;

(iii) have engaged themselves voluntarily for service in the commandos in terms of the proviso to section 2 of the Act and who did not undertake in writing to serve in the element referred to in paragraph (a) above;

Provided that the Chief of the Army or an officer designated by him for the purpose may, in the case of members liable to serve in the commandos in terms of sections 35 and 44 of the Act, determine to which element they are to be allotted.

(c) honorary members appointed in terms of section 37 of the Act.

(3) The Chief of the Army, in the case of the commandos, and the Chief of the Air Force, in the case of the commando squadrons, may—

(a) determine or redetermine the geographical boundaries of a commando or commando squadron;

(b) group or regroup two or more commandos within the geographical boundaries of an Army Command into a commando group or a military area.

SUID-AFRIKAANSE WEERMAG

No. R. 1298

20 Junie 1980

WYSIGING VAN DIE ALGEMENE REGULASIES VIR DIE SUID-AFRIKAANSE WEERMAG EN DIE RESERWE

Dit het die Staatspresident behaag om kragtens artikels 33 en 87 (1) van die Verdedigingswet, 1957 (Wet 44 van 1957), Hoofstuk II van die Algemene Regulasies vir die Suid-Afrikaanse Weermag en die Reserwe afgekondig by Goewermmentskennisgewing R. 2108 van 26 November 1971, te wysig soos in die Bylae hiertoe uiteengesit.

BYLAE

Regulasie 4 word hierby gewysig deur dit deur die volgende regulasie te vervang:

Organisasie van die kommando's

4. (1) Die Kommandostelsel, wat lugkommando's ter voorsiening van lugondersteuning insluit, bestaan uit kommandogroepe, kommando's en kommando-eskaders wat kragtens artikel 32 van die Wet deur die Minister onder die benamings wat hy kan bepaal, ingestel is.

(2) Behoudens subregulasies (5) en (6) bestaan 'n kommando of kommando-eskader uit—

(a) 'n element wat nie gebiedsgebonde is nie en waarin lede ingedeel word wat—

(i) ingevolge artikels 35 en 44 van die Wet verplig is om in die kommando's te dien;

(ii) ingevolge artikel 36 van die Wet vrywillig by die kommando's ingeskryf of tot diens verbind is en wat skriftelik onderneem het om in hierdie element te dien;

(iii) ingevolge die voorbehoudsbepaling by artikel 2 van die Wet, uitgesonderd vrouspersone, hulle vrywillig tot diens in die kommando's verbind het en wat skriftelik onderneem het om in hierdie element te dien;

(b) 'n element wat gebiedsgebonde is en waarin lede ingedeel word wat—

(i) ingevolge artikels 35 en 44 van die Wet verplig is om in die kommando's te dien;

(ii) ingevolge artikel 36 van die Wet vrywillig by die kommando's ingeskryf of tot diens verbind is en wat nie skriftelik onderneem het om in die element in paragraaf (a) hierbo bedoel te dien nie;

(iii) ingevolge die voorbehoudsbepaling by artikel 2 van die Wet hulle vrywillig tot diens in die kommando's verbind het en wat nie skriftelik onderneem het om in die element in paragraaf (a) hierbo bedoel te dien nie;

Met dien verstande dat die Hoof van die Leër of 'n offisier deur hom vir die doel aangewys, in die geval van lede wat ingevolge artikels 35 en 44 van die Wet verplig is om in die kommando's te dien, kan bepaal in watter element hulle ingedeel moet word.

(c) erelede wat ingevolge artikel 37 van die Wet aangestel is.

(3) Die Hoof van die Leër, in die geval van die kommando's en die Hoof van die Lugmag, in die geval van kommando-eskaders kan—

(a) die geografiese grense van 'n kommando en 'n kommando-eskader bepaal of herbepaal;

(b) twee of meer kommando's binne die geografiese grense van 'n Leërkommandement by 'n kommandogroep of militêre gebied indeel of herindeel.

(4) The arming, training and equipping of the elements referred to in subregulation (2) above shall be determined by the Chief of the Army, in the case of the commandos, and by the Chief of the Air Force, in the case of the commando squadrons, according to the requirements of the elements concerned.

(5) The members of the element not bounded as to area may be employed for the purposes of section 3 (2) of the Act at any place in the Republic and, subject to sections 95 and 138, at any place outside the Republic.

(6) The members of the element bounded as to area may be employed for the purposes of section 3 (2) of the Act only within the geographical boundaries of his commando or the commando group or the military area to which his commando has been grouped.

(7) Subject to regulation 6 of Chapter XIV of these regulations, nobody residing outside the geographical boundaries of a commando or commando squadron, shall be posted as a member of that commando or commando squadron without the approval of the chief of the combat service concerned."

[Amendment Slip 35]

No. R. 1299

20 June 1980

AMENDMENTS TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

The State President has been pleased in terms of the powers vested in him by section 87 (1) (h) and (i) of the Defence Act, 1957 (Act 44 of 1957) to substitute the regulations in the Schedule hereto for Chapter XIV of the General Regulations for the South African Defence Force and the Reserve promulgated under Government Notice R. 1252, dated 18 August 1967.

SCHEDULE

CHAPTER XIV

REGISTRATION, SELECTION, ALLOTMENT, POSTING FOR AND APPLICATIONS FOR EXEMPTION FROM OR DEFERMENT OF SERVICE IN THE CITIZEN FORCE AND THE COMMANDOS

Definitions

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

'calendar year' means any year commencing on the first day of January;

'exemption board' means an exemption board appointed in terms of section 68 of the Act;

'force number' means a number allotted for purposes of identification to a member of the SA Defence Force or any person who registers or applies for service in any part of the said Force;

'medical officer' means any registered medical practitioner;

'period of service' means a period of service referred to in regulation 3 (1) of Chapter VII of these Regulations;

'registering officer' means the officer referred to in section 62 of the Act;

'selection board' means a selection board appointed in terms of section 66A of the Act;

'the Act' means the Defence Act, 1957 (Act 44 of 1957).

(4) Die bewapening, opleiding en uitrusting van die elemente in subregulasie (2) hierbo bedoel word deur die Hoof van die Leër, in die geval van die kommando's, en deur die Hoof van die Lugmag, in die geval van die kommando-eskaders, bepaal volgens die behoeftes van die betrokke elemente.

(5) Die lede van die element wat nie gebiedsgebonde is nie, kan aangewend word vir die doeleindes van artikel 3 (2) van die Wet te enige plek in die Republiek en, behoudens artikels 95 en 138, te enige plek buite die Republiek.

(6) Die lede van die element wat gebiedsgebonde is, kan aangewend word vir die doeleindes van artikel 3 (2) van die Wet slegs binne die geografiese grense van sy kommando of die kommandogroep of militêre gebied waarby sy kommando ingedeel is.

(7) Behoudens regulasie 6 van Hoofstuk XIV van hierdie regulasies, word niemand wat buite die geografiese gebied van 'n kommando of kommando-eskader woon, sonder die goedkeuring van die hoof van die betrokke gevegsdiens as lid van daardie kommando of kommando-eskader ingedeel nie."

[Wysigingsblaadjie 35]

No. R. 1299

20 Junie 1980

WYSIGING VAN DIE ALGEMENE REGULASIES VIR DIE SUID-AFRIKAANSE WEERMAG EN DIE RESERWE

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 87 (1) (h) en (i) van die Verdedigingswet 1957 (Wet 44 van 1957) Hoofstuk XIV van die Algemene Regulasies vir die Suid-Afrikaanse Weermag en die Reserwe afgekondig by Goewermentskennisgewing R. 1252 van 18 Augustus 1967 deur die regulasies in die Bylae hierby te vervang.

BYLAE

"HOOFSTUK XIV

REGISTRASIE, KEURING, TOEWYSING, INDELING VIR EN AANSOEKE OM VRYSTELLING OF UITSTEL VAN DIENS IN DIE BURGERMAG EN DIE KOMMANDO'S

Woordbepaling

1. In hierdie regulasies tensy uit die samehang anders blyk beteken—

'diensgeleentheid' 'n diensgeleentheid bedoel in regulasie 3 (1) van Hoofstuk VII van hierdie Regulasies;

'die Wet' die Verdedigingswet 1957 (Wet 44 van 1957);

'kalenderjaar' 'n jaar wat op die eerste dag van Januarie begin;

'keurraad' 'n keurraad ingevolge artikel 66A van die Wet aangestel;

'magsnommer' 'n nommer wat aan 'n lid van die SA Weermag of iemand wat registreer of aansoek doen vir diens in enige deel van bedoelde Mag toegewys word vir sy uitkenning;

'mediese offisier' enige geregistreerde geneesheer;

'registrasiebeampte' die offisier in artikel 62 van die Wet bedoel;

'vrystellingsraad' 'n vrystellingsraad ooreenkomstig artikel 68 van die Wet benoem.

Registration

2. (1) The registering officer shall allot a separate force number to every person who applied for registration in terms of section 63 or 65 of the Act and shall supply to every such person a registration certificate on which shall appear the force number thus allotted.

(2) A citizen or a person who is not a citizen and is domiciled in the Republic, may in terms of section 65 (1) of the Act apply to be appointed or engaged in the Citizen Force or the Commandos if he—

(a) is not older than 25 years; or

(b) is older than 25 years and—

(i) has any military qualifications, wherever obtained; or

(ii) has obtained any academic technical, technological or other similar qualification, which in the opinion of the Chief of the SA Defence Force is of value to the SA Defence Force.

Change of address

3. (1) The registering officer shall be the prescribed officer in the application of section 64 of the Act.

(2) Any person referred to in regulation 2 of this chapter shall notify the registering officer in writing of any change of his residential address within 14 days after such change has occurred.

Medical examination

4. (1) Every citizen registered in terms of section 63, every person accepted for enrolment in terms of section 65 and every citizen instructed thereto in terms of section 66A of the Act by a selection board shall submit himself to a medical examination at state expense by a medical officer at the time, date and place notified to him by the registering officer, an officer or other person acting on the authority of or at the request of the registering officer or by the chairman of a selection board as the case may be.

(2) A medical officer referred to in subregulation (1) shall report in accordance with the standards of medical fitness determined by the Surgeon-General in terms of the regulations for service in the SA Defence Force and in a form approved by the Surgeon-General, on the medical fitness of the citizen or person for military service and any training to be undergone in the course thereof.

(3) The Surgeon-General or a medical officer designated by him for the purpose, shall on such report determine whether the citizen or person concerned is medically fit for military service in any classification or mustering.

(4) The registering officer shall issue a certificate of exemption from service in terms of section 63 (3) of the Act to every person declared permanently medically unfit for military service in terms of this regulation by the Surgeon-General or an officer authorised thereto by him.

Selection and allotment

5. (1) A selection list compiled in terms of section 66 (2) of the Act shall contain the following particulars of every person whose name appears thereon:

(a) His force number;

(b) his date of birth;

Registrasie

2. (1) Die registrasiebeampte ken 'n afsonderlike magsnommer toe aan elke persoon wat ingevolge artikel 63 of 65 van die Wet aansoek gedoen het om registrasie en voorsien aan elke sodanige persoon 'n registrasiesertifikaat waarop die magsnommer aldus toegeken verskyn.

(2) 'n Burger of 'n persoon wat in die Republiek gedomisileer is en nie 'n burger is nie, kan kragtens artikel 65 (1) van die Wet aansoek doen om in die Burgermag of die Kommando's aangestel of in diens geneem te word indien hy—

(a) nie ouer as 25 jaar is nie; of

(b) ouer as 25 jaar is en—

(i) oor enige militêre kwalifikasies beskik, waar ook al verwerf; of

(ii) enige akademiese tegniese tegnologiese of ander soortgelyke kwalifikasie verwerf het, wat in die oordeel van die Hoof van die SA Weermag van waarde vir die SA Weermag is.

Verandering van adres

3. (1) Die registrasiebeampte is die voorgeskrewe offisier by die toepassing van artikel 64 van die Wet.

(2) 'n Persoon wat in regulasie 2 van hierdie hoofstuk bedoel word verwittig die registrasiebeampte skriftelik van elke verandering van sy woonadres binne 14 dae nadat so 'n verandering plaasgevind het.

Geneeskundige ondersoek

4. (1) Iedere burger wat ingevolge artikel 63 geregistreer, iedere persoon wat ingevolge artikel 65 vir inskrywing aangeneem en iedere burger wat ingevolge artikel 66A van die Wet deur 'n keurraad daartoe gelas is moet hom onderwerp aan 'n geneeskundige ondersoek wat op staatskoste deur 'n mediese offisier waargeneem word op die tyd, datum en plek aan hom meegedeel deur die registrasiebeampte, 'n offisier of ander persoon wat met die magtiging of op versoek van die registrasiebeampte handel of deur die voorsitter van 'n keurraad na gelang van die geval.

(2) 'n Mediese offisier genoem in subregulasie (1) doen ooreenkomstig die peile van geneeskundige geskiktheid wat die Geneesheer-generaal ingevolge die regulasies vir diens in die SA Weermag bepaal het en in 'n vorm deur die Geneesheer-generaal goedgekeur verslag oor die geneeskundige geskiktheid van die betrokke burger of persoon vir militêre diens en enige opleiding wat in die loop daarvan meegemaak moet word.

(3) Die Geneesheer-generaal of 'n mediese offisier wat hy vir die doel aangewys het, bepaal uit sodanige verslag of die betrokke burger of persoon vir militêre diens in enige klassifikasie of indeling geneeskundig geskik is.

(4) Die registrasiebeampte reik ingevolge artikel 63 (3) van die Wet 'n sertifikaat van vrystelling van diens uit aan iedere persoon wat ingevolge hierdie regulasie deur die Geneesheer-generaal of 'n offisier wat hy daartoe gemagtig het, permanent medies ongeskik vir militêre diens verklaar is.

Keuring en toewysing

5. (1) 'n Keurlys wat ingevolge artikel 66 (2) van die Wet opgestel word moet die volgende besonderhede van iedere persoon wie se naam daarop voorkom bevat:

(a) Sy magsnommer;

(b) sy geboortedatum;

(c) his standard of medical fitness; and
 (d) the other information which the registering officer may deem necessary for the guidance of the selection board in the application of section 66A (5) of the Act.

(2) The registering officer may by means of a written instruction to any person whose name is due to appear or has appeared on a selection list or through the agency of a member of the staff of any school or other educational institution acting at his request and on his authority, arrange for the provision of any information relative to the selection or allotment of the person concerned in terms of section 66A or 67 of the Act.

(3) The registering officer shall submit the selection list for every area determined by the Minister in terms of section 66 (1) of the Act to the chairman of the selection board for such area.

(4) The recommendations of the selection board in terms of section 66A (5) of the Act shall be lodged with the registering officer who shall, subject to the directions of the Minister and in consultation with the chiefs of the combat services supporting services and staff divisions comply with the provisions of section 67 of the Act and also allot any person accepted for enrolment in terms of section 65 of the Act, to the Citizen Force or the Commandos.

Notification of allotment

6. (1) The registering officer shall in writing notify every person allotted in terms of regulation 5, of the name of the unit, the date upon which and the place where he is required to commence his first period of continuous service and the duration of such period.

(2) The registering officer shall furnish the chiefs of combat services, supporting services and staff divisions with a list of names of persons allotted to the Citizen Force and the Commandos in terms of regulation 5.

(3) The chiefs of combat services, supporting services and staff divisions shall post every person allotted by the registering officer to the Citizen Force or the Commandos in terms of regulation 5, to a particular unit of the Citizen Force or the Commandos and notify every such person of his posting.

Application for deferment of or exemption from service by a member of the Citizen Force or the Commandos who has commenced his service in terms of Section 21 (1) or 35 (1) of the Act

7. A Unit Commander shall refer every application submitted to him in terms of section 69 (1) (b) of the Act, with his comments and recommendation thereon to the chief of the combat service, supporting service or staff division or the officer commanding command or formation concerned or an officer designated by him for the purpose for his comments and recommendation and for submission to an Exemption Board.

Deferment of or exemption from service of voluntary members of the Citizen Force and the Commandos

8. (1) An officer of the Citizen Force or the Commandos who is not liable to serve in terms of section 21 or 35 of the Act, and an other rank who is serving in terms of section 19 or 36 of the Act, shall apply to his unit commander for deferment of or exemption from any service to which he may be liable in terms of section 22 (4) or 44 (2) of the Act and any interested

(c) sy geneeskundige geskiktheidspeil; en
 (d) die ander informasie wat die registrasiebeampte vir die voorligting van 'n keurraad by die toepassing van artikel 66A (5) van die Wet, nodig ag.

(2) Die registrasiebeampte kan by wyse van 'n skriftelike opdrag aan iemand wie se naam in 'n keurlys opgeneem staan te word of opgeneem is of deur bemiddeling van 'n lid van die personeel van 'n skool of ander opvoedkundige inrigting wat op sy versoek en met sy magtiging handel reël vir die voorsiening van informasie wat betrekking het op die keuring of toewysing van die betrokke persoon ingevolge artikel 66A of 67 van die Wet.

(3) Die registrasiebeampte voorsien die keurlys vir elke gebied wat die Minister kragtens artikel 66 (1) van die Wet bepaal het aan die voorsitter van die keurraad vir sodanige gebied.

(4) Die aanbevelings van 'n keurraad ingevolge artikel 66A (5) van die Wet word by die registrasiebeampte ingedien wat behoudens die voorskrifte van die Minister en in oorleg met die hoofde van die betrokke gevegsdienste, ondersteuningsdienste en stafafdelings, gevolg gee aan die bepalings van artikel 67 van die Wet en ook enigiemand wat ingevolge artikel 65 van die Wet vir inskrywing aanvaar is aan die burgermag of die Kommando's toewys.

Kennisgewing van toewysing

6. (1) Die registrasiebeampte moet iedere persoon wat ooreenkomstig regulasie 5 toegewys is skriftelik in kennis stel van die naam van die eenheid, van die datum waarop en plek waar hy met sy eerste tydperk van ononderbroke diens moet begin en die duur van sodanige tydperk.

(2) Die registrasiebeampte voorsien hoofde van gevegsdienste ondersteuningsdienste en stafafdelings van 'n naamlys van persone wat ooreenkomstig regulasie 5 aan die Burgermag en Kommando's toegewys is.

(3) Die hoofde van gevegsdienste ondersteuningsdienste en stafafdelings deel iedere persoon wat deur die registrasiebeampte ooreenkomstig regulasie 5 aan die Burgermag of die Kommando's toegewys is, in by 'n bepaalde eenheid van die Burgermag of die Kommando's en verwittig iedere sodanige persoon skriftelik van sy indeling.

Aansoek om uitstel of vrystelling van diens deur 'n burgermag- of kommandolid wat ingevolge artikel 21 (1) of 35 (1) van die Wet met sy diens begin het

7. 'n Eenheidsbevelvoerder moet 'n aansoek wat ingevolge artikel 69 (1) (b) van die Wet by hom ingedien is met sy kommentaar en aanbeveling daaroor aan die hoof van die betrokke gevegsdiens, ondersteuningsdiens of stafafdeling of kommandementsbevelvoerder of formasiebevelvoerder of 'n offisier deur hom vir die doel aangewys voorlê vir sy kommentaar en aanbeveling en vir indiening by 'n vrystellingsraad.

Uitsel of vrystelling van diens van vrywillige lede van die Burgermag en Kommando's

8. (1) 'n Offisier van die Burgermag of Kommando's wat nie ingevolge artikel 21 of 35 van die Wet tot diens verplig is nie en 'n manskap wat ingevolge artikel 19 of 36 van die Wet dien, doen by sy eenheidsbevelvoerder aansoek om uitstel of vrystelling van enige diens waartoe hy ingevolge artikel 22 (4) of 44 (2) van die Wet verplig kan word, en 'n belanghebbende

person may on behalf of such officer or other rank with or without his consent but with his knowledge apply for such deferment or exemption.

(2) Such commander may in respect of any period of service other than a period of continuous training, course or bivouac approve deferment of the period of service concerned or, on such grounds as he may deem sufficient, exempt the member concerned from the attendance thereof and he shall refer any other application for deferment or exemption to the chief of the supporting service or staff division or the officer commanding the command or equivalent commander concerned.

(3) A chief of a supporting service or staff division or an officer commanding the command or equivalent commander may, on such grounds as he may deem sufficient, defer such service or any part thereof to a later date in the same calendar year or may exempt the member concerned from such service or any part thereof.

(4) Where a chief of a supporting service or staff division does not approve the application, he shall submit the application together with his comments and recommendations to the Chief of the SA Defence Force for his decision.

(5) Where an officer commanding a command or equivalent commander does not approve the application, he shall refer the application together with his comments and recommendation to the chief of the combat service concerned who may, on such grounds as he may deem sufficient, defer such service or any part thereof to a later date in the same calendar year or may exempt the member concerned from such service or any part thereof: Provided that if the chief of the combat service concerned also refuse the application, the application together with all comments and recommendations concerned shall be submitted to the Chief of the SA Defence Force for his decision.

Deferment or exemption on medical grounds

9. (1) No person shall on grounds of temporary medical unfitness be exempted from any service in the Citizen Force or the Commandos unless such unfitness had been proved to the satisfaction of the Surgeon-General or an officer acting under his authority: Provided that the submission of a medical certificate may be dispensed with in the case of any period of service counting as non-continuous service.

(2) The Commander of a Citizen Force unit or a Commando shall exempt a member from attendance of any period or service counting as non-continuous service, where such member has proved to his satisfaction that he was ill at the time of the period of service concerned.

(3) Deferment from attendance of a bivouac by a member of a Commando may, on medical grounds, be approved in advance, but where a member becomes ill or sustains an injury while he is attending a bivouac, the commander of the commando concerned may, subject to section 146 of the Act, on the recommendation of a medical officer, exempt such member from attendance of the unexpired portion of the bivouac concerned.

(4) If any member of the Citizen Force or a Commando while attending a camp or course of not more than 30 days duration, has become temporarily medically unfit for service owing to any disability, injury

persoon kan ten behoeve van sodanige offisier of manskap met of sonder sy toestemming maar met sy wete, aansoek doen om sodanige uitstel of vrystelling.

(2) Sodanige bevelvoerder kan, met betrekking tot 'n ander diensgeleentheid as 'n ononderbroke opleidingstydperk kursus of bivak uitstel van die bywoning van die betrokke diensgeleentheid na 'n later datum in dieselfde kalenderjaar goedkeur of op gronde wat hy genoegsaam ag, die betrokke lid van die bywoning daarvan vrystel en moet hy enige ander aansoek om uitstel of vrystelling na die hoof van die betrokke ondersteuningsdiens of stafafdeling of kommandements- of gelykstaande bevelvoerder verwys.

(3) 'n Hoof van 'n ondersteuningsdiens of stafafdeling of 'n kommandements- of gelykstaande bevelvoerder kan op die gronde wat hy voldoende ag, sodanige diens of enige deel daarvan tot 'n latere datum in dieselfde kalenderjaar uitstel of die betrokke lid van sodanige diens of enige deel daarvan vrystel.

(4) Waar 'n hoof van 'n ondersteuningsdiens of stafafdeling nie die aansoek goedkeur nie moet hy dit tesame met sy kommentaar en aanbevelings aan Hoof van die SA Weermag vir sy beslissing voorleë.

(5) Waar 'n kommandements- of gelykstaande bevelvoerder nie die aansoek goedkeur nie moet hy dit tesame met sy kommentaar en aanbeveling na die hoof van die betrokke gevegsdiens verwys wat op die gronde wat hy voldoende ag, sodanige diens of enige deel daarvan tot 'n latere datum in dieselfde kalenderjaar kan uitstel of die betrokke lid van sodanige diens of enige deel daarvan kan vrystel: Met dien verstande dat indien die hoof van die betrokke gevegsdiens ook die aansoek afkeur, moet dit tesame met alle betrokke kommentaar en aanbevelings aan die Hoof van die SA Weermag voorgelê word vir sy beslissing.

Uitstel of vrystelling op mediese gronde

9. (1) Niemand word van enige diens in die Burgermag of die Kommando's op grond van tydelike mediese ongeskiktheid vrygestel nie tensy sodanige ongeskiktheid tot tevredenheid van die Geneesheer-generaal of 'n offisier wat op sy gesag handel bewys is: Met dien verstande dat afgesien kan word van die voorlegging van 'n mediese sertifikaat in die geval van enige diensgeleentheid wat as onderbroke diens geld.

(2) Die bevelvoerder van 'n Burgermageenheid of Kommando stel 'n lid van die bywoning van 'n diensgeleentheid wat as onderbroke diens geld, vry indien so 'n lid tot sy tevredenheid bewys dat hy ten tye van die betrokke diensgeleentheid siek was.

(3) Uitstel van die bywoning van 'n bivak deur 'n lid van 'n Kommando kan vooraf op mediese gronde goedgekeur word, maar indien 'n lid, terwyl hy 'n bivak bywoon, siek word of 'n besering opdoen, kan die bevelvoerder van die betrokke kommando behoudens artikel 146 van die Wet op aanbeveling van 'n mediese offisier sodanige lid van die bywoning van die onverstreke gedeelte van die betrokke bivak vrystel.

(4) Indien 'n lid van die Burgermag of 'n Kommando, terwyl hy 'n kamp of kursus bywoon wat nie langer as 30 dae duur nie, weens 'n ongeskiktheid, besering of siekte tydelik geneeskundig ongeskik

or illness, he shall be exempted from the performance of service for the duration of such unfitness and he may, subject to the directions of the chief of the combat service concerned, be exempted from attending the unexpired portion of the camp or course concerned, by the commander of the command, group or equivalent formation in which he is attending such camp or course.

(5) If any member of the Citizen Force or a Commando, while attending a camp or course of more than 30 days duration, has become temporarily medically unfit for service as a result of any disability, injury, or illness, he shall be exempted from the performance of service for the duration of such unfitness and the chief of the combat service, supporting service or staff division concerned may—

(a) in the case of a member serving in terms of section 21 or 35 (1) of the Act, apply to an Exemption Board for the deferment of attendance by or exemption of the member concerned from the unexpired period of such camp or course; and

(b) in the case of a member serving in terms of section 19 or 36 of the Act, approve the deferment of the unexpired period of such camp or course or any portion thereof or exempt such member from attendance of such period or any portion thereof.

[Amendment Slip 36]

No. R. 1300

20 June 1980

AMENDMENT OF THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

The State President has been pleased in terms of section 87 (1) (S) of the Defence Act, 1957 (Act 44 of 1957), to substitute the regulations as contained in the Schedule for Chapter X of the General Regulations for the South African Defence Force and the Reserve promulgated under Government Notice R. 341 of 24 February 1978.

SCHEDULE

CHAPTER X

VOLUNTARY ENGAGEMENT FOR SERVICE IN TERMS OF THE SECOND PROVISOR TO SECTION 2 (1) OF THE DEFENCE ACT, 1957 (ACT 44 OF 1957)

Definitions

1. In this Chapter unless the context otherwise indicates—

“calendar year” means a period extending from 1 January up to and including 31 December of any year;

“member” means a person who has voluntarily engaged for service in the SA Defence Force in terms of the second proviso to section 2 (1) of the Act;

“month” means a period extending from the first day up to and including the last day of any one of the 12 months of the year;

“person” means any person referred to in section 2 (1) (b) of the Act;

“the Act” means the Defence Act, 1957 (Act 44 of 1957).

geword het vir diens, word hy vir die duur van sodanige ongeskiktheid van die verrigting van diens vrygestel en kan hy, behoudens die voorskrif van die hoof van die betrokke gevegsdiens, deur die bevelvoerder van die kommandement, groep of gelykstaande formasie waarin hy sodanige kamp of kursus bywoon van bywoning van die onverstreke gedeelte van die betrokke kamp of kursus vrygestel word.

(5) Indien 'n lid van die Burgermag of 'n Kommando, terwyl hy 'n kamp of kursus bywoon wat langer as 30 dae duur, weens 'n ongeskiktheid, besering of siekte tydelik geneeskundig ongeskik raak vir diens, word hy vir die duur van sodanige ongeskiktheid van die verrigting van diens vrygestel en kan die hoof van die betrokke gevegsdiens ondersteuningsdiens of stafafdeling—

(a) in die geval van 'n lid wat ingevolge artikel 21 of 35 (1) van die Wet dien, by 'n Vrystellingsraad aansoek doen om die uitstel van bywoning deur of die vrystelling van die betrokke lid van die onverstreke gedeelte van sodanige kamp of kursus; en

(b) in die geval van 'n lid wat ingevolge artikel 19 of 36 van die Wet dien, uitstel van die onverstreke tydperk van sodanige kamp of kursus of 'n deel daarvan goedkeur, of die lid van die bywoning van sodanige tydperk of 'n gedeelte daarvan vrystel.”

[Wysigingsblaadje 36]

No. R. 1300

20 Junie 1980

WYSIGING VAN DIE ALGEMENE REGULASIES VIR DIE SUID-AFRIKAANSE WEERMAG EN DIE RESERWE

Dit het die Staatspresident behaag om kragtens die bevoegdhede hom verleen by artikel 87 (1) (S) van die Verdedigingswet, 1957 (Wet 44 van 1957), Hoofstuk X van die Algemene Regulasies vir die Suid-Afrikaanse Weermag en die Reserwe, afgekondig by Goewermentskennisgewing R. 341 gedateer 24 Februarie 1978, deur die regulasies soos in die Bylae vervat, te vervang.

BYLAE

HOOFSTUK X

VRYWILLIGE DIENSVERBINDING Kragtens DIE TWEDE VOORBEHOUDSBEPALING BY ARTIKEL 2 (1) VAN DIE VERDEDIGINGSWET, 1957 (WET 44 VAN 1957)

Woordomskrywings

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

“die Wet” die Verdedigingswet, 1957 (Wet 44 van 1957);

“kalenderjaar” 'n tydperk wat strek vanaf 1 Januarie tot en met 31 Desember van enige jaar;

“lid” 'n persoon wat hom vrywilliglik kragtens die tweede voorbehoudsbepaling van artikel 2 (1) van die Wet vir diens in die SA Weermag verbind het;

“maand” 'n tydperk wat van die eerste tot en met die laaste dag van enigeen van die 12 maande van die jaar strek;

“persoon” enigiemand bedoel in artikel 2 (1) (b) van die Wet.

Engagement for service

2. A person who voluntarily engages for service in the SA Defence Force in terms of the second proviso to section 2 (1) of the Act, shall be engaged in the Citizen Force or the Commandos in the capacity determined by the Chief of the SA Defence Force.

Conditions for engagement for service

3. (1) A person may be accepted for engagement for service if such person—

- (a) is unmarried;
- (b) is at least 16 years of age;
- (c) has obtained at least the Standard V or an equivalent certificate;
- (d) meets the standard of medical fitness determined by the Surgeon-General;
- (e) being a minor, has submitted the written consent of his parent or legal guardian to such engagement for service;
- (f) has been recommended for such acceptance by a selection board appointed by or on the authority of the Chief of the SA Defence Force.

(2) The Chief of the SA Defence Force may when circumstances so require, relax the requirements in respect of matrimonial status, age, educational qualifications or medical fitness, Provided that he shall relax such requirement in respect of medical fitness only after consultation in all cases with the Surgeon-General and with due allowance for the extent to which the physical defect or degree of disability of the person concerned may restrict the scope of his service.

Periods of service

4. A member shall complete an initial continuous period of service not exceeding 24 months.

Training and service

5. Regulations 1 up to and including 6 of Chapter VII of these regulations shall apply *mutatis mutandis* to a member.

Pay and allowances

6. A member shall receive the pay and allowances approved from time to time by the Treasury on the recommendation of the Public Service Commission.

Accommodation and rations

7. Free accommodation and rations shall be supplied to a member while he is undergoing training or performing service.

Medical and dental treatment

8. A member shall be entitled to the medical and dental treatment as set out in regulation 15 of Chapter XV of these regulations.

Compassionate leave with pay

9. (1) Compassionate leave with pay not exceeding 20 days in any single period of continuous service but not more than 10 days in a calendar year, may, subject to the other provisions of this regulation, be granted to a member where his personal attention and presence are essential in connection with—

- (a) the death or serious illness of the member's wife, relative by consanguinity or of affinity in the first or second degree or of any other person who is such member's foster parent, legal guardian or designated next-of-kin;

Diensverbinding

2. 'n Persoon wat hom vrywilliglik kragtens die tweede voorbehoudsbepaling by artikel 2 (1) van die Wet in die SA Weermag vir diens verbind, word in die Burgermag of die Kommando's in die hoedanigheid wat die Hoof van die SA Weermag bepaal, verbind.

Vereistes vir diensverbinding

3. (1) 'n Persoon kan vir diensverbinding aanvaar word, indien so 'n persoon—

- (a) ongetroud is;
- (b) minstens 16 jaar oud is;
- (c) minstens die standerd V- of gelykwaardige sertifikaat verwerf het;
- (d) voldoen aan die peil van mediese geskiktheid wat die Geneesheer-generaal bepaal het;
- (e) wat minderjarig is, die skriftelike toestemming van sy ouer of wettige voog tot sodanige diensverbinding voorgelê het;
- (f) vir sodanige aanvaarding aanbeveel is deur 'n keurraad wat deur of op gesag van die Hoof van die SA Weermag aangestel is.

(2) Die Hoof van die SA Weermag kan, wanneer omstandighede dit vereis, die vereistes ten opsigte van huwelikstaats, ouderdom, opvoedkundige kwalifikasies of mediese geskiktheid verslap: Met dien verstande dat hy sodanige vereiste met betrekking tot mediese geskiktheid verslap slegs na oorlegpleging, in alle gevalle, met die Geneesheer-generaal en met behoorlike inagneming van die mate waarin die liggaamlike gebrek of mate van ongeskiktheid van die betrokke persoon die bestek van sy diens kan beperk.

Tydperke van diens

4. 'n Lid moet 'n aanvanklike aaneenlopende diens-tydperk van hoogstens 24 maande voltooi.

Opleiding en diens

5. Regulasies 1 tot en met 6 van Hoofstuk VII van hierdie regulasies is *mutatis mutandis* van toepassing op 'n lid.

Soldy en toelaes

6. 'n Lid ontvang die soldy en toelaes wat van tyd tot tyd deur die Tesourie op aanbeveling van die Staatsdienskommissie goedgekeur word.

Huisvesting en rantsoene

7. Huisvesting en rantsoene word gratis aan 'n lid voorsien terwyl hy opleiding of diens ondergaan of verrig.

Mediese en tandheelkundige behandeling

8. 'n Lid is geregtig op die mediese en tandheelkundige behandeling soos uiteengesit in regulasie 15 van Hoofstuk XV van hierdie regulasies.

Menslikheidsverlof met besoldiging

9. (1) Menslikheidsverlof met besoldiging van hoogstens 20 dae in enige enkele tydperk van aaneenlopende diens maar hoogstens 10 dae in 'n kalenderjaar, kan behoudens die ander bepalings van hierdie regulasie aan 'n lid toegestaan word waar die lid se persoonlike aandag en teenwoordigheid noodsaaklik is in verband met—

- (a) die dood of ernstige siekte van die lid se gade, bloedverwant of aanverwant in die eerste of tweede graad of van enige ander persoon wat dié lid se pleegouer, wetlike voog of aangewese naasbestaande is;

(b) any other circumstances which the officer granting such leave may deem sufficient.

(2) Compassionate leave shall not be granted unless the existence of the grounds for any application for such leave has been independently confirmed to the satisfaction of the officer granting such leave.

(3) Where the officer concerned is satisfied that leave granted in terms of subregulation (1) is inadequate to meet the requirements of any case, he may on the written application of the member in addition grant leave in terms of regulation 10 or 11 of this Chapter.

(4) Compassionate leave shall not be granted to a member performing any service or attending any course for a continuous period less than 30 days.

Vacation leave with pay

10. (1) Vacation leave with pay may be granted to a member performing a period of continuous service not exceeding 24 months on the basis of—

(a) seven days during the first period of continuous service of 12 months;

(b) 14 days during the second period of continuous service of 12 months:

Provided that such leave may be granted only once during the period of continuous service concerned.

(2) The vacation leave referred to in subregulation (1) which accrued in any period of continuous service and not taken shall lapse on the commencement of the ensuing period of continuous service, and all such leave shall lapse on enrolment in the Permanent Force.

Leave without pay

11. Leave without pay for not exceeding 20 days may be granted to a member performing continuous service (other than service in terms of Chapter X of the Act) when sufficient other leave of absence cannot be granted to him in terms of these regulations if, in the opinion of the officer authorised to consider such member's application, the circumstances of the case warrant such absence: Provided that not more than 10 days of such leave may be granted in any calendar year.

Leave for re-examination purposes

12. The provisions of regulation 29 of Chapter VI of these regulations shall apply *mutatis mutandis* to a member.

Recuperative leave

13. The provisions of regulation 43 of Chapter VI of these regulations shall apply to a member.

Special leave with pay

14. Special leave with pay may be granted to a member in the circumstances and under the conditions prescribed in regulations 44 (1) and (2), 46 and 47 (2) of Chapter VI of these regulations and to any member who desires to sit for any examination or test in terms of the Apprenticeship Act, 1944 (Act 37 of 1944).

Travelling time

15. An officer granting leave of absence in terms of regulation 10 of this Chapter or granting leave of absence for more than seven days in terms of regulation 9 or 14 of this Chapter, may authorise the member concerned to travel to and from his destination as if

(b) enige ander omstandighede wat die offisier wat sodanige verlof toestaan, voldoende ag.

(2) Menslikheidsverlof word nie toegestaan nie tensy die bestaan van die gronde vir enige aansoek om sodanige verlof onafhanklik bevestig is tot tevredeheid van die offisier wat sodanige verlof toestaan.

(3) Waar die betrokke offisier daarvan oortuig is dat verlof ingevolge subregulasie (1) toegestaan onvoldoende is om aan die vereistes van enige geval te voldoen, kan hy daarbenewens op skriftelike versoek van die lid verlof ingevolge regulasie 10 of 11 van hierdie Hoofstuk toestaan.

(4) Menslikheidsverlof word nie toegestaan aan 'n lid wat enige diens of kursus vir 'n aaneenlopende tydperk korter as 30 dae doen of meemaak nie.

Vakansieverlof met besoldiging

10. (1) Vakansieverlof met besoldiging kan toegestaan word aan 'n lid wat 'n tydperk van aaneenlopende diens van hoogstens 24 maande verrig op die grondslag van—

(a) sewe dae gedurende die eerste aaneenlopende tydperk van 12 maande diens;

(b) 14 dae gedurende die tweede aaneenlopende tydperk van 12 maande diens:

Met dien verstande dat sodanige verlof slegs een keer gedurende die betrokke tydperk van aaneenlopende diens toegestaan kan word.

(2) Die vakansieverlof in subregulasie (1) bedoel wat in een aaneenlopende tydperk toegeval het en nie benut is nie verval met die aanvang van die daaropvolgende aaneenlopende tydperk, en alle sodanige verlof verval by inskrywing in die Staande Mag.

Verlof sonder besoldiging

11. As 'n lid aaneenlopende diens (uitgesonderd diens ingevolge Hoofstuk X van die Wet) doen en daar ingevolge hierdie regulasies nie voldoende ander afwesigheidsverlof aan die lid toegestaan kan word nie, kan verlof sonder besoldiging vir hoogstens 20 dae aan die lid toegestaan word indien die offisier wat gemagtig is om die betrokke lid se aansoek te oorweeg, meen dat die omstandighede van die geval sy afwesigheid regverdig: Met dien verstande dat hoogstens 10 dae sodanige verlof in 'n kalenderjaar toegestaan kan word.

Verlof vir hereksamendoeleindes

12. Die bepalings van regulasie 29 van Hoofstuk VI van hierdie regulasies is *mutatis mutandis* van toepassing op 'n lid.

Aansterkingsverlof

13. Die bepalings van regulasie 43 van Hoofstuk VI van hierdie regulasies is van toepassing op 'n lid.

Spesiale verlof met besoldiging

14. Spesiale verlof met besoldiging kan aan enige lid toegestaan word in die omstandighede en op die voorwaardes in regulasies 44 (1) en (2), 46 en regulasie 47 (2) van Hoofstuk VI van hierdie regulasies voorgeskryf en aan enige lid wat enige eksamen of toets ingevolge die Wet op Vakleerlinge, 1944 (Wet 37 van 1944), wil aflê.

Reistyd

15. 'n Offisier wat afwesigheidsverlof ingevolge regulasie 10 van hierdie Hoofstuk verleen of afwesigheidsverlof van meer as sewe dae ingevolge regulasie 9 of 14 van hierdie Hoofstuk verleen, kan die betrokke lid magtig om na en van sy bestemming te reis asof

he were on duty with full pay: Provided that the travelling time so authorised shall be limited to the shortest time which will necessarily be spent in travelling by Government or public transport.

Transport facilities

16. Regulations 36, 38 and 39 of Chapter V of these regulations shall apply *mutatis mutandis* to a member.

Uniform and accessories

17. Regulations 16 (1), 16 (2) and 17 of Chapter V of these regulations shall apply *mutatis mutandis* to a member.

Arms, ammunition and other loan equipment

18. Regulations 18 and 19 of Chapter V of these regulations shall apply to a member.

Discipline

19. A member shall be subject to the Military Discipline Code in terms of section 104 of the Act.

Discharge

20. A member shall be discharged—

(a) after completion of the period for which he thus engaged for service;

(b) owing to his resignation after he has given at least three months' written notice of his intention to resign to his officer commanding, and paid over an amount of R50 to the credit of the Consolidated Revenue Account: Provided that the chief of the combat service concerned may accept a shorter period of notice: Provided further that such an amount shall not be accepted—

(i) before the expiry of such period of notice;

(ii) while disciplinary action against the member concerned is contemplated or in progress or he is serving a sentence of detention;

(iii) if such member is a minor, until his parent's or guardian's written consent to his discharge by resignation has been submitted to his officer commanding;

(c) where any fact which would have rendered such member ineligible or unacceptable for engagement for service comes to the attention of the chief of the combat service concerned after his engagement, regardless of whether or not the engagement authority was misled by a false declaration or wilful suppression of such fact by the member concerned;

(d) if the continued employment of such member constitutes a security risk;

(e) if he is declared medically unfit;

(f) where such member on reorganisation has become redundant on account of any reduction of establishment or reorganisation of the Citizen Force or the Commandos or any component part thereof;

(g) if he at any time during his first 12 months of continuous service proves to be unsuitable for military service, excluding medical unfitness;

(h) if, for reasons other than his own unfitness, incapacity or misconduct, his discharge will be in the interests of the Citizen Force or the Commando or in the public interests.

hy op diens met volle besoldiging is: Met dien verstande dat die reistyd waarvoor aldus magtiging verleen word, beperk word tot die kortste tyd wat noodwendig opgeneem sal word deur met staats- of openbare vervoer te reis.

Vervoervoorregte

16. Regulasies 36, 38 en 39 van Hoofstuk V van hierdie regulasies is *mutatis mutandis* van toepassing op 'n lid.

Uniformstukke en uitrusting

17. Regulasies 16 (1), 16 (2) en 17 van Hoofstuk V van hierdie regulasies is *mutatis mutandis* van toepassing op 'n lid.

Wapens, ammunisie en ander leenuitrusting

18. Regulasies 18 en 19 van Hoofstuk V van hierdie regulasies is van toepassing op 'n lid.

Discipline

19. 'n Lid is onderworpe aan die Reglement van Disipline kragtens artikel 104 van die Wet.

Ontslag

20. 'n Lid word ontslaan—

(a) na voltooiing van die tydperk waarvoor hy hom aldus verbind het;

(b) weens sy bedanking nadat hy minstens drie maande kennis van sy voorneme om te bedank skriftelik aan sy bevelvoerder gegee het, en 'n bedrag van R50 tot die krediet van die Gekonsolideerde Inkomsterekening gestort het: Met dien verstande dat die hoof van die betrokke gevegsdiens 'n korter tyd van kennis kan aanvaar: Met dien verstande voorts dat sodanige bedrag nie aanvaar word nie—

(i) vóór die verstryking van sodanige tydperk van kennis;

(ii) terwyl dissiplinêre optrede teen die betrokke lid beoog word of aan die gang is of hy 'n vonnis van detensie uitdien;

(iii) indien so 'n lid minderjarig is, voordat die skriftelike toestemming van sy ouer of wettige voog tot sy ontslag deur bedanking aan sy bevelvoerder voorgelê is;

(c) waar 'n feit, wat sodanige lid ongeskik of onaanvaarbaar vir diensverbinding sou gemaak het, na sy inswering die hoof van die betrokke gevegsdiens onder die aandag kom, ongeag of die inswering sinistansie mislei is deur 'n valse verklaring of die opsetlike verswyging van sodanige feit deur die betrokke lid;

(d) as die voortgesette indienshouding van so 'n lid 'n sekerheidsrisiko inhou;

(e) as hy geneeskundig ongeskik verklaar word;

(f) waar sodanige lid by reorganisasie oortollig geword het weens enige vermindering in die sterkte of reorganisasie van die Burgermag of die Kommando's of enige onderdeel daarvan;

(g) indien hy te eniger tyd gedurende sy eerste 12 maande aaneenlopende diens ongeskik vir militêre diens, uitgeslote geneeskundige ongeskiktheid, blyk te wees;

(h) indien sy ontslag om 'n ander rede as sy eie ongeskiktheid, onbevoegdheid of wangedrag in die belang van die Burgermag of die Kommando's of in die openbare belang is;

(i) where he, while serving, has been convicted by a military or civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his continued employment in the Citizen Force or the Commandos undesirable;

(j) where before or since his engagement for service he has been convicted by a civil or military court on more than one occasion or offences which, considered individually, would not justify or would not have led to his discharge an account or misconduct, but, considered collectively, render his continued employment in the Citizen Force or the Commandos undesirable;

(k) where his reprehensible conduct has rendered his continued employment in the Citizen Force or the Commandos undesirable irrespective of whether such conduct has led to criminal or disciplinary proceedings or to his conviction as a result of such conduct;

(l) if he, owing to his recurrent conviction over a period by military courts of offences, which, considered individually, may not be serious, he is considered not to be amenable to military discipline;

(m) when he has been sentenced to discharge with ignominy from the SA Defence Force or has been sentenced to imprisonment without the option of a fine by a competent court;

(n) if he enrolls as a member of the Permanent Force;

(o) if he has been absent without leave for a period of more than three months.

Transfer to the Reserve

21. (1) A member shall after completion of his period of service referred to in regulation 4, and subject to his medical fitness, be transferred to the Citizen Force Reserve or the Commando Reserve, and if thus transferred, shall serve therein until the last day of December of his 65th year or until he is declared permanently medically unfit by the Surgeon-General for service in the said Reserve.

(2) Every member of the Citizen Force Reserve or the Commando Reserve shall during June of each year report in writing to the Chief of the South African Defence Force and shall advise him of any change in his permanent address within 14 days after such change has occurred.

(3) A member of the Citizen Force or Commando Reserve shall, for the purposes of these regulations, be deemed to be a member of the Citizen Force or the Commandos whilst performing service in terms of section 51 of Chapter X of the Act.

Funerals

22. The provisions of regulation 48 of Chapter V of these regulations relating to members of the Citizen Force or the Commandos shall apply to a member.

General

23. If circumstances arise or cases occur which are not provided for in this Chapter, the provisions of the other Chapters of these regulations which apply to members of the Citizen Force or the Commandos shall apply.

(i) waar hy, terwyl hy dien, deur 'n militêre of burgerlike hof skuldig bevind is aan 'n oortreding, wat, met inagneming van die aard of die erns daarvan en in aansluiting met die aard van die opgelegde vonnis, sy indienshouding in die Burgermag of die Kommando's ongewens maak;

(j) waar hy voor of sedert sy diensverbinding by meer as een geleentheid deur 'n militêre of burgerlike hof skuldig bevind is aan oortredings wat afsonderlik beskou, nie regverdiging sou inhou of aanleiding gegee het tot sy ontslag weens wangedrag nie maar, gesamentlik beskou, sy indienshouding in die Burgermag of die Kommando's ongewens maak;

(k) waar sy laakbare gedrag sy voortgesette indienshouding in die Burgermag of die Kommando's ongewens gemaak het, ongeag of sodanige gedrag tot strafregtelike of dissiplinêre optrede of tot sy skuldigbevinding as gevolg van sodanige optrede aanleiding gegee het;

(l) indien hy, omrede hy oor 'n tydperk herhaaldelik deur militêre houe skuldig bevind is aan oortredings wat elkeen op sy eie nie ernstig hoef te wees nie, as nie-ontvanklik vir militêre dissipline beskou word;

(m) waar hy gevonnissen is tot ontslag met oneer uit die SA Weermag of gevonnissen is tot gevangenisstraf sonder 'n keuse van 'n boete deur 'n bevoegde hof;

(n) indien hy as lid van die Staande Mag inskryf;

(o) waar hy afwesig sonder verlof is, vir 'n tydperk langer as drie maande.

Oorplasing na Reserwe

21. (1) Na voltooiing van die diensperiode in regulasie 4 bedoel word 'n lid, onderworpe aan sy mediese geskiktheid oorgeplaas na die Burgermag- of Kommandoreserwe, en indien aldus oorgeplaas, dien die lid daarin tot die laaste dag van Desember in sy 65ste jaar, of totdat hy deur die Geneesheer-generaal permanent medies ongeskik vir diens in bedoelde Reserwe verklaar word.

(2) Elke lid van die Burgermag- of Kommandoreserwe moet hom jaarliks in die maand Junie skriftelik by die Hoof van die SA Weermag aanmeld en hom van enige verandering in sy permanente adres in kennis stel binne 14 dae nadat so 'n verandering plaasgevind het.

(3) Terwyl 'n lid van die Burgermag- of Kommandoreserwe ingevolge artikel 51 of Hoofstuk X van die Wet diens doen, word hy by die toepassing van hierdie regulasies geag 'n lid van die Burgermag of die Kommando's te wees.

Begravinge

22. Die bepalings van regulasie 48 van Hoofstuk V van hierdie regulasies met betrekking tot lede van die Burgermag of Kommando's is van toepassing op 'n lid.

Algemeen

23. Indien omstandighede ontstaan of gevalle voorkom waarvoor nie spesifiek in hierdie Hoofstuk voorsiening gemaak word nie, geld die bepalings van die ander Hoofstukke van hierdie regulasies wat van toepassing op lede van die Burgermag of Kommando's is.

DEPARTMENT OF FINANCE

No. R. 1247

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/694)

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.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

DEPARTEMENT VAN FINANSIES

No. R. 1247

20 Junie 1980

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/694)

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.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Tariff Heading	II Statistical Unit	III IV Rate of Duty	
		General	M.F.N.
20.04 By the substitution for subheading No. 20.04.20 of the following: "20.04.20 Cherries, drained or glacé	kg	20% or 215c per kg less 80%"	

Note.—The rate of duty on drained or glacé cherries is increased from free to 20% or 215c per kg less 80%.

BYLAE

I Tariefpos	II Statistiese Eenheid	III IV Skaal van Reg	
		Algemeen	M.B.N.
20.04 Deur subpos No. 20.04.20 deur die volgende te vervang: „20.04.20 Kersies, ontstroop of geglaseer	kg	20% of 215c per kg min 80%"	

Opmerking.—Die skaal van reg op ontstroopte of geglaseerde kersies word van vry na 20% of 215c per kg min 80% verhoog.

No. R. 1251

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 3 (No. 3/630)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

No. R. 1251

20 Junie 1980

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 3 (No. 3/630)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Rebate
304.01	By the substitution for tariff heading No. 16.05 of the following: "03.03 Crab, in the shell, simply boiled in water, for the manufacture of crab products	Full duty"

Note.—The provision for a rebate of the full duty on crab, for the manufacture of crab products, is amended.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Korting
304.01	Deur tariefpos No. 16.05 deur die volgende te vervang: „03.03 Krap, in die dop, eenvoudig in water gekook, vir die vervaardiging van krapprodukte	Volle reg

Opmerking.—Die voorsiening vir 'n volle korting op reg op krap, vir die vervaardiging van krapprodukte, word gewysig.

No. R. 1248

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/695)

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.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

No. R. 1248

20 Junie 1980

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/695)

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.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Tariff Heading	II Statistical Unit	III IV Rate of Duty	
		General	M.F.N.
21.07 By the substitution for subheadings Nos. 21.07.70 and 21.07.80 of the following:			
„21.07.65 Mixtures of chemicals and foodstuffs (excluding those containing texturised vegetable proteins and products thereof) of a kind used in the preparation of human foodstuffs, not packed for retail sale	kg	10%	
21.07.80 Soya protein concentrates, whether or not texturised:			
.10 Powder form	kg	20%	
.20 Texturised	kg	20%	
.90 Other	kg	20%	
21.07.81 Other texturised vegetable proteins	kg	20%	

Note.—The effect of this notice is that soya protein concentrates, whether or not texturised, and other texturised vegetable proteins are now dutiable at 20%.

BYLAE

I Tariefpos	II Statistiese Eenheid	III IV Skaal van Reg	
		Algemeen	M.B.N.
21.07 Deur subposte Nos. 21.07.70 en 21.07.80 deur die volgende te vervang:			
„21.07.65 Mengsels van chemikalieë en voedsel (uitgesonderd dié wat getekstureerde plantaardige proteïene en produkte daarvan bevat) van 'n soort gebruik by die bereiding van mensevoedsel, nie vir kleinhandelverkoop verpak nie	kg	10%	
21.07.80 Sojaproteïenkonsentrate, hetsy getekstureer al dan nie:			
.10 Poeiervorm	kg	20%	
.20 Getekstureer	kg	20%	
.90 Ander	kg	20%	
21.07.81 Ander getekstureerde plantaardige proteïene	kg	20%	

Opmerking.—Die uitwerking van hierdie kennisgewing is dat sojaproteïenkonsentrate, hetsy getekstureer al dan nie, en ander getekstureerde plantaardige proteïene nou teen 20% belasbaar is.

No. R. 1250

20 June 1980

No. R. 1250

20 Junie 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/697)

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.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/697)

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.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Tariff Heading	II Statistical Unit	III IV Rate of Duty	
		General	M.F.N.
97.06 By the substitution for subheading No. 97.06.30 of the following: "97.06.30 Squash racquets and frames: .10 Racquets and frames, of a value for duty purposes of less than 100c each .20 Racquets and frames, of a value for duty purposes of 100c or more each .30 Grips .50 Other parts	no. no. no. no.	10% 15% or 250c each 15% 15% or 250c each"	
By the substitution for subheading No. 97.06.40.10 of the following: ".03 Tennis racquets and frames, of a value for duty purposes of less than 100c each .05 Tennis racquets and frames, of a value for duty purposes of 100c or more each .07 Grips for tennis racquets or frames .09 Other parts of tennis racquets or frames	no. no. no. no.	15% 15% or 250c each 15% 15% or 250c each"	

Notes.—1. The rate of duty on tennis racquets and frames, of a value for duty purposes of 100c or more each, and on parts (excluding grips) of all tennis racquets and frames, is amended from 15% to 15% or 250c each.

2. It is made clear that the rate of duty of 15% or 250c each on certain squash racquets and frames is also applicable to parts (excluding grips) of all squash racquets and frames.

3. The rate of duty on grips for squash racquets and frames is amended to 15%.

BYLAE

I Tariefpos	II Statistiese Eenheid	III IV Skaal van Reg	
		Algemeen	M.B.N.
97.06 Deur subpos No. 97.06.30 deur die volgende te vervang: „97.06.30 Muurbalrakette en -rame: .10 Rakette en rame, met 'n waarde vir belastingdoeleindes van minder as 100c elk .20 Rakette en rame met 'n waarde vir belastingdoeleindes van minstens 100c elk .30 Handgrepe .50 Ander onderdele	getal getal getal getal	10% 15% of 250c elk 15% 15% of 250c elk"	
Deur subpos No. 97.06.40.10 deur die volgende te vervang: „.03 Tennisrakette en -rame, met 'n waarde vir belastingdoeleindes van minder as 100c elk .05 Tennisrakette en -rame, met 'n waarde vir belastingdoeleindes van minstens 100c elk .07 Handgrepe vir tennisrakette of -rame .09 Ander onderdele van tennisrakette of -rame	getal getal getal getal	15% 15% of 250c elk 15% 15% of 250c elk"	

Opmerkings.—1. Die skaal van reg op tennisrakette en -rame, met 'n waarde vir belastingdoeleindes van minstens 100c elk, en op onderdele (uitgesonderd handgrepe) van alle tennisrakette en -rame, word van 15% na 15% of 250c elk gewysig.

2. Dit word duidelik gestel dat die skaal van reg van 15% of 250c elk op sekere muurbalrakette en -rame ook van toepassing is op onderdele (uitgesonderd handgrepe) van alle muurbalrakette en -rame.

3. Die skaal van reg op handgrepe vir muurbalrakette en -rame word gewysig na 15%.

No. R. 1249

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/696)

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.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

No. R. 1249

20 Junie 1980

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/696)

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.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Tariff Heading	II Statistical Unit	III IV Rate of Duty	
		General	M.F.N.
49.08 By the substitution for tariff heading No. 49.08 of the following: "49.08 Transfers (decalcomanias): 49.08.10 In rolls, of a width of 150 cm or more and a width of the printed area of 130 cm or more 49.08.90 Other	kg kg	5% or 48c per m ² less 95% 20% or 500c per kg less 80%"	

Note.—Specific provision is made for transfers (decalcomanias), in rolls, of a width of 150 cm or more and a width of the printed area of 130 cm or more, and the rate of duty thereon is amended from 20% or 500c per kg less 80% to 5% or 48c per m² less 95%.

BYLAE

I Tariefpos	II Statistiese Eenheid	III IV Skaal van Reg	
		Algemeen	M.B.N.
49.08 Deur tariefpos No. 49.08 deur die volgende te vervang: "49.08 Oordraers (dekalkomanieë): 49.08.10 In rolle, met 'n wydte van minstens 150 cm en 'n wydte van die bedrukte oppervlakte van minstens 130 cm 49.08.90 Ander	kg kg	5% of 48c per m ² min 95% 20% of 500c per kg min 80%"	

Opmerking.—Spesifieke voorsiening word gemaak vir oordraers (dekalkomanieë), in rolle, met 'n wydte van minstens 150 cm en 'n wydte van die bedrukte oppervlakte van minstens 130 cm, en die skaal van reg daarop word van 20% of 500c per kg min 80% na 5% of 48c per m² min 95% gewysig.

No. R. 1252

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 3 (No. 3/631)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

No. R. 1252

20 Junie 1980

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 3 (No. 3/631)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Rebate
306.04	By the substitution for paragraphs (4) and (5) of tariff heading No. 38.19 of the following: "(4) Mixtures of two or more of the following acids, namely, isononanoic, isodecanoic and iso-octanoic acids, for the manufacture of paint driers	Full duty"

Note.—The provision for a rebate of duty on treated montmorillonite clay is withdrawn as this clay is, in fact, a product of tariff heading No. 38.03 and is thus free of duty.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Korting
306.04	Deur paragrawe (4) en (5) van tariefpos No. 38.19 deur die volgende te vervang: „(4) Mengsels van twee of meer van die volgende sure, naamlik, isononenoë-, isodekanoë- en isoöktanoësure, vir die vervaardiging van verfdroogmiddels	Volle reg”

Opmerking.—Die voorsiening vir 'n korting op reg op behandelde montmorillonietklei word ingetrek aangesien dié klei, in werklikheid, 'n produk van tariefpos No. 38.03 is en dus vry van reg is.

No. R. 1253

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 3 (No. 3/632)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

P. T. C. DU PLESSIS, Deputy Minister of Finance.

No. R. 1253

20 Junie 1980

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 3 (No. 3/632)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

P. T. C. DU PLESSIS, Adjunk-minister van Finansies.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Rebate
311.40	By the insertion after tariff heading No. 59.13 of the following: “60.06 Knitted or crocheted fabrics, interlined with neoprene rubber (closed cell), for the manufacture of diving suits, surfing suits, water-skiing tunics and the like	Full duty”

Note.—Provision is made for a rebate of the full duty on knitted or crocheted fabrics, interlined with neoprene rubber (closed cell), for the manufacture of diving suits, surfing suits, water-skiing tunics and the like.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Korting
311.40	Deur na tariefpos No. 59.13 die volgende in te voeg: „60.06 Brei- of hekelstowwe, met tussenvoering van neopreen-rubber (geslote sel), vir die vervaardiging van duikpakke, branderrypakke, waterskitunieke en soortgelyke artikels	Volle reg”

Opmerking.—Voorsiening word gemaak vir 'n volle korting op reg op brei- of hekelstowwe met tussen voering van neopreenrubber (geslote sel), vir die vervaardiging van duikpakke, branderrypakke, waterskitunieke en soortgelyke artikels.

No. R. 1291

20 June 1980

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/689).—
CORRECTION NOTICE

The text of the Schedule appearing in Government Notice R. 1140 of 6 June 1980 is hereby corrected by the substitution for the word “including” where it appears in subheading No. 60.01.33 of the word “excluding”.

No. R. 1282

20 June 1980

DETERMINATIONS OF TARIFF CLASSIFICATION AND FURNISHING THEREOF ON BILLS OF ENTRY (LIST TAR/13)

The following amendments to determinations are published in terms of section 47 (9) of the Customs and Excise Act, 1964 (Act 91 of 1964).

D. ODENDAL, Commissioner for Customs and Excise.

Note.—List TAR/12 was published in Government Notice R. 1214 of 13 June 1980.

No. R. 1291

20 Junie 1980

DOEANE EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/689).—
VERBETERINGSKENNISGEWING

Die Engelse teks van die Bylae wat in Goewermementskennisgewing R. 1140 van 6 Junie 1980 verskyn het, dit word hierby verbeter deur die woord “including” waar dit in subpos No. 60.01.33 voorkom deur die woord “excluding” te vervang.

No. R. 1282

20 Junie 1980

BEPALINGS VAN TARIEFINDELING EN VERSTREKKING DAARVAN OP KLARINGSBRIEWE (LYS TAR/13)

Die volgende wysigings van bepalings word kragtens artikel 47 (9) van die Doeane- en Aksynwet, 1964 (Wet 91 van 1964), gepubliseer.

D. ODENDAL, Kommissaris van Doeane en Aksyns.

Opmerking.—Lys TAR/12 is in Goewermementskennisgewing R. 1214 van 13 Junie 1980 gepubliseer.

1. Amendments to determinations resulting from amendments to Part 1 of Schedule No. 1 to the Customs and Excise Act (Act 91 of 1964)

- (i) The following determinations are withdrawn with effect from 13 June 1980:

<u>Tariff heading</u>	<u>Determination no.</u>
32.09	46
32.09	62
32.09	65
32.09	66

- (ii) The following are substituted for the existing determinations with effect from 13 June 1980:

<u>Description of goods</u>	<u>Tariff heading/ subheading Tariefpos/- subpos</u>	<u>Determina- tion no. Bepaling no.</u>
Formvar Resin - a solution as defined in Note 4 to Chapter 32 (based on polyvinyl formal resin)	32.09.95.90	4
Cam-Roy 9 Black Activator Primer - a solution as defined in Note 4 to Chapter 32 (based on an epoxy resin)	32.09.95.90	6
Cam-Roy 18 Black Activator - a solution as defined in Note 4 to Chapter 32 (based on an epoxy resin)	32.09.95.90	7

1. Wysigings van bepalinge as gevolg van wysigings van Deel 1 van Bylae No. 1 by die Doeane- en Aksynswet (Wet 91 van 1964)

- (i) Die volgende bepalinge word ingetrek met ingang van 13 Junie 1980:

<u>Tariefpos</u>	<u>Bepaling no.</u>
32.09	46
32.09	62
32.09	65
32.09	66

- (ii) Die volgende vervang die bestaande bepalinge met ingang van 13 Junie 1980:

<u>Beskrywing van goedere</u>
Formvar Resin - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op polivinielformalhars)
Cam-Roy 9 Black Activator Primer - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op 'n epoksiehars)
Cam-Roy 18 Black Activator - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op 'n epoksiehars)

Irabond PVB 20 Kits - solutions as defined in Note 4 to Chapter 32 (based on a polyacetal resin)	32.09.95.90	13
Silver Lock Adhesive - a solution as defined in Note 4 to Chapter 32 (based on polymethyl methacrylate resin)	32.09.95.90	16
Paraloid AT-75 - a solution as defined in Note 4 to Chapter 32 (based on polyethylacralate resin)	32.09.95.90	20
V643 Size Coat - a solution as defined in Note 4 to Chapter 32 (based on an epoxy resin)	32.09.95.90	32
Primer 10072 - a solution as defined in Note 4 to Chapter 32 (based on phthalic and fatty acids)	32.09.95.90	36
Cover Coat OPL96 and OPL117 - solutions as defined in Note 4 to Chapter 32 (based on an acrylic resin)	32.09.95.90	39
Alfa 841 - a solution as defined in Note 4 to Chapter 32 (based on a polyurethane polymer)	32.09.95.90	49
L.P.L. Sealer - a solution as defined in Note 4 to Chapter 32 (based on a styrene/butadiene copolymer)	32.09.95.90	53

Irabond PVB 20 Kits - oplossings soos omskryf in Opmerking 4 by Hoofstuk 32 (gebaseer op 'n poliasetaalhars)
Silver Lock Adhesive - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op polimetielmetakrielhars)
Paraloid AT-75 - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op poliëtielakrallaathars)
V643 Size Coat - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op 'n epoksiehars)
Primer 10072 - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op ftalaat- en vetsure)
Cover Coat OPL96 en OPL117 - oplossings soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op 'n akrielhars)
Alfa 841 - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op 'n poliuretaan polimeer)
L.P.L.Sealer - 'n oplossing soos in Opmerking 4 by Hoofstuk 32 omskryf (gebaseer op 'n stireen/butadien kopolimeer)

2. Amendments to determinations in terms of Section 47 (9)(d) of the Customs and Excise Act (Act 91 of 1964)

The following are substituted for the existing determinations with effect from the dates indicated:

With effect from 2 November 1979

<u>Description of goods</u>	<u>Tariff heading/ subheading Tariefpos/- subpos</u>	<u>Determina- tion no. Bepaling no.</u>
Lysine amino acid poultry feed supplement - lysine	29.23.55	13

With effect from 1 October 1979

<u>Description of goods</u>	<u>Tariff heading/ subheading Tariefpos/- subpos</u>	<u>Determina- tion no. Bepaling no.</u>
Hammerlok coupling links for steel chain sling assemblies - fittings commonly used with chains with welded links, other	73.40.10.90	119

2. Wysigings van bepalings kragtens Artikel 47 (9)(d) van die Doeane- en Aksynswet (Wet 91 van 1964)

Die volgende vervang die bestaande bepalings met ingang van die datums aangedui:

Met ingang van 2 November 1979

<u>Beskrywing van goedere</u>
Lisienaminosuurpluimveevoedselaanvulling - lisien

Met ingang van 1 Oktober 1979

<u>Beskrywing van goedere</u>
Hammerlok-koppelstukskakels vir staal-kettingstropsamestelle - toebehore gewoonlik met kettings met gesweisde skakels gebruik, ander

DEPARTMENT OF HEALTH, WELFARE AND PENSIONS

No. R. 1271

20 June 1980

APPLICATION OF PART III OF ACT 45 OF 1965 TO CERTAIN LOCAL AUTHORITY AREAS

In terms of section 14 (1) of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), and after consultation with the Minister of Industries, I, Lourens Albertus Petrus Anderson Munnik, Minister of Health, Welfare and Pensions, hereby declare the provisions of Part III of the said Act to be applicable to the area of jurisdiction of the local authority mentioned in the Schedule hereto, with effect from the date of publication hereof.

Government Notice R. 1255, dated 19 July 1974, in which the areas of jurisdiction of the Municipalities of Vredenburg and Saldanha were, in terms of section 14 (1) of the said Act, separately declared to be smoke control areas, is hereby withdrawn.

SCHEDULE

Municipality of Vredenburg-Saldanha.

DEPARTMENT OF MANPOWER UTILISATION

No. R. 1245

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956

TEAROOM, RESTAURANT AND CATERING TRADE, WITWATERSRAND. — AMENDMENT OF MAIN AGREEMENT

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, 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 Tearoom, Restaurant and Catering Trade, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 28 February 1982, upon the employers' organisation and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation 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 1 (1) (a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 28 February 1982, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Trade in the areas specified in clause 1 (1) (b) of the Amending Agreement; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in clause 1 (1) (b) of the Amending Agreement and with effect from the second Monday after the date of publication of this notice and for the period ending 28 February 1982, the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall *mutatis mutandis* be binding upon all persons who are not employees and who are employed in the

DEPARTEMENT VAN GESONDHEID, WELSYN EN PENSIOENE

No. R. 1271

20 Junie 1980

TOEPASSING VAN DEEL III VAN WET 45 VAN 1965 OP GEBIEDE VAN SEKERE PLAASLIKE BESTURE

Kragtens artikel 14 (1) van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965), en na ooreenlegging met die Minister van Nywerheidswese, verklaar ek, Lourens Albertus Petrus Anderson Munnik, Minister van Gesondheid, Welsyn en Pensioene hierby dat die bepalings van Deel III van genoemde Wet met ingang van die datum van publikasie hiervan op die regsgebied van die plaaslike bestuur in die Bylae hiervan genoem, van toepassing is. Goewermentskennisgewing R. 1255 van 19 Julie 1974, waarin die regsgebiede van die munisipaliteit van Vredenburg en Saldanha afsonderlik kragtens artikel 14 (1) van genoemde Wet tot rookbeheergebiede verklaar is, word hiermee herroep.

BYLAE

Munisipaliteit van Vredenburg-Saldanha.

DEPARTEMENT VAN MANNEKRAG- BENUTTING

No. R. 1245

20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956

TEEKAMER-, RESTOURENT- EN SPYSENIERS- BEDRYF, WITWATERSRAND. — WYSIGING VAN HOOFOOREENKOMS

Ek, Stephanus Petrus Botha, Minister van Mannekragenbenutting, 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 Teekamer-, Restourant- en Spyseniërsbedryf betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 28 Februarie 1982 eindig, bindend is vir die werkgewersorganisasie en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of verenigings is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 28 Februarie 1982 eindig, bindend is vir alle ander werkgewers en werknemers as die genoem in paragraaf (a) van hierdie kennisgewing, wat betrokke is by of in diens is in genoemde Bedryf in die gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 28 Februarie 1982 eindig, in die gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms, *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens

said Trade by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

SCHEDULE

THE INDUSTRIAL COUNCIL FOR THE TEAROOM, RESTAURANT AND CATERING TRADE

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, Act 28 of 1956, made and entered into by and between the

Tearoom, Restaurant Proprietors' and Caterers' Association

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

Witwatersrand Tearoom, Restaurant and Catering Trade Employees' Union
and

The National Union of Commercial and Allied Workers (hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Industrial Council for the Tearoom, Restaurant and Catering Trade,

to amend the Agreement published under Government Notice R. 339 of 2 March 1979.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Tearoom, Restaurant and Catering Trade—

(a) by all employers who are members of the employers' organisation and all employees who are members of the trade unions;

(b) in the Magisterial Districts of Krugersdorp (including those portions of the Magisterial Districts of Randfontein and Koster which, prior to the publication of Government Notices 2546 of 5 December 1947 and 1105 of 26 July 1963, respectively, fell within the Magisterial District of Krugersdorp, but excluding that portion which, prior to the publication of Government Notice 749 of 19 May 1961, fell within the Magisterial District of Randfontein), Roodepoort (including that portion of the Magisterial District of Westonaria which was transferred from the Magisterial District of Roodepoort in terms of Government Notice 1476 of 30 September 1966), Johannesburg, Alberton, Germiston, Boksburg (excluding that portion which, prior to the publication of Government Notice 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg), Benoni, Brakpan (including that portion of the Magisterial District of Heidelberg which, prior to the publication of Government Notice 2095 of 27 November 1970, fell within the Magisterial District of Brakpan, but excluding those portions which were transferred from the Magisterial District of Nigel in terms of Government Notices 498 of 1 April 1966 and 871 of 26 May 1972 and excluding that portion which, prior to the publication of Government Notice 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg), Springs, Delmas, Kempton Park (excluding those portions which were transferred from the Magisterial District of Pretoria in terms of Government Notices 556 of 29 March 1956 and 1618 of 2 October 1970) and Randburg [excluding that portion which, prior to 1 January 1975 (Government Notice 2152 of 22 November 1974) fell within the Magisterial District of Pretoria and excluding any portions which, prior to 1 January 1975 (Government Notice 2152 of 22 November 1974) fell within the Magisterial District of Kempton Park but which, prior to 29 March 1956 (Government Notice 556 of 29 March 1956) and 1 November 1970 (Government Notice 1618 of 2 October 1970), fell within the Magisterial District of Pretoria].

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall only apply in respect of employees for who wages are prescribed in clause 4.

2. CLAUSE 19.—EXPENSES OF THE COUNCIL

(1) In subclause (1) (b), substitute the expression "35c" for the expression "30c".

is in genoemde Bedryf by dié werkgewers vir wie enigene van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragbenutting.

BYLAE

DIE NYWERHEIDSRAAD VIR DIE TEEKAMER-, RESTOORANT- EN SPYSENIERSBEDRYF

OOREENKOMS

ingevolge die Wet op Nywerheidsversoening, Wet 28 van 1956, gesluit deur en aangegaan tussen die

Tearoom, Restaurant Proprietors' and Caterers' Association

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

Witwatersrand Tearoom, Restaurant and Catering Trade Employees' Union
en die

National Union of Commercial and Allied Workers

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

wat die partye is by die Nywerheidsraad vir die Teekamer- Restourant- en Spyseniërsbedryf,

om die Ooreenkoms, gepubliseer by Goewermenskennisgewing R. 339 van 2 Maart 1979, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Teekamer-, Restourant- en Spyseniërsbedryf nagekom word—

(a) deur alle werkgewers wat lede is van die werkgewersorganisasie en deur alle werknemers wat lede is van die vakverenigings;

(b) in die landdrosdistrikte Krugersdorp (met inbegrip van daardie gedeeltes van die landdrosdistrikte Randfontein en Koster wat voor die publikasie van onderskeidelik Goewermenskennisgewings 2546 van 5 Desember 1947 en 1105 van 26 Julie 1963 binne die landdrosdistrik Krugersdorp geval het, maar uitgesonderd daardie gedeelte wat voor die publikasie van Goewermenskennisgewing 749 van 19 Mei 1961 binne die landdrosdistrik Randfontein geval het), Roodepoort (met inbegrip van daardie gedeelte van die landdrosdistrik Westonaria wat ingevolge Goewermenskennisgewing 1476 van 30 September 1966 vanaf die landdrosdistrik Roodepoort oorgeplaas is), Johannesburg, Alberton, Germiston, Boksburg (uitgesonderd daardie gedeelte wat voor die publikasie van Goewermenskennisgewing 1779 van 6 November 1964 binne die landdrosdistrik Heidelberg geval het), Benoni, Brakpan (met inbegrip van daardie gedeelte van die landdrosdistrik Heidelberg wat voor die publikasie van Goewermenskennisgewing 2095 van 27 November 1970 binne die landdrosdistrik Brakpan geval het, maar uitgesonderd daardie gedeelte wat ingevolge Goewermenskennisgewings 498 van 1 April 1966 en 871 van 26 Mei 1972 vanaf die landdrosdistrik Nigel oorgeplaas is en uitgesonderd daardie gedeelte wat voor die publikasie van Goewermenskennisgewing 1779 van 6 November 1964 binne die landdrosdistrik Heidelberg geval het), Springs, Delmas, Kempton Park (uitgesonderd daardie gedeelte wat ingevolge Goewermenskennisgewings 556 van 29 Maart 1956 en 1618 van 2 Oktober 1970 vanaf die landdrosdistrik Pretoria oorgeplaas is) en Randburg [uitgesonderd daardie gedeelte wat voor 1 Januarie 1975 (Goewermenskennisgewing 2152 van 22 November 1974) binne die landdrosdistrik Pretoria geval het en uitgesonderd enige gedeeltes wat voor 1 Januarie 1975 (Goewermenskennisgewing 2152 van 22 November 1974) binne die landdrosdistrik Kempton Park geval het maar wat voor 29 Maart 1956 (Goewermenskennisgewing 556 van 29 Maart 1956) en 1 November 1970 (Goewermenskennisgewing 1618 van 2 Oktober 1970) binne die landdrosdistrik Pretoria geval het].

(2) Ondanks subklousule (1), is hierdie Ooreenkoms net van toepassing op werknemers vir wie lone in klousule 4 voorgeskryf word.

2. KLOUSULE 19.—UITGAWES VAN DIE RAAD

(1) In subklousule (1) (b), vervang die uitdrukking "30c" deur die uitdrukking "35c".

(2) In subclause (2) (b), substitute the expression "25c" for the expression "20c".

(2) In subklousule (2) (b), vervang die uitdrukking "20c" deur die uitdrukking "25c".

3. ANNEXURE F

Substitute the following for Annexure F:

3. AANHANGSEL F

Vervang Aanhangel F deur die volgende:

"ANNEXURE F

INDUSTRIAL COUNCIL FOR THE TEAROOM, RESTAURANT AND CATERING TRADE (WITWATERSRAND)

(Re clause 19)

Telephone 833-2514/5
P.O. Box 2221
JOHANNESBURG
2000

Fees payable for the month of Date

INDUSTRIAL COUNCIL—TEAROOM, RESTAURANT PROPRIETORS' AND CATERERS' ASSOCIATION—TRADE UNIONS

Name of business Phone No.

Address Postal code

Payment of fees shall be made for each calendar month by the 15th of the following month.

Casual and special function casual employees	White persons		Coloured persons, excluding Asians		Asians		Blacks		Totals		Total number of days worked	Amount due from employees at 7c per day		Amount due from employees at 5c per day		Total amount due from employees and employers at 12c per day		Amount due	
	M	F	M	F	M	F	M	F	M	F		R	c	R	c	R	c	R	c
Number of employees																			
Number of days worked																			

All other employees	White persons		Coloured persons, excluding Asians		Asians		Blacks		Totals		Total number of employees	Amount due from employees at 35c per month		Amount due from employees at 25c per month		Total amount due from employees and employers at 60c per month	
	M	F	M	F	M	F	M	F	M	F		R	c	R	c	R	c
Full-time employees																	
Part-time employees																	

N.B.—The flat rate of R1,00 per month is payable by each firm and each branch, in addition to employee/employer fees payable.

Plus R1,00 flat rate per month R1,00

Trade union subscriptions		Tearoom, Restaurant Proprietors' and Caterers' Association				Industrial Council	
Earning group	Deductions Per month	Scale of subscriptions	Per month	Per annum	Amount payable:	R	R
Per maand:	R		R	R	(a) Annual subscription ..	R	T.R.A.: Amount due.....
Under R40	0,50	Members employing not more than three employees	2,00	24,00	or		R
R40 and over but under R60	0,65	Members employing more than three but not more than 10 employees	3,00	36,00	(b) Monthly subscription		Trade Unions: Amount due.....
R60 and over but under R70	0,70	Members employing more than 10 but not more than 20 employees	3,50	42,00	New members:		R
R70 and over but under R80	0,80	Members employing more than 20 but not more than 30 employees	4,00	48,00	Plus entrance fee		Total: All amounts....
R80 and over but under R90	0,90	Members employing more than 30 but not more than 50 employees	5,50	66,00	Arrears outstanding		R
R90 and over	1,00	Members employing more than 50 employees	7,50	90,00	Total amount due		
Special function employees:		New members:					
Per shift: 10c		Entrance fee: R10,00.					

"AANHANGSEL F

NYWERHEIDSRAAD VIR DIE TEEKAMER-, RESTOURANT- EN SPYSENIERSBEDRYF (WITWATERSRAND)

(Sien klousule 19)

Telefoon 833-2514/5
Posbus 2221
Johannesburg
2000

Gelde betaalbaar vir die maand Datum

NYWERHEIDSRAAD—TEEKAMER-, RESTOURANTEIENAARS- EN SPYSENIERSVERENIGING—VAKVERENIGINGS

Naam van besigheid Telefoonnommer

Adres Poskode

Betaling van gelde vir elke kalendermaand moet teen die 15de dag van die daaropvolgende maand geskied.

Los werknemers en los werknemers by spesiale funksies	Blankes		Gekleurdes, uitgesonderd Asiërs		Asiërs		Swartes		Totale		Totale getal dae gewerk	Bedrag verskuldig deur werknemers teen 7c per dag		Bedrag verskuldig deur werknemers teen 5c per dag		Totale bedrag verskuldig deur werknemers en werknemers teen 12c per dag		Bedrag verskuldig	
	M	V	M	V	M	V	M	V	M	V									
Getal werknemers.....												R	c	R	c	R	c	R	c
Getal dae gewerk.....																			

Alle ander werknemers	Blankes		Gekleurdes, uitgesonderd Asiërs		Asiërs		Swartes		Totale		Totale getal werknemers	Bedrag verskuldig deur werknemers teen 35c per maand		Bedrag verskuldig deur werknemers teen 25c per maand		Totale bedrag verskuldig deur werknemers en werknemers teen 60c per maand	
	M	V	M	V	M	V	M	V	M	V							
Voltydse werknemers.....												R	c	R	c	R	c
Deeltydse werknemers.....																	

L.W.—Die uniforme tarief van R1,00 per maand is betaalbaar deur elke firma en elke tak, benewens die gelde betaalbaar deur werknemers/werkgewers.

Plus uniforme tarief van R1,00 per maand..... R1,00

Vakverenigingledegeld		Tearoom, Restaurant Proprietors' and Caterers' Association				Nywerheidsraad	
Verdienstegroep	Aftekings per maand R	Ledegeldtariewe	Per maand R	Per jaar R	Bedrae betaalbaar:	Bedrag verskuldig	R.....
Per maand:					(a) Jaarlikse ledegeld.....	T.R.A.: Bedrag verskuldig	R.....
Onder R40.....	0,50	Lede wat meer as drie werknemers in diens het	2,00	24,00	of		
R40 en meer maar onder R60....	0,65	Lede wat meer as drie maar hoogstens 10 werknemers in diens het	3,00	36,00	(b) Maandelikse ledegeld...	Bedrag verskuldig	R.....
R60 en meer maar onder R70....	0,70				Nuwe lede:	Vakverenigings: Bedrag verskuldig	R.....
R70 en meer maar onder R80....	0,80	Lede wat meer as 10 maar hoogstens 20 werknemers in diens het	3,50	42,00	Plus toetredingsgeld.....	Totaal: Bedrag verskuldig	R.....
R80 en meer maar onder R90....	0,90				Agterstalliges uitstaande..	Alle bedrae.....	R.....
R90 en meer.....	1,00	Lede wat meer as 20 maar hoogstens 30 werknemers in diens het	4,00	48,00	Totale bedrag verskuldig..		
Werknemers by spesiale funksies:		Lede wat meer as 30 maar hoogstens 50 werknemers in diens het	5,50	66,00			
Per skof: 10c		Lede wat meer as 50 werknemers in diens het	7,50	90,00			
		Nuwe lede:					
		Toetredingsgeld R10,00"					

Signed at Johannesburg on behalf of the parties hereto this 31st day of March 1980.

M. PAWSON, Chairman of the Council.

D. MICHOS, Vice-Chairman of the Council.

P. J. JANSE VAN RENSBURG, Secretary of the Council.

Namens die partye hierby op hede die 31ste dag van Maart 1980 te Johannesburg onderteken.

M. PAWSON, Voorsitter van die Raad.

D. MICHOS, Ondervoorsitter van die Raad.

P. J. JANSE VAN RENSBURG, Sekretaris van die Raad.

No. R. 1246

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956

COTTON TEXTILE MANUFACTURING INDUSTRY (CAPE).—EXTENSION OF PROVIDENT FUND AGREEMENT

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby, in terms of section 48 (4) (a) (i) of the Industrial Conciliation Act, 1956, extend the period fixed in Government Notice R. 583 of 3 April 1980, by a further period of six months ending 31 December 1980.

S. P. BOTHA, Minister of Manpower Utilisation.

No. R. 1246

20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956

KATOENTEKSTIELNYWERHEID (KAAP).—VERLENGING VAN VOORSORGFONDSOOREENKOMS

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Nywerheidsversoening, 1956, die tydperk vasgestel in Goewermentskennisgewing R. 583 van 3 April 1980, met 'n verdere tydperk van ses maande wat op 31 Desember 1980 eindig.

S. P. BOTHA, Minister van Mannekragbenutting.

No. R. 1256

20 June 1980

APPRENTICESHIP ACT, 1944

NATIONAL APPRENTICESHIP COMMITTEE FOR THE MOTOR INDUSTRY.—AMENDMENT OF CONDITIONS OF APPRENTICESHIP AND DESIGNATION OF TRADE

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby declare, in terms of section 16 of the above-mentioned Act, that the provisions of Government Notice R. 778 of 11 April 1980, shall come into operation on the date of publication of this notice, subject to the following amendment:

Substitute the amount "R2,25" for the amount "R2,05" where it appears in the Schedule to clause 3.

S. P. BOTHA, Minister of Manpower Utilisation.

No. R. 1256

20 Junie 1980

WET OP VAKLEERLINGE, 1944

NASIONALE VAKLEERLINGSKAPKOMITEE VIR DIE MOTORNYWERHEID. — WYSIGING VAN LFERVOORWAARDES EN AANWYSING VAN AMBAG

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verklaar hierby, kragtens artikel 16 van bogenoemde Wet, dat die bepalings van Goewermmentskennisgewing R. 778 van 11 April 1980, behoudens die volgende wysiging, op die datum van publikasie van hierdie kennisgewing in werking tree:

Vervang die bedrag "R2,05" deur die bedrag "R2,25" waar dit in die Bylae tot klousule 3 voorkom.

S. P. BOTHA, Minister van Mannekragbenutting.

No. R. 1257

20 June 1980

APPRENTICESHIP ACT, 1944

NATIONAL APPRENTICESHIP COMMITTEE FOR THE MOTOR INDUSTRY.—ENGAGEMENT AND TERMINATION OF SERVICES OF MINORS IN DESIGNATED TRADES

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby, in terms of section 19 of the above-mentioned Act, withdraw Government Notice R. 1647 of 22 October 1965 and declare that the provisions of subsection (3) of the said section shall, from the date of publication of this notice, apply in respect of all designated trades in the Industry and area in respect of which the above-mentioned Committee was established.

S. P. BOTHA, Minister of Manpower Utilisation.

No. R. 1257

20 Junie 1980

WET OP VAKLEERLINGE, 1944

NASIONALE VAKLEERLINGSKAPKOMITEE VIR DIE MOTORNYWERHEID. — INDIENSNEMING EN BEEÏNDIGING VAN DIENSTE VAN MINDERJARIGES IN AANGEWSE AMBAGTE

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, trek hierby, kragtens artikel 19 van bogenoemde Wet, Goewermmentskennisgewing R. 1647 van 22 Oktober 1965 in en verklaar dat die bepalings van subartikel (3) van genoemde artikel met ingang van die datum van publikasie van hierdie kennisgewing van toepassing is ten opsigte van al die aangewese ambagte in die Nywerheid en gebied waarvoor bogemelde Komitee ingestel is.

S. P. BOTHA, Minister van Mannekragbenutting.

No. R. 1263

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956

HAIRDRESSING TRADE (WITWATERSRAND). —AMENDMENT OF AGREEMENT

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, 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 Hairdressing Trade, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1980, upon the employers' organisations and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or union;

(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 1 (1), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1980, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Trade in the areas specified in clause 1 (2) of the Amending Agreement; and

No. R. 1263

20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956

HAARKAPPERSBEDRYF (WITWATERSRAND). —WYSIGING VAN OOREENKOMS

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, 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 Haarkappersbedryf betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1980 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of vereniging is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1980 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 Bedryf in die gebiede gespesifiseer in klousule 1 (2) van die Wysigingsooreenkoms; en

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in clause 1 (2) of the Amending Agreement and with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1980 the provisions of the Amending Agreement, excluding those contained in clause 1 (1), shall *mutatis mutandis* be binding upon all persons who are not employees and who are employed in the said Trade by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

SCHEDULE INDUSTRIAL COUNCIL FOR THE HAIRDRESSING TRADE (WITWATERSRAND)

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the

Witwatersrand Master Hairdressers' Association
and the

Western Transvaal Master Hairdressers' Association
(hereinafter referred to as the "employers" or the "employers' organisations"), of the one part, and the

South African Hairdressers Employees' Industrial Union
(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being parties to the Industrial Council for the Hairdressing Trade (Witwatersrand),

to amend the Agreement published under Government Notice R. 1240 of 8 July 1977, as amended and extended by Government Notices R. 718 of 14 April 1978, R. 1391 of 29 June 1979 and R. 1001 of 16 May 1980.

1. SCOPE OF APPLICATION OF AGREEMENT

The terms of this Agreement shall be observed in the Hairdressing Trade—

(1) by all employers who are members of the employers' organisations and by all employees who are members of the trade union;

(2) in the municipal areas of Randfontein, Krugersdorp, Roodepoort-Maraiburg, Johannesburg, Germiston, Boksburg, Benoni, Brakpan, Springs and Vereeniging as these areas were constituted as at 6 November 1939, and in the municipal areas of Klerksdorp, Orkney and Stilfontein.

2. CLAUSE 4.—WAGES

In subclause (1), substitute the following for paragraph (f):

"(f) General assistant:

(i) Males: R23 per week.

(ii) Females: R18,40 per week."

3. CLAUSE 15.—EXPENSES OF THE COUNCIL, SUBSCRIPTIONS TO THE EMPLOYERS' ORGANISATIONS AND THE TRADE UNION

Substitute the following for subclause (1):

"(1) (a) For the purposes of meeting the expenses of the Council, every employer shall make the following deductions from the earnings of each of his employees:

(i) Hairdressers (qualified) (male and female), manicurists and/or beauty culturists and receptionists and/or telephonists: 85 cents per month;

(ii) first-year apprentices, shampooists and general assistants: 35 cents per month;

(iii) second-year apprentices: 55 cents per month;

(iv) third-year apprentices: 55 cents per month;

(v) casual employees: 10 cents in respect of each week during which he/she was employed by that employer.

To the total amount so deducted the employer shall add a like amount and remit, month by month, the total sum to the Secretary of the Council, 520 Gloucester House, 66 Rissik Street, or P.O. Box 1201, Johannesburg, not later than the

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1980 eindig, in die gebiede gespesifiseer in klousule 1 (2) van die Wysigingsooreenkoms, *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens is in genoemde Bedryf by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragbenutting.

BYLAE

NYWERHEIDSRAAD VIR DIE HAARKAPPERSBEDRYF (WITWATERSRAND)

OOREENKOMS

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

Witwatersrand Master Hairdressers' Association
en die

Western Transvaal Master Hairdressers' Association

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

South African Hairdressers Employees' Industrial Union

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

wat die partye is by die Nywerheidsraad vir die Haarkappersbedryf (Witwatersrand),

om die Ooreenkoms, gepubliseer by Goewermentskennisgewing R. 1240 van 8 Julie 1977, soos gewysig en verleng by Goewermentskennisgewings R. 718 van 14 April 1978, R. 1391 van 29 Junie 1979 en R. 1001 van 16 Mei 1980, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

Hierdie Ooreenkoms moet in die Haarkappersbedryf nagekom word—

(1) deur alle werkgewers wat lede is van die werkgewersorganisasies en deur alle werknemers wat lede is van die vakvereniging;

(2) in die munisipale gebiede van Randfontein, Krugersdorp, Roodepoort-Maraiburg, Johannesburg, Germiston, Boksburg, Benoni, Brakpan, Springs en Vereeniging, soos die gebiede op 6 November 1939 saamgestel was, en in die munisipale gebiede van Klerksdorp, Orkney en Stilfontein.

2. KLOUSULE 4.—LONE

In subklousule (1), vervang paragraaf (f) deur die volgende:

"(f) Algemene assistent:

(i) Mans: R23 per week.

(ii) Vroue: R18,40 per week."

3. KLOUSULE 15.—UITGAWES VAN DIE RAAD, LEDEGELD AAN DIE WERKGEWERSORGANISASIES EN DIE VAKVERENIGING

Vervang subklousule (1) deur die volgende:

"(1) (a) Om die uitgawes van die Raad te bestry, moet elke werkgever ondergenoemde bedrae van die verdienste van elkeen van sy werknemers aftrek:

(i) Haarkappers (gekwalifiseer) (mans en vroue), manikuriste en/of skoonheidskundiges en ontvangsdames en/of telefoniste: 85 sent per maand;

(ii) vakleerlinge in hul eerste jaar, sjampoeïste en algemene assistente: 35 sent per maand;

(iii) vakleerlinge in hul tweede jaar: 55 sent per maand;

(iv) vakleerlinge in hul derde jaar: 55 sent per maand;

(v) los werknemers: 10 sent vir elke week wat hy/sy by dié werkgever in diens was.

By die totale bedrag wat aldus afgetrek is, moet die werkgever 'n gelyke bedrag voeg en die totale som maandeliks voor of op die sewende dag van elke maand en in die vorm soos in Aanhangsel A van hierdie Ooreenkoms voorgeskryf, aan

seventh day of each and every month, in the form prescribed in Annexure A to this Agreement: Provided that the amount to be added by the employer shall not be less than R1,50 in respect of any one month.

(b) Employers who are not required to make deductions and add an amount in terms of this subclause shall, however, remit the amount of R1,50, month by month, to the Secretary of the Council, 520 Gloucester House, 66 Rissik Street, or P.O. Box 1201, Johannesburg, not later than the seventh day of each and every month, in the form prescribed in Annexure A to this Agreement."

Signed on behalf of the parties at Johannesburg this 1st day of April 1980.

E. STURN, Chairman of the Council.

J. DANIEL, Vice-Chairman of the Council.

G. C. BREETZKE, Secretary of the Council.

No. R. 1283

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956

CLOTHING INDUSTRY, CAPE, AMENDMENT OF MAIN AGREEMENT

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, 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 Clothing Industry, shall be binding, with effect from 1 July 1980 and for the period ending 12 December 1981, upon the employers' organisations and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or union;

(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 1 (1) (a), shall be binding, with effect from 1 July 1980 and for the period ending 12 December 1981, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the areas specified in clause 1 (1) (b) of the Amending Agreement; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in clause 1 (1) (b) of the Amending Agreement and with effect from 1 July 1980 and for the period ending 12 December 1981, the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a) shall *mutatis mutandis* be binding upon all persons who are not employees and who are 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 such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE CLOTHING INDUSTRY (CAPE)

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the Cape Clothing Manufacturers' Association

and

Cape Knitting Industry Association

die Sekretaris van die Raad, Gloucester House 520, Rissikstraat 66, of Posbus 1201, Johannesburg, stuur: Met dien verstande dat die bedrag wat die werkgewer moet byvoeg minstens R1,50 per maand moet wees.

(b) Werkgewers van wie daar nie vereis word om ingevolge hierdie subklousule bedrae af te trek en 'n bedrag by te voeg nie moet egter die bedrag van R1,50 maandeliks voor of op die sewende dag van elke maand en in die vorm soos in Aanhangel A van hierdie Ooreenkoms voorgeskrif, aan die Sekretaris van die Raad, Gloucester House 520, Rissikstraat 66, of Posbus 1201, Johannesburg, stuur."

Namens die partye op hede die 1ste dag van April 1980 te Johannesburg onderteken.

E. STURN, Voorsitter van die Raad.

J. DANIEL, Ondervoorsitter van die Raad.

G. C. BREETZKE, Sekretaris van die Raad.

No. R. 1283

20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956

KLERASIENYWERHEID, KAAP.—WYSIGING VAN HOOFOOREENKOMS

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, 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 Klerasienywerheid betrekking het, met ingang van 1 Julie 1980 en vir die tydperk wat op 12 Desember 1981 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of vereniging is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van 1 Julie 1980 en vir die tydperk wat op 12 Desember 1981 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 gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van 1 Julie 1980 en vir die tydperk wat op 12 Desember 1981 eindig, in die gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens is 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 sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragbenutting.

BYLAE

NYWERHEIDSRAAD VIR DIE KLERENYWERHEID (KAAP)

OOREENKOMS

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

Cape Clothing Manufacturers' Association
en die

Cape Knitting Industry Association

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

Garment Workers' Union of the Western Province

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

being parties to the Industrial Council for the Clothing Industry (Cape),

to amend the Agreement of the Council published under Government Notice R. 540 of 23 March 1979, as amended by Government Notices R. 2237 of 5 October 1979, R. 2632 of 23 November 1979 and R. 701 of 3 April 1980:

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Clothing Industry—

(a) by the employers and the employees who are members of the employers' organisations and trade union respectively;

(b) in the Magisterial Districts of—

(i) The Cape, Simonstown, Goodwood, Bellville, Somerset West, Strand and Worcester by employers and employees who are engaged or employed on the operations referred to in paragraphs (a) and/or (b) of the definition of "Clothing Industry" in clause 3 of the Agreement published under Government Notice R. 540 of 23 March 1979; and

(ii) Wynberg by employers and employees who are engaged or employed on the operations referred to in paragraphs (a) and/or (b) and/or (c) of the definition of "Clothing Industry" in clause 3 of the Agreement published under Government Notice R. 540 of 23 March 1979.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—

(a) only apply in respect of employees for whom wages are prescribed in this Agreement;

(b) not apply to employees and working directors whose wages are not less than R4 800 per annum;

(c) not apply to employers and employees engaged or employed in the Knitting Division.

2. CLAUSE 4.—WAGES

Substitute the following for subclause (1):

"(1) The minimum wages that shall be paid to and accepted by the undermentioned classes of employees shall be as follows:

PART A

	<i>Per week R</i>
Cutting Department:	
Head cutter.....	85,85
Pattern maker:	
(a) Qualified.....	85,85
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	26,75
<i>Second year</i>	
First six months of experience.....	35,15
Second six months of experience.....	43,65
<i>Third year</i>	
First six months of experience.....	52,05
Second six months of experience.....	60,50
<i>Fourth year</i>	
First six months of experience.....	69,00
Second six months of experience.....	77,40
Thereafter, the wage specified in (a), i.e.....	85,85
Pattern grader:	
(a) Qualified.....	66,35
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	24,35
<i>Second year</i>	
First six months of experience.....	30,30
Second six months of experience.....	36,30

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

Garment Workers' Union of the Western Province

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

wat die partye is by die Nywerheidsraad vir die Klerasienywerheid (Kaap),

om die Ooreenkoms van die Raad, gepubliseer by Goewermmentskennisgewing R. 540 van 23 Maart 1979, soos gewysig by Goewermmentskennisgewings R. 2237 van 5 Oktober 1979, R. 2632 van 23 November 1979 en R. 701 van 3 April 1980, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Klerasienywerheid nagekom word—

(a) deur die werkgewers en werknemers wat onderskeidelik lede van die werkgewersorganisasies en die vakvereniging is;

(b) in die landdrosdistrikte—

(i) Die Kaap, Simonstad, Goodwood, Bellville, Somerset-Wes, Strand en Worcester deur werkgewers en werknemers wat onderskeidelik betrokke is by of deelneem aan die werksaamhede vermeld in paragrawe (a) en/of (b) van die omskrywing van "Klerasienywerheid" in klousule 3 van die Ooreenkoms gepubliseer by Goewermmentskennisgewing R. 540 van 23 Maart 1979; en

(ii) Wynberg deur werkgewers en werknemers wat onderskeidelik betrokke is by of deelneem aan die werksaamhede vermeld in paragrawe (a) en/of (b) en/of (c) van die omskrywing van "Klerasienywerheid" in klousule 3 van die Ooreenkoms gepubliseer by Goewermmentskennisgewing R. 540 van 23 Maart 1979.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms—

(a) slegs van toepassing op werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word;

(b) nie van toepassing op werknemers en werkende direkteure wie se lone minstens R4 800 per jaar bedra nie;

(c) nie van toepassing op werkgewers en werknemers wat betrokke is by of in diens is in die Brei-afdeling nie.

2. KLOUSULE 4.—LONE

Vervang subklousule (1) deur die volgende:

"(1) Die minimum lone wat betaal moet word aan en aangeneem mag word ondergenoemde klasse werknemers is soos volg:

DEEL A

	<i>Per week R</i>
Snyafdeling:	
Hoofsnier.....	85,85
Patroonmaker:	
(a) Gekwalifiseer.....	85,85
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	26,75
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	35,15
Tweede ses maande ondervinding.....	43,65
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	52,05
Tweede ses maande ondervinding.....	60,50
<i>Vierde jaar</i>	
Eerste ses maande ondervinding.....	69,00
Tweede ses maande ondervinding.....	77,40
Daarna, die loon in (a) voorgeskryf, d.w.s.	85,85
Patroongradeerder:	
(a) Gekwalifiseer.....	66,35
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	24,35
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	30,30
Tweede ses maande ondervinding.....	36,30

	Per week R		Per week R
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	42,30	Eerste ses maande ondervinding.....	42,30
Second six months of experience.....	48,30	Tweede ses maande ondervinding.....	48,30
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience.....	54,35	Eerste ses maande ondervinding.....	54,35
Second six months of experience.....	60,35	Tweede ses maande ondervinding.....	60,35
Thereafter, the wage specified in (a) i.e.....	66,35	Daarna, die loon in (a) voorgeskryf, d.w.s.	66,35
Cutter, lay-maker:		Snyer, laagpatroonopsteller:	
(a) Qualified.....	63,25	(a) Gekwalifiseer.....	63,25
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	23,95	Tweede ses maande ondervinding.....	23,95
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	29,55	Eerste ses maande ondervinding.....	29,55
Second six months of experience.....	35,15	Tweede ses maande ondervinding.....	35,15
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	40,75	Eerste ses maande ondervinding.....	40,75
Second six months of experience.....	46,40	Tweede ses maande ondervinding.....	46,40
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience.....	52,05	Eerste ses maande ondervinding.....	52,05
Second six months of experience.....	57,65	Tweede ses maande ondervinding.....	57,65
Thereafter, the wage specified in (a), i.e.....	63,25	Daarna, die loon in (a) voorgeskryf, d.w.s.	63,25
Interlining cutter, trimmer, leather cutter and tie cutter:		Binnevoeringsnyer, opmaker, leersnyer en dassnyer:	
(a) Qualified.....	40,45	(a) Gekwalifiseer.....	40,45
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	21,10	Tweede ses maande ondervinding.....	21,10
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	23,85	Eerste ses maande ondervinding.....	23,85
Second six months of experience.....	26,60	Tweede ses maande ondervinding.....	26,60
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	29,35	Eerste ses maande ondervinding.....	29,35
Second six months of experience.....	32,10	Tweede ses maande ondervinding.....	32,10
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience.....	34,90	Eerste ses maande ondervinding.....	34,90
Second six months of experience.....	37,65	Tweede ses maande ondervinding.....	37,65
Thereafter, the wage specified in (a), i.e.....	40,45	Daarna, die loon in (a) voorgeskryf, d.w.s.	40,45
(c) If advanced to learner cutter:		(c) Indien bevorder tot leerlingsnyer:	
First six months from date of advancement.....	52,05	Eerste ses maande vanaf datum van bevoor-	
Second six months from date of advancement.....	57,65	dering.....	52,05
Thereafter, the wage specified for qualified cutter i.e.....	63,25	Tweede ses maande vanaf datum van bevoor-	
		dering.....	57,65
		Daarna, die loon vir 'n gekwalifiseerde snyer voorgeskryf, d.w.s.....	63,25
Layer-up:		Laemaker:	
(a) Qualified.....	26,30	(a) Gekwalifiseer.....	26,30
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	19,65	Tweede ses maande ondervinding.....	19,65
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	20,95	Eerste ses maande ondervinding.....	20,95
Second six months of experience.....	22,30	Tweede ses maande ondervinding.....	22,30
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	23,60	Eerste ses maande ondervinding.....	23,60
Second six months of experience.....	24,95	Tweede ses maande ondervinding.....	24,95
Thereafter, the wage specified in (a), i.e.....	26,30	Daarna, die loon in (a) voorgeskryf, d.w.s.	26,30
(c) If advanced to learner cutter:		(c) Indien bevorder tot leerlingsnyer:	
First six months from date of advancement.....	26,30	Eerste ses maande vanaf datum van bevoor-	
Second six months from date of advancement.....	35,55	dering.....	26,30
Third six months from date of advancement.....	44,80	Tweede ses maande vanaf datum van bevoor-	
Fourth six months from date of advancement.....	54,05	dering.....	35,55
Thereafter, the wage specified for qualified cutter, i.e.....	63,25	Derde ses maande vanaf datum van bevoor-	
		dering.....	44,80
		Vierde ses maande vanaf datum van bevoor-	
		dering.....	54,05
		Daarna, die loon vir 'n gekwalifiseerde snyer voorgeskryf, d.w.s.....	63,25

	Per week R
(d) If advanced to learner interlining cutter, trimmer, leather cutter or tie cutter:	
First six months from date of advancement..	26,30
Second six months from date of advancement	33,35
Thereafter, the wage specified for qualified interlining cutter, trimmer, leather cutter or tie cutter, i.e.....	40,45
(e) If advanced to fitter-up:	
First six months from date of advancement..	26,30
Second six months from date of advancement	33,25
Third six months from date of advancement	36,90
Fourth six months from date of advancement	40,65
Fifth six months from date of advancement..	44,40
Thereafter, the wage specified for fitter-up, i.e.	48,15
Clicker:	
(a) Qualified.....	42,70
(b) Learner:	
First year	
First six months of experience.....	18,30
Second six months of experience.....	23,15
Second year of experience.....	28,05
Third year of experience.....	32,95
Fourth year of experience.....	37,85
Thereafter, the wage specified in (a), i.e.....	42,70
Tracer:	
(a) Qualified.....	40,45
(b) Learner:	
First year	
First six months of experience.....	18,30
Second six months of experience.....	21,10
Second year	
First six months of experience.....	23,85
Second six months of experience.....	26,60
Third year	
First six months of experience.....	29,35
Second six months of experience.....	32,10
Fourth year	
First six months of experience.....	34,90
Second six months of experience.....	37,65
Thereafter, the wage specified in (a), i.e.....	40,45

PART B

	Per week R
Factory operatives:	
Cloting machine mechanic:	
(a) Qualified.....	85,85
(b) Learner:	
First year	
First six months of experience.....	18,30
Second six months of experience.....	26,75
Second year	
First six months of experience.....	35,15
Second six months of experience.....	43,65
Third year	
First six months of experience.....	52,05
Second six months of experience.....	60,50
Fourth year	
First six months of experience.....	69,00
Second six months of experience.....	77,40
Thereafter, the wage specified in (a), i.e.....	85,85
Clothing technician:	
(a) Qualified.....	85,85

	Per week R
(d) Indien bevorder tot leerlingbinnevoeringsnyer, -opmaker, -leersnyer of -dassnyer:	
Eerste ses maande vanaf datum van bevordering.....	26,30
Tweede ses maande vanaf datum van bevordering.....	33,35
Daarna, die loon voorgeskryf vir 'n gekwalifiseerde binnevoeringsnyer, opmaker, leersnyer of dassnyer, d.w.s.....	40,45
(e) Indien bevorder tot pasmaker:	
Eerste ses maande vanaf datum van bevordering.....	26,30
Tweede ses maande vanaf datum van bevordering.....	33,25
Derde ses maande vanaf datum van bevordering.....	36,90
Vierde ses maande vanaf datum van bevordering.....	40,65
Vyfde ses maande vanaf datum van bevordering.....	44,40
Daarna, die loon vir 'n pasmaker voorgeskryf, d.w.s.....	48,15
Perssnyer:	
(a) Gekwalifiseer.....	42,70
(b) Leerling:	
Eerste jaar	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	23,15
Tweede jaar ondervinding.....	28,05
Derde jaar ondervinding.....	32,95
Vierde jaar ondervinding.....	37,85
Daarna, die loon in (a) voorgeskryf, d.w.s.	42,70
Natrekker:	
(a) Gekwalifiseer.....	40,45
(b) Leerling:	
Eerste jaar	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	21,10
Tweede jaar	
Eerste ses maande ondervinding.....	23,85
Tweede ses maande ondervinding.....	26,60
Derde jaar	
Eerste ses maande ondervinding.....	29,35
Tweede ses maande ondervinding.....	32,10
Vierde jaar	
Eerste ses maande ondervinding.....	34,90
Tweede ses maande ondervinding.....	37,65
Daarna, die loon in (a) voorgeskryf, d.w.s.	40,45

DEEL B

	Per week R
Fabriekswerkers:	
Klerasiemasjienwerktuigkundige:	
(a) Gekwalifiseer.....	85,85
(b) Leerling:	
Eerste jaar	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	26,75
Tweede jaar	
Eerste ses maande ondervinding.....	35,15
Tweede ses maande ondervinding.....	43,65
Derde jaar	
Eerste ses maande ondervinding.....	52,05
Tweede ses maande ondervinding.....	60,50
Vierde jaar	
Eerste ses maande ondervinding.....	69,00
Tweede ses maande ondervinding.....	77,40
Daarna, die loon in (a) voorgeskryf, d.w.s.	85,85
Klerasietegnikus:	
(a) Gekwalifiseer.....	85,85

	Per week R		Per week R
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	26,75	Tweede ses maande ondervinding.....	26,75
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	35,15	Eerste ses maande ondervinding.....	35,15
Second six months of experience.....	43,65	Tweede ses maande ondervinding.....	43,65
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	52,05	Eerste ses maande ondervinding.....	52,05
Second six months of experience.....	60,50	Tweede ses maande ondervinding.....	60,50
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience.....	69,00	Eerste ses maande ondervinding.....	69,00
Second six months of experience.....	77,40	Tweede ses maande ondervinding.....	77,40
Thereafter, the wage specified in (a), i.e.....	85,85	Daarna, die loon in (a) voorgeskryf, d.w.s.	85,85
Female presser (non-automatic press):		Vroulike parser (nie-outomatiese pers):	
(a) Qualified.....	48,15	(a) Gekwalifiseer.....	48,15
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	22,00	Tweede ses maande ondervinding.....	22,00
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	25,75	Eerste ses maande ondervinding.....	25,75
Second six months of experience.....	29,50	Tweede ses maande ondervinding.....	29,50
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	33,25	Eerste ses maande ondervinding.....	33,25
Second six months of experience.....	36,90	Tweede ses maande ondervinding.....	36,90
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience.....	40,65	Eerste ses maande ondervinding.....	40,65
Second six months of experience.....	44,40	Tweede ses maande ondervinding.....	44,40
Thereafter, the wage specified in (a), i.e.....	48,15	Daarna, die loon in (a) voorgeskryf, d.w.s.	48,15
Female presser (automatic press):		Vroulike parser (outomatiese pers):	
(a) Qualified.....	33,85	(a) Gekwalifiseer.....	33,85
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	20,85	Tweede ses maande ondervinding.....	20,85
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	23,45	Eerste ses maande ondervinding.....	23,45
Second six months of experience.....	26,05	Tweede ses maande ondervinding.....	26,05
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	28,60	Eerste ses maande ondervinding.....	28,60
Second six months of experience.....	31,20	Tweede ses maande ondervinding.....	31,20
Thereafter, the wage specified in (a), i.e.....	33,85	Daarna, die loon in (a) voorgeskryf, d.w.s.	33,85
Female under-presser:		Vroulike voorparser:	
(a) Qualified.....	26,70	(a) Gekwalifiseer.....	26,70
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	19,70	Tweede ses maande ondervinding.....	19,70
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	21,10	Eerste ses maande ondervinding.....	21,10
Second six months of experience.....	22,50	Tweede ses maande ondervinding.....	22,50
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	23,90	Eerste ses maande ondervinding.....	23,90
Second six months of experience.....	25,25	Tweede ses maande ondervinding.....	25,25
Thereafter, the wage specified in (a), i.e.....	26,70	Daarna, die loon in (a) voorgeskryf, d.w.s.	26,70
(c) If advanced to learner female presser (non-automatic press):		(c) Indien bevorder tot leerlingparser, vrou (nie-outomatiese pers):	
First six months from date of advancement.....	26,70	Eerste ses maande vanaf datum van bevordering.....	26,70
Second six months from date of advancement.....	37,40	Tweede ses maande vanaf datum van bevordering.....	37,40
Thereafter, the wage specified for qualified female presser (non-automatic press), i.e.....	48,15	Daarna, die loon vir 'n gekwalifiseerde vroulike parser (nie-outomatiese pers) voorgeskryf, d.w.s.....	48,15
(d) If advanced to learner female presser (automatic press):		(d) Indien bevorder tot leerlingparser, vrou (outomatiese pers):	
First six months from date of advancement.....	26,70	Eerste ses maande vanaf datum van bevordering.....	26,70
Second six months from date of advancement.....	30,25	Tweede ses maande vanaf datum van bevordering.....	30,25

	Per week R		Per week R
Thereafter, the wage specified for qualified female presser (automatic press), i.e.....	33,85	Daarna, die loon vir 'n gekwalifiseerde vroulike parser (outomatiese pers) voorgeskryf, d.w.s.....	33,85
Grade A employee (male):		Werknemer, graad A, man:	
(a) Qualified.....	48,15	(a) Gekwalifiseer.....	48,15
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	22,00	Tweede ses maande ondervinding.....	22,00
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	25,75	Eerste ses maande ondervinding.....	25,75
Second six months of experience.....	29,50	Tweede ses maande ondervinding.....	29,50
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	33,25	Eerste ses maande ondervinding.....	33,25
Second six months of experience.....	36,90	Tweede ses maande ondervinding.....	36,90
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience.....	40,65	Eerste ses maande ondervinding.....	40,65
Second six months of experience.....	44,40	Tweede ses maande ondervinding.....	44,40
Thereafter, the wage specified in (a), i.e.....	48,15	Daarna, die loon in (a) voorgeskryf, d.w.s.....	48,15
(c) If advanced to learner supervisor:		(c) Indien bevorder tot leerlingtoesighouer:	
First six months from date of advancement..	48,15	Eerste ses maande vanaf datum van bevordering.....	48,15
Second six months from date of advancement	57,05	Tweede ses maande vanaf datum van bevordering.....	57,05
Thereafter, the wage specified for qualified male supervisor, i.e.....	65,95	Daarna, die loon vir 'n gekwalifiseerde manlike toesighouer voorgeskryf, d.w.s.....	65,95
(d) If advanced to learner supervisor from set leader:		(d) Indien bevorder van spanleier tot leerlingtoesighouer:	
First six months from date of advancement..	51,20	Eerste ses maande vanaf datum van bevordering.....	51,20
Second six months from date of advancement	58,60	Tweede ses maande vanaf datum van bevordering.....	58,60
Thereafter, the wage specified for qualified male supervisor, i.e.....	65,95	Daarna, die loon vir 'n gekwalifiseerde manlike toesighouer voorgeskryf, d.w.s....	65,95
Grade B employee (male):		Werknemer, graad B (man):	
(a) Qualified.....	31,35	(a) Gekwalifiseer.....	31,35
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	20,50	Tweede ses maande ondervinding.....	20,50
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	22,70	Eerste ses maande ondervinding.....	22,70
Second six months of experience.....	24,80	Tweede ses maande ondervinding.....	24,80
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	27,00	Eerste ses maande ondervinding.....	27,00
Second six months of experience.....	29,15	Tweede ses maande ondervinding.....	29,15
Thereafter, the wage specified in (a), i.e.....	31,35	Daarna, die loon in (a) voorgeskryf, d.w.s.....	31,35
(c) If advanced to Grade A employee (male):		(c) Indien bevorder tot werknemer graad A, man:	
First six months from date of advancement..	31,35	Eerste ses maande vanaf datum van bevordering.....	31,35
Second six months from date of advancement	40,65	Tweede ses maande vanaf datum van bevordering.....	40,65
Third six months from date of advancement	44,40	Derde ses maande vanaf datum van bevordering.....	44,40
Thereafter.....	48,15	Daarna.....	48,15
Grade B employee (female):		Werknemer, graad B (vrou):	
(a) Qualified.....	31,35	(a) Gekwalifiseer.....	31,35
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience.....	18,30	Eerste ses maande ondervinding.....	18,30
Second six months of experience.....	20,50	Tweede ses maande ondervinding.....	20,50
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience.....	22,70	Eerste ses maande ondervinding.....	22,70
Second six months of experience.....	24,80	Tweede ses maande ondervinding.....	24,80
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience.....	27,00	Eerste ses maande ondervinding.....	27,00
Second six months of experience.....	29,15	Tweede ses maande ondervinding.....	29,15
Thereafter, the wage specified in (a), i.e.....	31,35	Daarna, die loon in (a) voorgeskryf, d.w.s.....	31,35
(c) If advanced to learner supervisor:		(c) Indien bevorder tot leerlingtoesighoudster:	
First six months from date of advancement..	31,35	Eerste ses maande vanaf datum van bevordering.....	31,35
Second six months from date of advancement	37,35	Tweede ses maande vanaf datum van bevordering.....	37,35

	Per week R
Thereafter, the wage specified for qualified female supervisor, i.e.....	44,15
(d) If advanced from set leader to learner supervisor:	
First six months from date of advancement ..	34,30
Second six months from date of advancement ..	37,35
Thereafter, the wage specified for qualified female supervisor, i.e.....	44,15
Grade C employee (female):	
(a) Qualified.....	23,05
(b) Learner:	
First year	
First six months of experience.....	18,30
Second six months of experience.....	19,10
Second year	
First six months of experience.....	19,85
Second six months of experience.....	20,70
Third year	
First six months of experience.....	21,45
Second six months of experience.....	22,25
Thereafter, the wage specified in (a), i.e.....	23,05
(c) If advanced to Grade B employee, female:	
First six months from date of advancement ..	23,05
Second six months from date of advancement ..	27,20
Thereafter.....	31,35
Male under-presser:	
(a) Qualified.....	40,45
(b) Learner:	
First year	
First six months of experience.....	18,30
Second six months of experience.....	21,10
Second year	
First six months of experience.....	23,85
Second six months of experience.....	26,60
Third year	
First six months of experience.....	29,35
Second six months of experience.....	32,10
Fourth year	
First six months of experience.....	34,90
Second six months of experience.....	37,65
Thereafter, the wage specified in (a), i.e.....	40,45
(c) If advanced to learner male presser:	
First six months from date of advancement ..	40,45
Second six months from date of advancement ..	44,30
Thereafter, the wage specified for qualified Grade A employee, male i.e.....	48,15

PART C

	Per week R
Clerical and Travellers:	
Grade A clerk, male:	
First year of experience.....	24,90
Second year of experience.....	30,85
Third year of experience.....	36,85
Fourth year of experience.....	42,80
Thereafter.....	54,90
Grade A clerk, female:	
First year of experience.....	22,60
Second year of experience.....	26,20
Third year of experience.....	29,90
Fourth year of experience.....	33,60
Thereafter.....	38,15

	Per week R
Daarna, die loon vir 'n gekwalifiseerde toesighoudster voorgeskryf, d.w.s.....	44,15
(d) Indien bevorder van spanleier tot leerling-toesighoudster:	
Eerste ses maande vanaf datum van bevordering.....	34,30
Tweede ses maande vanaf datum van bevordering.....	37,35
Daarna, die loon vir 'n gekwalifiseerde toesighoudster voorgeskryf, d.w.s.....	44,15
Werknemer, graad C (vrou):	
(a) Gekwalifiseer.....	23,05
(b) Leerling:	
Eerste jaar	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	19,10
Tweede jaar	
Eerste ses maande ondervinding.....	19,85
Tweede ses maande ondervinding.....	20,70
Derde jaar	
Eerste ses maande ondervinding.....	21,45
Tweede ses maande ondervinding.....	22,25
Daarna, die loon in (a) voorgeskryf, d.w.s.....	23,05
(c) Indien bevorder tot werknemer, graad B (vrou):	
Eerste ses maande vanaf datum van bevordering.....	23,05
Tweede ses maande vanaf datum van bevordering.....	27,20
Daarna.....	31,35
Manlike voorparser:	
(a) Gekwalifiseer.....	40,45
(b) Leerling:	
Eerste jaar	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	21,10
Tweede jaar	
Eerste ses maande ondervinding.....	23,85
Tweede ses maande ondervinding.....	26,60
Derde jaar	
Eerste ses maande ondervinding.....	29,35
Tweede ses maande ondervinding.....	32,10
Vierde jaar	
Eerste ses maande ondervinding.....	34,90
Tweede ses maande ondervinding.....	37,65
Daarna, die loon in (a) voorgeskryf, d.w.s.....	40,45
(c) Indien bevorder tot leerlingparser, man:	
Eerste ses maande vanaf datum van bevordering.....	40,45
Tweede ses maande vanaf datum van bevordering.....	44,30
Daarna, die loon vir 'n gekwalifiseerde werknemer, graad A, man, voorgeskryf, d.w.s.....	48,15

DEEL C

	Per week R
Klerke en Handelsreisigers:	
Klerk, graad A, man:	
Eerste jaar ondervinding.....	24,90
Tweede jaar ondervinding.....	30,85
Derde jaar ondervinding.....	36,85
Vierde jaar ondervinding.....	42,80
Daarna.....	54,90
Klerk, graad A, vrou:	
Eerste jaar ondervinding.....	22,60
Tweede jaar ondervinding.....	26,20
Derde jaar ondervinding.....	29,90
Vierde jaar ondervinding.....	33,60
Daarna.....	38,15

	Per week R
Grade B clerk, male:	
First year of experience.....	18,30
Second year of experience.....	23,55
Third year of experience.....	28,55
Fourth year of experience.....	33,60
Thereafter.....	47,85
Grade B clerk, female:	
First year of experience.....	18,30
Second year of experience.....	22,05
Third year of experience.....	25,85
Fourth year of experience.....	29,90
Thereafter.....	34,25
	Per month R
Traveller, male:	
First year of experience.....	280,50
Second year of experience.....	307,95
Third year of experience.....	327,80
Fourth year of experience.....	356,75
Thereafter.....	385,75
Traveller, female:	
First year of experience.....	182,95
Second year of experience.....	213,45
Third year of experience.....	240,85
Fourth year of experience.....	271,40
Thereafter.....	304,95

PART D

	Per week R
General:	
Foreman or male supervisor, quality controller and instructor:	
(a) Qualified.....	65,95
(b) Learner:	
First six months of experience.....	48,15
Second six months of experience.....	57,05
Thereafter, the wage specified in (a), i.e.....	65,95
Forewoman or female supervisor, quality controller and instructress:	
(a) Qualified.....	44,15
(b) Learner:	
First six months of experience.....	31,35
Second six months of experience.....	37,35
Thereafter, the wage specified in (a), i.e.....	44,15
General worker:	
Male, 18 years of age and over.....	30,50
Male, under 18 years.....	25,55
Female.....	25,55
Driver of a motor vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle—	
(a) does not exceed 1 360 kg.....	30,50
(b) exceeds 1 360 kg but not 2 720 kg.....	33,85
(c) exceeds 2 720 kg.....	46,90

Signed at Salt River on behalf of the parties this 22nd day of May 1980.

L. A. PETERSEN, Vice-Chairman of the Council.

R. ROY, Member of the Council.

G. J. NEL, Secretary of the Council.

No. R. 1284 20 June 1980
INDUSTRIAL CONCILIATION ACT, 1956
CLOTHING INDUSTRY, CAPE.—AMENDMENT
OF AGREEMENT FOR THE COUNTRY AREAS

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, 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

	Per week R
Klerk, graad B, man:	
Eerste jaar ondervinding.....	18,30
Tweede jaar ondervinding.....	23,55
Derde jaar ondervinding.....	28,55
Vierde jaar ondervinding.....	33,60
Daarna.....	47,85
Klerk, graad B, vrou:	
Eerste jaar ondervinding.....	18,30
Tweede jaar ondervinding.....	22,05
Derde jaar ondervinding.....	25,85
Vierde jaar ondervinding.....	29,90
Daarna.....	34,25
	Per maand R
Handelsreisiger, man:	
Eerste jaar ondervinding.....	280,50
Tweede jaar ondervinding.....	307,95
Derde jaar ondervinding.....	327,80
Vierde jaar ondervinding.....	356,75
Daarna.....	385,75
Handelsreisiger, vrou:	
Eerste jaar ondervinding.....	182,95
Tweede jaar ondervinding.....	213,45
Derde jaar ondervinding.....	240,85
Vierde jaar ondervinding.....	271,40
Daarna.....	304,95

DEEL D

	Per week R
Algemeen:	
Voorman of toesighouer, gehaltebeheerder en instrukteur:	
(a) Gekwalifiseer.....	65,95
(b) Leerling:	
Eerste ses maande ondervinding.....	48,15
Tweede ses maande ondervinding.....	57,05
Daarna, die loon in (a) voorgeskryf, d.w.s....	65,95
Voorvrou of toesighoudster, gehaltebeheerder en instruktriess:	
(a) Gekwalifiseer.....	44,15
(b) Leerling:	
Eerste ses maande ondervinding.....	31,35
Tweede ses maande ondervinding.....	37,35
Daarna, die loon in (a) voorgeskryf, d.w.s....	44,15
Algemene werker:	
Man, 18 jaar en ouer.....	30,50
Man, onder 18 jaar.....	25,55
Vrou.....	25,55
Drywer van motorvoertuig waarvan die onbelaste massa tesame met die onbelaste massa van 'n sleepwa of -waens wat deur sodanige voertuig getrek word—	
(a) hoogstens 1 360 kg is.....	30,50
(b) meer as 1 360 kg maar hoogstens 2 720 kg is.....	33,85
(c) meer as 2 720 kg is.....	46,90

Namens die partye op hede die 22ste dag van Mei 1980 te Soutrivier onderteken.

L. A. PETERSEN, Ondervoorsitter van die Raad.

R. ROY, Lid van die Raad.

G. J. NEL, Sekretaris van die Raad.

No. R. 1284 20 Junie 1980
WET OP NYWERHEIDSVERSOENING, 1956
KLERASIENYWERHEID, KAAP. — WYSIGING
VAN OOREENKOMS VIR DIE PLATTELANDSE
GEBIEDE

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, 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

Schedule hereto and which relates to the Clothing Industry, shall be binding, with effect from 1 July 1980 and for the period ending 31 December 1981, upon the employer's organisations and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or union;

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement shall be binding, with effect from 1 July 1980 and for the period ending 31 December 1981, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the Magisterial District of George; 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 1 July 1980 and for the period ending 31 December 1981, the provisions of the Amending Agreement shall *mutatis mutandis* be binding upon all persons who are not employees and who are 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 such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

**SCHEDULE
INDUSTRIAL COUNCIL FOR THE CLOTHING
INDUSTRY (CAPE)
AGREEMENT**

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the
Cape Clothing Manufacturers' Association
and

Cape Knitting Industry Association

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

Garment Workers' Union of the Western Province

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

being parties to the Industrial Council for the Clothing Industry (Cape).

to amend the Agreement of the Council published under Government Notice R. 543 of 23 March 1979, as amended by Government Notice R. 2633 of 23 November 1979 and Government Notice R. 700 of 3 April 1980.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Magisterial District of George by the employers and employees in the Clothing Industry: Provided that for the purposes of this clause the expression "Clothing Industry" shall not include the "Knitting Division" as defined.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—

(a) only apply in respect of employees for whom wages are prescribed in this Agreement;

(b) not apply to employees and working directors whose wages are not less than R4 800 per annum.

2. CLAUSE 4.—WAGES

Substitute the following for subclause (1):

"(1) The minimum wages that shall be paid to and be accepted by the undermentioned classes of employees shall be as follows:

PART A

	Per week R
Cutting Department:	
Head cutter.....	62,45
Pattern grader:	
(a) Qualified.....	42,70

Klerasiennywerheid betrekking het, met ingang van 1 Julie 1980 en vir die tydperk wat op 31 Desember 1981 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of vereniging is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms met ingang van 1 Julie 1980 en vir die tydperk wat op 31 Desember 1981 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 landdrosdistrik George; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms met ingang van 1 Julie 1980 en vir die tydperk wat op 31 Desember 1981 eindig, in die gebied gespesifiseer in paragraaf (b) van hierdie kennisgewing *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens is 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 sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragbenutting.

**BYLAE
NYWERHEIDSRaad VIR DIE KLERASIENYWER-
HEID (KAAP)
OOREENKOMS**

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

Cape Clothing Manufacturers' Association
en

Cape Knitting Industry Association

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

Garment Workers' Union of the Western Province

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

wat die partye is by die Nywerheidsraad vir die Klerasiennywerheid (Kaap),

om die Ooreenkoms van die Raad, gepubliseer by Goewermentskennisgewing R. 543 van 23 Maart 1979, soos gewysig by Goewermentskennisgewing R. 2633 van 23 November 1979 en Goewermentskennisgewing R. 700 van 3 April 1980, te wysig.

1. TOEPASSINGBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die landdrosdistrik George nagekom word deur die werkgewers en werknemers in die Klerasiennywerheid: Met dien verstande dat vir die toepassing van hierdie klousule die uitdrukking "Klerasiennywerheid" nie ook die "Brei-afdeling" soos omskryf, omvat nie.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms—

(a) slegs van toepassing op werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word;

(b) nie van toepassing nie op werknemers en werkende direkteure wie se lone minstens R4 800 per jaar bedra.

2. KLOUSULE 4.—LONE

Vervang subklousule (1) deur die volgende:

"(1) Die minimum lone wat betaal moet word aan en aange-
neem mag word deur ondergenoemde klasse werknemers is
soos volg:

DEEL A

	Per week R
Snyafdeling:	
Hoofsnyer.....	62,45
Patroongradeerder:	
(a) Gekwalifiseer.....	42,70

		Per week R
(b) Learner:		
<i>First year</i>		
First six months of experience.....	12,10	
Second six months of experience.....	15,90	
<i>Second year</i>		
First six months of experience.....	19,75	
Second six months of experience.....	23,55	
<i>Third year</i>		
First six months of experience.....	27,40	
Second six months of experience.....	31,20	
<i>Fourth year</i>		
First six months of experience.....	35,00	
Second six months of experience.....	38,85	
Thereafter, the wage specified in (a), i.e.....	42,70	
Cutter, lay-maker:		
(a) Qualified.....	42,70	
(b) Learner:		
<i>First year</i>		
First six months of experience.....	12,10	
Second six months of experience.....	15,90	
<i>Second year</i>		
First six months of experience.....	19,75	
Second six months of experience.....	23,55	
<i>Third year</i>		
First six months of experience.....	27,40	
Second six months of experience.....	31,20	
<i>Fourth year</i>		
First six months of experience.....	35,00	
Second six months of experience.....	38,85	
Thereafter, the wage specified in (a) i.e.....	42,70	
Interlining cutter, trimmer, leather cutter and tie cutter:		
(a) Qualified.....	25,50	
(b) Learner:		
<i>First year</i>		
First six months of experience.....	12,10	
Second six months of experience.....	13,75	
<i>Second year:</i>		
First six months of experience.....	15,40	
Second six months of experience.....	17,10	
<i>Third year</i>		
First six months of experience.....	18,75	
Second six months of experience.....	20,40	
<i>Fourth year</i>		
First six months of experience.....	22,05	
Second six months of experience.....	23,70	
Thereafter, the wage specified in (a), i.e.....	25,50	
(c) If advanced to learner cutter:		
First six months from date of advancement..	35,00	
Second six months from date of advancement.....	38,85	
Thereafter, the wage specified for a cutter, qualified, i.e.....	42,70	
Layer-up:		
(a) Qualified.....	17,55	
(b) Learner:		
<i>First year</i>		
First six months of experience.....	12,10	
Second six months of experience.....	13,00	
<i>Second year</i>		
First six months of experience.....	13,95	
Second six months of experience.....	14,80	
<i>Third year</i>		
First six months of experience.....	15,75	
Second six months of experience.....	16,65	
Thereafter, the wage specified in (a), i.e.....	17,55	
(c) If advanced to learner cutter:		
<i>Fourth year</i>		
First six months from date of advancement	20,50	
Second six months from date of advancement.....	26,05	
(b) Leerling:		
<i>Eerste jaar</i>		
Eerste ses maande ondervinding.....	12,10	
Tweede ses maande ondervinding.....	15,90	
<i>Tweede jaar</i>		
Eerste ses maande ondervinding.....	19,75	
Tweede ses maande ondervinding.....	23,55	
<i>Derde jaar</i>		
Eerste ses maande ondervinding.....	27,40	
Tweede ses maande ondervinding.....	31,20	
<i>Vierde jaar</i>		
Eerste ses maande ondervinding.....	35,00	
Tweede ses maande ondervinding.....	38,85	
Daarna, die loon voorgeskryf in (a), d.w.s.	42,70	
Snyer, laagpatroonopsteller:		
(a) Gekwalifiseer.....	42,70	
(b) Leerling:		
<i>Eerste jaar</i>		
Eerste ses maande ondervinding.....	12,10	
Tweede ses maande ondervinding.....	15,90	
<i>Tweede jaar</i>		
Eerste ses maande ondervinding.....	19,75	
Tweede ses maande ondervinding.....	23,55	
<i>Derde jaar</i>		
Eerste ses maande ondervinding.....	27,40	
Tweede ses maande ondervinding.....	31,20	
<i>Vierde jaar</i>		
Eerste ses maande ondervinding.....	35,00	
Tweede ses maande ondervinding.....	38,85	
Daarna, die loon voorgeskryf in (a), d.w.s.	42,70	
Binnevoeringsnyer, opmaker, leersnyer en dassnyer:		
(a) Gekwalifiseer.....	25,50	
(b) Leerling:		
<i>Eerste jaar</i>		
Eerste ses maande ondervinding.....	12,10	
Tweede ses maande ondervinding.....	13,75	
<i>Tweede jaar</i>		
Eerste ses maande ondervinding.....	15,40	
Tweede ses maande ondervinding.....	17,10	
<i>Derde jaar</i>		
Eerste ses maande ondervinding.....	18,75	
Tweede ses maande ondervinding.....	20,40	
<i>Vierde jaar</i>		
Eerste ses maande ondervinding.....	22,05	
Tweede ses maande ondervinding.....	23,70	
Daarna, die loon voorgeskryf in (a), d.w.s.	25,50	
(c) Indien bevorder tot leerlingsnyer:		
Eerste ses maande vanaf datum van bevordering.....	35,00	
Tweede ses maande vanaf datum van bevordering.....	38,85	
Daarna, die loon voorgeskryf vir 'n snyer, gekwalifiseer, d.w.s.....	42,70	
Laemaker:		
(a) Gekwalifiseer.....	17,55	
(b) Leerling:		
<i>Eerste jaar</i>		
Eerste ses maande ondervinding.....	12,10	
Tweede ses maande ondervinding.....	13,00	
<i>Tweede jaar</i>		
Eerste ses maande ondervinding.....	13,95	
Tweede ses maande ondervinding.....	14,80	
<i>Derde jaar</i>		
Eerste ses maande ondervinding.....	15,75	
Tweede ses maande ondervinding.....	16,65	
Daarna, die loon voorgeskryf in (a), d.w.s.	17,55	
(c) Indien bevorder tot leerlingsnyer:		
<i>Vierde jaar</i>		
Eerste ses maande vanaf datum van bevordering.....	20,50	
Tweede ses maande vanaf datum van bevordering.....	26,05	

	Per week R		Per week R
<i>Fifth year</i>		<i>Vyfte jaar</i>	
First six months from date of advancement	31,60	Eerste ses maande vanaf datum van bevordering	31,60
Second six months from date of advancement	37,15	Tweede ses maande vanaf datum van bevordering	37,15
Thereafter, the wage specified for a cutter, lay-maker, qualified, i.e.	42,70	Daarna, die loon voorgeskryf vir 'n snyer, laagpatroonopsteller, gekwalifiseer, d.w.s.	42,70
Tracer:		Natrekker:	
(a) Qualified	25,50	(a) Gekwalifiseer	25,50
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience	12,10	Eerste ses maande ondervinding	12,10
Second six months of experience	13,75	Tweede ses maande ondervinding	13,75
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience	15,40	Eerste ses maande ondervinding	15,40
Second six months of experience	17,10	Tweede ses maande ondervinding	17,10
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience	18,75	Eerste ses maande ondervinding	18,75
Second six months of experience	20,40	Tweede ses maande ondervinding	20,40
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience	22,05	Eerste ses maande ondervinding	22,05
Second six months of experience	23,70	Tweede ses maande ondervinding	23,70
Thereafter, the wage specified in (a), i.e.	25,50	Daarna, die loon in (a) voorgeskryf, d.w.s.	25,50
PART B		DEEL B	
	Per week R		Per week R
Factory operatives		Fabriekswerkers:	
Clothing machine mechanic:		Klerasiemasjienwerktuigkundige:	
(a) Qualified	42,70	(a) Gekwalifiseer	42,70
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience	12,10	Eerste ses maande ondervinding	12,10
Second six months of experience	15,90	Tweede ses maande ondervinding	15,90
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience	19,75	Eerste ses maande ondervinding	19,75
Second six months of experience	23,55	Tweede ses maande ondervinding	23,55
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience	27,40	Eerste ses maande ondervinding	27,40
Second six months of experience	31,20	Tweede ses maande ondervinding	31,20
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience	35,00	Eerste ses maande ondervinding	35,00
Second six months of experience	38,85	Tweede ses maande ondervinding	38,85
Thereafter, the wage specified in (a), i.e.	42,70	Daarna, die loon in (a) voorgeskryf, d.w.s.	42,70
Clothing technician:		Klerasietegnikus:	
(a) Qualified	42,70	(a) Gekwalifiseer	42,70
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience	12,10	Eerste ses maande ondervinding	12,10
Second six months of experience	15,90	Tweede ses maande ondervinding	15,90
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience	19,75	Eerste ses maande ondervinding	19,75
Second six months of experience	23,55	Tweede ses maande ondervinding	23,55
<i>Third year</i>		<i>Derde jaar</i>	
First six months of experience	27,40	Eerste ses maande ondervinding	27,40
Second six months of experience	31,20	Tweede ses maande ondervinding	31,20
<i>Fourth year</i>		<i>Vierde jaar</i>	
First six months of experience	35,00	Eerste ses maande ondervinding	35,00
Second six months of experience	38,85	Tweede ses maande ondervinding	38,85
Thereafter, the wage specified in (a), i.e.	42,70	Daarna, die loon in (a) voorgeskryf, d.w.s.	42,70
Female presser:		Parser, vrou:	
(a) Qualified	23,00	(a) Gekwalifiseer	23,00
(b) Learner:		(b) Leerling:	
<i>First year</i>		<i>Eerste jaar</i>	
First six months of experience	12,10	Eerste ses maande ondervinding	12,10
Second six months of experience	13,95	Tweede ses maande ondervinding	13,95
<i>Second year</i>		<i>Tweede jaar</i>	
First six months of experience	15,75	Eerste ses maande ondervinding	15,75
Second six months of experience	17,55	Tweede ses maande ondervinding	17,55

	Per week R
<i>Third year</i>	
First six months of experience.....	19,40
Second six months of experience.....	21,20
Thereafter, the wage specified in (a), i.e.....	23,00
Female underpresser:	
(a) Qualified.....	17,25
(b) Learner:	
<i>First year</i>	
First six months of experience.....	12,10
Second six months of experience.....	12,95
<i>Second year</i>	
First six months of experience.....	13,80
Second six months of experience.....	14,65
<i>Third year</i>	
First six months of experience.....	15,55
Second six months of experience.....	16,35
Thereafter, the wage specified in (a), i.e.....	17,25
(c) If advanced to learner female presser:	
First six months from date of advancement..	17,25
Second six months from date of advancement	20,10
Thereafter, the wage specified for a qualified female presser, i.e.....	23,00
Grade A employee, male:	
(a) Qualified.....	33,40
(b) Learner:	
<i>First year</i>	
First six months of experience.....	12,10
Second six months of experience.....	14,75
<i>Second year</i>	
First six months of experience.....	17,40
Second six months of experience.....	20,10
<i>Third year</i>	
First six months of experience.....	22,75
Second six months of experience.....	25,35
<i>Fourth year</i>	
First six months of experience.....	28,00
Second six months of experience.....	30,65
Thereafter, the wage specified in (a), i.e.....	33,40
(c) If advanced to learner foreman or male supervisor:	
First six months from date of advancement..	45,25
Second six months from date of advancement	53,35
Thereafter, the wage specified for a qualified foreman or male supervisor, i.e.....	61,55
Grade B employee, male:	
(a) Qualified.....	20,50
(b) Learner:	
<i>First year</i>	
First six months of experience.....	12,10
Second six months of experience.....	13,50
<i>Second year</i>	
First six months of experience.....	14,85
Second six months of experience.....	16,30
<i>Third year</i>	
First six months of experience.....	17,65
Second six months of experience.....	19,05
Thereafter, the wage specified in (a), i.e.....	20,50
(c) If advanced to Grade A employee, male:	
<i>Fourth year</i>	
First six months from date of advancement	20,50
Second six months from date of advancement.....	25,35

	Per week R
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	19,40
Tweede ses maande ondervinding.....	21,20
Daarna, die loon in (a) voorgeskryf, d.w.s.	23,00
Voorparser, vrou:	
(a) Gekwalifiseer.....	17,25
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	12,10
Tweede ses maande ondervinding.....	12,95
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	13,80
Tweede ses maande ondervinding.....	14,65
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	15,55
Tweede ses maande ondervinding.....	16,35
Daarna, die loon in (a) voorgeskryf, d.w.s.	17,25
(c) Indien bevorder tot parser, leerling, vrou:	
Eerste ses maande vanaf datum van bevordering.....	17,25
Tweede ses maande vanaf datum van bevordering.....	20,10
Daarna, die loon voorgeskryf vir 'n parser, vrou, gekwalifiseer, d.w.s.....	23,00
Werknemer graad A, man:	
(a) Gekwalifiseer.....	33,40
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	12,10
Tweede ses maande ondervinding.....	14,75
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	17,40
Tweede ses maande ondervinding.....	20,10
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	22,75
Tweede ses maande ondervinding.....	25,35
<i>Vierde jaar</i>	
Eerste ses maande ondervinding.....	28,00
Tweede ses maande ondervinding.....	30,65
Daarna, die loon in (a) voorgeskryf, d.w.s.	33,40
(c) Indien bevorder tot leerlingvoorman of leerling-toesighouer:	
Eerste ses maande vanaf datum van bevordering.....	45,25
Tweede ses maande vanaf datum van bevordering.....	53,35
Daarna, die loon voorgeskryf vir 'n voorman of toesighouer, gekwalifiseer, d.w.s.....	61,55
Werknemer graad B, man:	
(a) Gekwalifiseer.....	20,50
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	12,10
Tweede ses maande ondervinding.....	13,50
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	14,85
Tweede ses maande ondervinding.....	16,30
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	17,65
Tweede ses maande ondervinding.....	19,05
Daarna, die loon in (a) voorgeskryf, d.w.s.	20,50
(c) Indien bevorder tot werknemer graad A, man:	
<i>Vierde jaar</i>	
Eerste ses maande vanaf datum van bevordering.....	20,50
Tweede ses maande vanaf datum van bevordering.....	25,35

	Per week R
<i>Fifth year</i>	
First six months from date of advancement	28,00
Second six months from date of advancement	30,65
Thereafter, the wage specified for a Grade A employee, male, qualified, i.e.	33,40
Grade B employee, female:	
(a) Qualified	20,50
(b) Learner:	
<i>First year</i>	
First six months of experience	12,10
Second six months of experience	13,50
<i>Second year</i>	
First six months of experience	14,85
Second six months of experience	16,30
<i>Third year</i>	
First six months of experience	17,65
Second six months of experience	19,05
Thereafter, the wage specified in (a), i.e.	20,50
(c) If advanced to learner forewoman or female supervisor:	
First six months from date of advancement	33,75
Second six months from date of advancement	37,60
Thereafter, the wage specified for a qualified forewoman or female supervisor, i.e.	41,50
Grade C employee, female:	
(a) Qualified	15,35
(b) Learner:	
<i>First year</i>	
First six months of experience	12,10
Second six months of experience	12,65
<i>Second year</i>	
First six months of experience	13,20
Second six months of experience	13,70
<i>Third year</i>	
First six months of experience	14,25
Second six months of experience	14,80
Thereafter, the wage specified in (a), i.e.	15,35
(c) If advanced to Grade B employee, female:	
<i>Fourth year</i>	
First six months from date of advancement	15,35
Second six months from date of advancement	19,05
Thereafter, the wage specified for a Grade B employee, female, qualified, i.e.	20,50
Male underpresser:	
(a) Qualified	25,50
(b) Learner:	
<i>First year</i>	
First six months of experience	12,10
Second six months of experience	13,75
<i>Second year</i>	
First six months of experience	15,40
Second six months of experience	17,10
<i>Third year</i>	
First six months of experience	18,75
Second six months of experience	20,40
<i>Fourth year</i>	
First six months of experience	22,05
Second six months of experience	23,70
Thereafter, the wage specified in (a), i.e.	25,50
(c) If advanced to learner presser:	
First six months from date of advancement	25,50
Second six months from date of advancement	30,65
Thereafter, the wage specified for a Grade A employee, male, qualified, i.e.	33,40

	Per week R
<i>Vyfte jaar</i>	
Eerste ses maande vanaf datum van bevordering	28,00
Tweede ses maande vanaf datum van bevordering	30,65
Daarna, die loon voorgeskryf vir 'n werknemer graad A, man, gekwalifiseer, d.w.s.	33,40
Werknemer graad B, vrou:	
(a) Gekwalifiseer	20,50
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding	12,10
Tweede ses maande ondervinding	13,50
<i>Tweede jaar</i>	
Eerste ses maande ondervinding	14,85
Tweede ses maande ondervinding	16,30
<i>Derde jaar</i>	
Eerste ses maande ondervinding	17,65
Tweede ses maande ondervinding	19,05
Daarna, die loon in (a) voorgeskryf, d.w.s.	20,50
(c) Indien bevorder tot leerlingvoortvrou of leerlingtoesighoudster:	
Eerste ses maande vanaf datum van bevordering	33,75
Tweede ses maande vanaf datum van bevordering	37,60
Daarna, die loon voorgeskryf vir 'n voortvrou of toesighoudster, gekwalifiseer, d.w.s.	41,50
Werknemer graad C, vrou:	
(a) Gekwalifiseer	15,35
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding	12,10
Tweede ses maande ondervinding	12,65
<i>Tweede jaar</i>	
Eerste ses maande ondervinding	13,20
Tweede ses maande ondervinding	13,70
<i>Derde jaar</i>	
Eerste ses maande ondervinding	14,25
Tweede ses maande ondervinding	14,80
Daarna, die loon in (a) voorgeskryf, d.w.s.	15,35
(c) Indien bevorder tot werknemer graad B, vrou:	
<i>Vierde jaar</i>	
Eerste ses maande vanaf datum van bevordering	15,35
Tweede ses maande vanaf datum van bevordering	19,05
Daarna, die loon voorgeskryf vir 'n werknemer graad B, vrou, gekwalifiseer, d.w.s.	20,50
Voorparser, man:	
(a) Gekwalifiseer	25,50
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding	12,10
Tweede ses maande ondervinding	13,75
<i>Tweede jaar</i>	
Eerste ses maande ondervinding	15,40
Tweede ses maande ondervinding	17,10
<i>Derde jaar</i>	
Eerste ses maande ondervinding	18,75
Tweede ses maande ondervinding	20,40
<i>Vierde jaar</i>	
Eerste ses maande ondervinding	22,05
Tweede ses maande ondervinding	23,70
Daarna, die loon in (a) voorgeskryf, d.w.s.	25,50
(c) Indien bevorder tot leerlingparser:	
Eerste ses maande vanaf datum van bevordering	25,50
Tweede ses maande vanaf datum van bevordering	30,65
Daarna, die loon voorgeskryf vir 'n werknemer graad A, man, gekwalifiseer, d.w.s.	33,40

PART C

Per week
R

Clerk and travellers:

Clerical employees (male):

First year of experience.....	22,05
Second year of experience.....	27,40
Third year of experience.....	32,75
Fourth year of experience.....	38,00
Thereafter.....	48,80

Clerical employees (female):

First year of experience.....	20,10
Second year of experience.....	23,30
Third year of experience.....	26,75
Fourth year of experience.....	29,90
Thereafter.....	33,00

Per month
R

Traveller, male:

First year of experience.....	280,50
Second year of experience.....	307,95
Third year of experience.....	327,80
Fourth year of experience.....	356,75
Thereafter.....	385,75

Traveller, female:

First year of experience.....	182,95
Second year of experience.....	213,45
Third year of experience.....	240,85
Fourth year of experience.....	271,40
Thereafter.....	304,95

PART D

Per week
R

General:

Boiler attendant.....	23,85
Despatch packer.....	20,50
Foreman or male supervisor, quality controller and instructor:	

(a) Qualified..... 61,55

(b) Learner:

First six months of experience.....	45,25
Second six months of experience.....	53,35
Thereafter, the wage specified in (a) i.e.....	61,55

Forewoman or female supervisor, quality controller and instructress:

(a) Qualified..... 41,50

(b) Learner:

First six months of experience.....	33,75
Second six months of experience.....	37,60
Thereafter, the wage specified in (a), i.e.....	41,50

Driver of a motor vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle, is as follows:

Under 2 720 kg.....	27,35
2 720 kg and over.....	29,75

Traveller's driver..... 26,60

Watchman..... 24,05

General worker..... 18,30

Signed at Salt River on behalf of the parties this 22nd day of May 1980.

L. A. PETERSEN, Chairman of the Council.

R. ROY, Member of the Council.

G. J. NEL, Secretary of the Council.

No. R. 1285

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956

CLOTHING INDUSTRY, CAPE.—AMENDMENT OF AGREEMENT FOR THE KNITTING DIVISION

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, 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

DEEL C

Per week
R

Klerke en handelsreisigers:

Klerke (mans):

Eerste jaar ondervinding.....	22,05
Tweede jaar ondervinding.....	27,40
Derde jaar ondervinding.....	32,75
Vierde jaar ondervinding.....	38,00
Daarna.....	48,80

Klerke (vroue):

Eerste jaar ondervinding.....	20,10
Tweede jaar ondervinding.....	23,30
Derde jaar ondervinding.....	26,75
Vierde jaar ondervinding.....	29,90
Daarna.....	33,00

Per maand
R

Handelsreisiger, man:

Eerste jaar ondervinding.....	280,50
Tweede jaar ondervinding.....	307,95
Derde jaar ondervinding.....	327,80
Vierde jaar ondervinding.....	356,75
Daarna.....	385,75

Handelsreisiger, vrou:

Eerste jaar ondervinding.....	182,95
Tweede jaar ondervinding.....	213,45
Derde jaar ondervinding.....	240,85
Vierde jaar ondervinding.....	271,40
Daarna.....	304,95

DEEL D

Per week
R

Algemeen:

Ketelbediener.....	23,85
Versendingsverpakker.....	20,50

Voorman of toesighouer, gehaltebeheerder en instruktur:

(a) Gekwalifiseer..... 61,55

(b) Leerling:

Eerste ses maande ondervinding.....	45,25
Tweede ses maande ondervinding.....	53,35
Daarna, die loon in (a) voorgeskryf, d.w.s....	61,55

Voorvrou of toesighoudster, gehaltebeheerder en instruktrise:

(a) Gekwalifiseer..... 41,50

(b) Leerling:

Eerste ses maande ondervinding.....	33,75
Tweede ses maande ondervinding.....	37,60
Daarna, die loon in (a) voorgeskryf, d.w.s....	41,50

Drywer van 'n motorvoertuig waarvan die onbelaste massa, tesame met die onbelaste massa van 'n sleepwa of -waens wat deur sodanige voertuig getrek word soos volg is:

Minder as 2 720 kg.....	27,35
2 720 kg en meer.....	29,75

Handelsreisiger se drywer..... 26,60

Wag..... 24,05

Algemene werker..... 18,30

Namens die partye op hede die 22ste dag van Mei 1980 te Soutrivier onderteken:

L. A. PETERSEN, Ondervoorsitter van die Raad.

R. ROY, Lid van die Raad.

G. J. NEL, Sekretaris van die Raad.

No. R. 1285

20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956

KLERASIENYWERHEID, KAAP. — WYSIGING VAN OOREENKOMS VIR DIE BREI-AFDELING

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms

the Amending Agreement) which appears in the Schedule hereto and which relates to the Clothing Industry, shall be binding, with effect from 1 July 1980 and for the period ending 12 December 1981, upon the employers' organisations and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or union;

(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 1 (1) (a), shall be binding, with effect from 1 July 1980 and for the period ending 12 December 1981, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the areas specified in clause 1 (1) (b) of the Amending Agreement; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in clause 1 (1) (b) of the Amending Agreement and with effect from 1 July 1980 for the period ending 12 December 1981, the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall *mutatis mutandis* be binding upon all persons who are not employees and who are 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 such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

**SCHEDULE
INDUSTRIAL COUNCIL FOR THE CLOTHING
INDUSTRY (CAPE)**

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the

Cape Knitting Industry Association

and the

Cape Clothing Manufacturers' Association

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

Garment Workers' Union of the Western Province

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

being the parties to the Industrial Council for the Clothing Industry (Cape),

to amend the Agreement of the Council, published under Government Notice R. 542 of 23 March 1979, as amended by Government Notice R. 2238 of 5 October 1979.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Knitting Division of the Clothing Industry—

(a) by the employers and the employees who are members of the employers' organisations and trade union, respectively;

(b) in the Magisterial Districts of The Cape, Wynberg, Simonstown, Goodwood, Bellville, Somerset West, Strand, Worcester and George.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—

(a) only apply in respect of employees for whom wages are prescribed in this Agreement;

(b) not apply to employees and working directors whose wages are not less than R4 800 per annum.

genoem) wat in die Bylae hiervan verskyn en op die Klerasiennywerheid betrekking het, met ingang van 1 Julie 1980 en vir die tydperk wat op 12 Desember 1981 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of vereniging is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van 1 Julie 1980 en vir die tydperk wat op 12 Desember 1981 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 gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van 1 Julie 1980 en vir die tydperk wat op 12 Desember 1981 eindig, in die gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens is 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 sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragbenutting.

**BYLAE
NYWERHEIDSRAAD VIR DIE KLERASIENYWER-
HEID (KAAP)**

OOREENKOMS

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

Cape Knitting Industry Association

en die

Cape Clothing Manufacturers' Association

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

Garment Workers' Union of the Western Province

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

wat die partye is by die Nywerheidsraad vir die Klerasiennywerheid (Kaap),

om die Ooreenkoms van die Raad, gepubliseer by Goewermentskennisgewing R. 542 van 23 Maart 1979, soos gewysig by Goewermentskennisgewing R. 2238 van 5 Oktober 1979, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Brei-afdeling van die Klerasiennywerheid nagekom word—

(a) deur die werkgewers en werknemers wat onderskeidelik lede van die werkgewersorganisasies en die vakvereniging is;

(b) in die landdrostdistrikte Die Kaap, Wynberg, Simonstad, Goodwood, Bellville, Somerset-Wes, Strand, Worcester en George.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms—

(a) slegs van toepassing ten opsigte van werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word;

(b) nie van toepassing is op werknemers en werkende direkteur wat lone van minstens R4 800 per jaar ontvang nie.

2. CLAUSE 4.—REMUNERATION

Substitute the following for subclause (1):

"(1) The minimum wage which an employer shall pay to each member of the undermentioned classes of his employees shall be as set out hereunder:

PART A

	Per week R
Clerical employees and travellers:	
Grade A clerk, male:	
First year of experience.....	24,90
Second year of experience.....	30,85
Third year of experience.....	36,85
Fourth year of experience.....	42,80
Thereafter.....	54,90
Grade A clerk, female:	
First year of experience.....	22,60
Second year of experience.....	26,20
Third year of experience.....	29,90
Fourth year of experience.....	33,60
Thereafter.....	38,15
Grade B clerk, male:	
First year of experience.....	18,30
Second year of experience.....	23,55
Third year of experience.....	28,55
Fourth year of experience.....	33,60
Thereafter.....	47,85
Grade B clerk, female:	
First year of experience.....	18,30
Second year of experience.....	22,05
Third year of experience.....	25,85
Fourth year of experience.....	29,90
Thereafter.....	34,25
	Per month R
Traveller, male:	
First year of experience.....	280,50
Second year of experience.....	307,95
Third year of experience.....	327,80
Fourth year of experience.....	356,75
Thereafter.....	385,75
Traveller, female:	
First year of experience.....	182,95
Second year of experience.....	213,45
Third year of experience.....	240,85
Fourth year of experience.....	271,40
Thereafter.....	304,95

PART B

	Per week R
General:	
Foreman or male supervisor, quality controller and instructor:	
(a) Qualified.....	65,95
(b) Learner:	
First six months of experience.....	48,15
Second six months of experience.....	57,05
Thereafter, the wage specified in (a), i.e.....	65,95
Forewoman or female supervisor, quality controller and instructress:	
(a) Qualified.....	44,15
(b) Learner:	
First six months of experience.....	31,35
Second six months of experience.....	37,35
Thereafter, the wage specified in (a), i.e.....	44,15
General worker:	
Male, 18 years of age and over.....	30,50
Male, under 18 years.....	25,55
Female.....	25,55
Grade A employee, male:	
(a) Qualified.....	48,15
(b) Learner:	
First year	
First six months of experience.....	18,30
Second six months of experience.....	22,00
Second year	
First six months of experience.....	25,75
Second six months of experience.....	29,50

2. KLOUSULE 4.—BESOLDIGING

Vervang subklousule (1) deur die volgende:

"(1) Die minimum loon wat 'n werkgever aan elke lid van ondergenoemde klasse van sy werknemers moet betaal, is soos volg:

DEEL A

	Per week R
Klerke en handelsreisigers:	
Klerk, graad A, man:	
Eerste jaar ondervinding.....	24,90
Tweede jaar ondervinding.....	30,85
Derde jaar ondervinding.....	36,85
Vierde jaar ondervinding.....	42,80
Daarna.....	54,90
Klerk, graad A, vrou:	
Eerste jaar ondervinding.....	22,60
Tweede jaar ondervinding.....	26,20
Derde jaar ondervinding.....	29,90
Vierde jaar ondervinding.....	33,60
Daarna.....	38,15
Klerk, graad B, man:	
Eerste jaar ondervinding.....	18,30
Tweede jaar ondervinding.....	23,55
Derde jaar ondervinding.....	28,55
Vierde jaar ondervinding.....	33,60
Daarna.....	47,85
Klerk, graad B, vrou:	
Eerste jaar ondervinding.....	18,30
Tweede jaar ondervinding.....	22,05
Derde jaar ondervinding.....	25,85
Vierde jaar ondervinding.....	29,90
Daarna.....	34,25
	Per maand R
Handelsreisiger, man:	
Eerste jaar ondervinding.....	280,50
Tweede jaar ondervinding.....	307,95
Derde jaar ondervinding.....	327,80
Vierde jaar ondervinding.....	356,75
Daarna.....	385,75
Handelsreisiger, vrou:	
Eerste jaar ondervinding.....	182,95
Tweede jaar ondervinding.....	213,45
Derde jaar ondervinding.....	240,85
Vierde jaar ondervinding.....	271,40
Daarna.....	304,95

DEEL B

	Per week R
Algemeen:	
Voorman of toesighouer, gehaltebeheerder en instrukteur:	
(a) Gekwalifiseer.....	65,95
(b) Leerling:	
Eerste ses maande ondervinding.....	48,15
Tweede ses maande ondervinding.....	57,05
Daarna, die loon in (a) voorgeskryf, d.w.s.	65,95
Voorvrou of toesighoudster, gehaltebeheerder en instruktrise:	
(a) Gekwalifiseer.....	44,15
(b) Leerling:	
Eerste ses maande ondervinding.....	31,35
Tweede ses maande ondervinding.....	37,35
Daarna, die loon in (a) voorgeskryf, d.w.s.	44,15
Algemene werker:	
Man, 18 jaar en ouer.....	30,50
Man, onder 18 jaar.....	25,55
Vrou.....	25,55
Werknemer graad A, man:	
(a) Gekwalifiseer.....	48,15
(b) Leerling:	
Eerste jaar	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	22,00
Tweede jaar	
Eerste ses maande ondervinding.....	25,75
Tweede ses maande ondervinding.....	29,50

	Per week R
<i>Third year</i>	
First six months of experience.....	33,25
Second six months of experience.....	36,90
<i>Fourth year</i>	
First six months of experience.....	40,65
Second six months of experience.....	44,40
Thereafter, the wage specified in (a), i.e.....	48,15
Grade B employee, male:	
(a) Qualified.....	31,35
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	20,50
<i>Second year</i>	
First six months of experience.....	22,70
Second six months of experience.....	24,80
<i>Third year</i>	
First six months of experience.....	27,00
Second six months of experience.....	29,15
Thereafter, the wage specified in (a), i.e.....	31,35
(c) If advanced to Grade A employee, male:	
First six months from date of advancement..	31,35
Second six months from date of advancement	40,65
Third six months from date of advancement	44,40
Thereafter.....	48,15
Grade B employee, female:	
(a) Qualified.....	31,35
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	20,50
<i>Second year</i>	
First six months of experience.....	22,70
Second six months of experience.....	24,80
<i>Third year</i>	
First six months of experience.....	27,00
Second six months of experience.....	29,15
Thereafter, the wage specified in (a), i.e....	31,35
Grade C employee, female:	
(a) Qualified.....	23,05
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	19,10
<i>Second year</i>	
First six months of experience.....	19,85
Second six months of experience.....	20,70
<i>Third year</i>	
First six months of experience.....	21,45
Second six months of experience.....	22,25
Thereafter, the wage specified in (a), i.e....	23,05
(c) If advanced to Grade B employee, female:	
First six months from date of advancement..	23,05
Second six months from date of advancement	27,20
Thereafter.....	31,35
Knitting technician:	
(a) Qualified.....	85,85
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	26,75
<i>Second year</i>	
First six months of experience.....	35,15
Second six months of experience.....	43,65

	Per week R
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	33,25
Tweede ses maande ondervinding.....	36,90
<i>Vierde jaar</i>	
Eerste ses maande ondervinding.....	40,65
Tweede ses maande ondervinding.....	44,40
Daarna, die loon in (a) voorgeskryf, d.w.s.	48,15
Werknemer, graad B, man:	
(a) Gekwalifiseer.....	31,35
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	20,50
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	22,70
Tweede ses maande ondervinding.....	24,80
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	27,00
Tweede ses maande ondervinding.....	29,15
Daarna, die loon in (a) voorgeskryf, d.w.s.	31,35
(c) Indien bevorder tot werknemer, graad A, man:	
Eerste ses maande vanaf datum van bevoorde- ring.....	31,35
Tweede ses maande vanaf datum van be- vordering.....	40,65
Derde ses maande vanaf datum van bevoorde- ring.....	44,40
Daarna.....	48,15
Werknemer, graad B, vrou:	
(a) Gekwalifiseer.....	31,35
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	20,50
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	22,70
Tweede ses maande ondervinding.....	24,80
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	27,00
Tweede ses maande ondervinding.....	29,15
Daarna, die loon in (a) voorgeskryf, d.w.s.	31,35
Werknemer, graad C, vrou:	
(a) Gekwalifiseer.....	23,05
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	19,10
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	19,85
Tweede ses maande ondervinding.....	20,70
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	21,45
Tweede ses maande ondervinding.....	22,25
Daarna, die loon in (a) voorgeskryf, d.w.s.	23,05
(c) Indien bevorder tot werknemer, graad B, vrou:	
Eerste ses maande vanaf datum van bevoorde- ring.....	23,05
Tweede ses maande vanaf datum van be- vordering.....	27,20
Daarna.....	31,35
Breitegnikus:	
(a) Gekwalifiseer.....	85,85
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	26,75
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	35,15
Tweede ses maande ondervinding.....	43,65

	Per week R
<i>Third year</i>	
First six months of experience.....	52,05
Second six months of experience.....	60,50
<i>Fourth year</i>	
First six months of experience.....	69,00
Second six months of experience.....	77,40
Thereafter, the wage specified in (a), i.e....	85,85
Driver of a motor vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle—	
(a) does not exceed 1 360 kg.....	30,50
(b) exceeds 1 360 kg but not 2 720 kg.....	33,85
(c) exceeds 2 720 kg.....	46,90
Pattern grader:	
(a) Qualified.....	66,35
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	24,35
<i>Second year</i>	
First six months of experience.....	30,30
Second six months of experience.....	36,30
<i>Third year</i>	
First six months of experience.....	42,30
Second six months of experience.....	48,30
<i>Fourth year</i>	
First six months of experience.....	54,35
Second six months of experience.....	60,35
Thereafter, the wage specified in (a), i.e....	66,35
Pattern maker:	
(a) Qualified.....	85,85
(b) Learner:	
<i>First year</i>	
First six months of experience.....	18,30
Second six months of experience.....	26,75
<i>Second year</i>	
First six months of experience.....	35,15
Second six months of experience.....	43,65
<i>Third year</i>	
First six months of experience.....	52,05
Second six months of experience.....	60,50
<i>Fourth year</i>	
First six months of experience.....	69,00
Second six months of experience.....	77,40
Thereafter, the wage specified in (a), i.e....	85,85

Signed at Salt River on behalf of the parties this 22nd day of May 1980.

L. A. PETERSEN, Vice-Chairman of the Council.

R. ROY, Member of the Council.

G. J. NEL, Secretary of the Council.

No. R. 1288 20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956 MOTOR INDUSTRY.—EXTENSION OF NATIONAL HEALTH FUNDS—AGREEMENT

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby, in terms of section 48 (4) (a) (i) of the Industrial Conciliation Act, 1956, extend the periods fixed in Government Notices R. 2137 of 14 November 1975, R. 392 of 12 March 1976, R. 1032 of 17 June 1977, R. 355 of 3 March 1978, R. 2416 of 26 October 1979 and R. 2846 of 21 December 1979, by a further period of five years ending 30 June 1985.

S. P. BOTHA, Minister of Manpower Utilisation.

	Per week R
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	52,05
Tweede ses maande ondervinding.....	60,50
<i>Vierdie jaar</i>	
Eerste ses maande ondervinding.....	69,00
Tweede ses maande ondervinding.....	77,40
Daarna, die loon in (a) voorgeskryf, d.w.s.	85,85
Drywer van motorvoertuig waarvan die onbelaste massa tesame met die onbelaste massa van 'n sleepwa of -waens wat deur sodanige voertuig getrek word—	
(a) hoogstens 1 360 kg is.....	30,50
(b) meer as 1 360 kg maar hoogstens 2 720 kg is.....	33,85
(c) meer as 2 720 kg is.....	46,90
Patroongradeerder:	
(a) Gekwalifiseer.....	66,35
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	24,35
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	30,30
Tweede ses maande ondervinding.....	36,30
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	42,30
Tweede ses maande ondervinding.....	48,30
<i>Vierde jaar</i>	
Eerste ses maande ondervinding.....	54,35
Tweede ses maande ondervinding.....	60,35
Daarna, die loon in (a) voorgeskryf, d.w.s.	66,35
Patroonmaker:	
(a) Gekwalifiseer.....	85,85
(b) Leerling:	
<i>Eerste jaar</i>	
Eerste ses maande ondervinding.....	18,30
Tweede ses maande ondervinding.....	26,75
<i>Tweede jaar</i>	
Eerste ses maande ondervinding.....	35,15
Tweede ses maande ondervinding.....	43,65
<i>Derde jaar</i>	
Eerste ses maande ondervinding.....	52,05
Tweede ses maande ondervinding.....	60,50
<i>Vierde jaar</i>	
Eerste ses maande ondervinding.....	69,00
Tweede ses maande ondervinding.....	77,40
Daarna, die loon in (a) voorgeskryf, d.w.s.	85,85

Namens die partye op hede die 22ste dag van Mei 1980 te Soutrivier onderteken.

L. A. PETERSEN, Ondervoorsitter van die Raad.

R. ROY, Lid van die Raad.

G. J. NEL, Sekretaris van die Raad.

No. R. 1288 20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956 MOTORNWERHEID.—VERLENGING VAN NATIONALE GESONDHEIDSFONDSE—OOREENKOMS

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Nywerheidsversoening, 1956, die tydperke vasgestel in Goewermentskennisgewings R. 2137 van 14 November 1975, R. 392 van 12 Maart 1976, R. 1032 van 17 Junie 1977, R. 355 van 3 Maart 1978, R. 2416 van 26 Oktober 1979 en R. 2846 van 21 Desember 1979, met 'n verdere tydperk van vyf jaar wat op 30 Junie 1985 eindig.

S. P. BOTHA, Minister van Mannekragbenutting.

No. R. 1289

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956

LEATHER INDUSTRY, REPUBLIC OF SOUTH AFRICA.—AMENDMENT OF AGREEMENT FOR THE TANNING SECTION

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, 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 Tanning Section of the Leather Industry, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 June 1981, 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 1 (1) (a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 June 1981, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the areas specified in clause 1 (1) (b) of the Amending Agreement; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in clause 1 (1) (b) of the Amending Agreement and with effect from the second Monday after the date of publication of this notice and for the period ending 30 June 1981, the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall *mutatis mutandis* be binding upon all persons who are not employees and who are 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 such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

SCHEDULE

NATIONAL INDUSTRIAL COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA.—TANNING SECTION

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the

(a) South African Tanning Employers' Organisation
and the

(b) Transvaal Footwear, Tanning and Leather Trades
Association

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

(c) National Union of Leather Workers
and the

(d) Transvaal Leather and Allied Trades Industrial Union
(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

No. R. 1289

20 Junie 1980

WET OP NYWERHEIDSVERSOENING, 1956

LEERNYWERHEID, REPUBLIEK VAN SUID-AFRIKA.—WYSIGING VAN OOREENKOMS VIR DIE LOOISEKSIE

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, 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 Looiseksie van die Leernywerheid betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 1981 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 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 1981 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 gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 1981 eindig, in die gebiede gespesifiseer in klousule 1 (1) (b) van die Wysigingsooreenkoms *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens is 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 sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragbenutting.

BYLAE

NASIONALE NYWERHEIDSRaad VIR DIE LEERNYWERHEID VAN SUID-AFRIKA.—LOOISEKSIE

OOREENKOMS

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

(a) South African Tanning Employers' Organisation
en die

(b) Transvaal Footwear, Tanning and Leather Trades
Association

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

(c) National Union of Leather Workers
en die

(d) Transvaal Leather and Allied Trades Industrial Union
(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

being parties to the National Industrial Council of the Leather Industry of South Africa,

to amend the Agreement published under Government Notice R. 1213 of 16 June 1978, as amended and extended by Government Notices R. 1655 of 18 August 1978 and R. 1454 and R. 1455 of 29 June 1979.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Tanning Section of the Leather Industry—

(a) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions and who are engaged or employed therein; and

(b) in the Magisterial Districts of The Cape, Wynberg, Paarl, Stellenbosch, Oudtshoorn, Wellington, Mossel Bay, George, Uitenhage, Kirkwood, Barberton, Port Elizabeth, King William's Town, Durban, Pietermaritzburg, Pretoria, Johannesburg, Krugersdorp, Heidelberg (Tvl), Brits, White River, Witbank, Nigel, Germiston and Bloemfontein.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom wages are prescribed and to the employers of such employees.

2. CLAUSE 4.—WAGES AND RATES

(1) Substitute the following for subclause (6):

"(6) Nothing in this Agreement shall operate to reduce any time wage at present being paid which is more favourable to an employee than that laid down in this Agreement for such employee while he remains in the service of the same employer.

WAGES

	Column A Per week	Column B Per week
A. Grade A:	R	R
(i) Operators of splitting machines which shall include the setting and adjustments to such machines and the splitting either in the lime or tanned conditions or both.....	65,52	72,03
(a) Learners, according to experience:		
First six months.....	34,65	38,01
Second six months.....	41,16	45,36
Third six months.....	45,99	50,61
Fourth six months.....	52,71	57,96
Fifth six months.....	57,75	63,42
Thereafter.....	65,52	72,03
(b) In every tannery in which a splitting machine is installed there shall be employed at least one splitter at the full rate under A (i) above.		
(ii) Operators of shaving and whitening machines.....	57,75	63,42
(a) Learners, according to experience:		
First six months.....	34,65	38,01
Second six months.....	43,26	47,67
Third six months.....	49,56	54,60
Thereafter.....	57,75	63,42
B. Grade B:		
(a) Employees other than those specified in		
(b) and (c):		
(i) Employed as first grade table-hands, i.e. hand buffers and whiteners, hand shavers, hand sprayers and employees employed on rounding.....	49,56	54,60
Note.—'Rounding' is the cutting up of untanned hide into bends, bellies, shoulders or backs, but does not include cutting a hide into two sides.		
(ii) Employed as operators of fleshing, unharing staking and buffing machines.....	46,41	51,03

wat die partye is by die Nasionale Nywerheidsraad vir die Leernywerheid van Suid-Afrika,

om die Ooreenkoms, gepubliseer by Goewermmentskennisgewing R. 1213 van 16 Junie 1978, soos gewysig en verleng by Goewermmentskennisgewings R. 1655 van 18 Augustus 1978 en R. 1454 en R. 1455 van 29 Junie 1979, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word in die Looiseksie van die Leernywerheid—

(a) deur alle werkgewers wat lede van die werkgewers-organisasies is en deur alle werknemers wat lede van die vakverenigings is en wat onderskeidelik by die Nywerheid betrokke of daarin werksaam is; en

(b) in die landdrosdistrikte Die Kaap, Wynberg, Paarl, Stellenbosch, Oudtshoorn, Wellington, Mosselbaai, George, Uitenhage, Kirkwood, Barberton, Port Elizabeth, King William's Town, Durban, Pietermaritzburg, Pretoria, Johannesburg, Krugersdorp, Heidelberg (Tvl.), Brits, Witrivier, Witbank, Nigel, Germiston en Bloemfontein.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms slegs van toepassing op werknemers vir wie lone voorgeskryf word en op die werkgewers van sodanige werknemers.

2. KLOUSULE 4.—LONE EN LOONSKALE

(1) Vervang subklousule (6) deur die volgende:

"(6) Geen bepaling in hierdie Ooreenkoms mag die uitwerking hê dat dit die tydloon verminder wat tans betaal word en wat vir die werknemer gunstiger is as dié in hierdie Ooreenkoms vir so 'n werknemer voorgeskryf, solank hy by die selfde werkgewer in diens bly nie.

LONE

	Kolom A Per week	Kolom B Per week
A. Graad A:	R	R
(i) Bedieners van splitsmasjiene, wat die instel van en regstelling aan sodanige masjiene insluit, en wat leer in die kalk- of looistadium of in albei splits.....	65,52	72,03
(a) Leerlinge, volgens ondervinding:		
Eerste ses maande.....	34,65	38,01
Tweede ses maande.....	41,16	45,36
Derde ses maande.....	45,99	50,61
Vierde ses maande.....	52,71	57,96
Vyfde ses maande.....	57,75	63,42
Daarna.....	65,52	72,03
(b) In elke looiery waarin daar 'n splitsmasjiene geïnstalleer is, moet daar minstens een splitter in diens wees wat die volle loon in A (i) hierbo vermeld, ontvang.		
(ii) Bedieners van skaaf- en witmaakmasjiene.....	57,75	63,42
(a) Leerlinge, volgens ondervinding:		
Eerste ses maande.....	34,65	38,01
Tweede ses maande.....	43,26	47,67
Derde ses maande.....	49,56	54,60
Daarna.....	57,75	63,42
B. Graad B:		
(a) Werknemers, uitgesonderd dié in (b) en		
(c) vermeld:		
(i) In diens as eerstegraadse tafelerkers, d.w.s. werknemers wat met die hand fynskuur, witmaak, skaaf en spuit en werknemers wat opsniewerk doen.....	49,56	54,60
Opmerking.—'Opsniewerk' beteken die opsniewing van ongelooide huide in rugsystukke, penstukke, bladstukke of rugstukke, maar nie die opsniewing van die huid in twee systukke nie.		
(ii) In diens as bediener van 'n ontveismasjiene, 'n onthaarmasjiene, 'n rekenbreimassjiene en 'n fynskuurmasjiene.....	46,41	51,03

	Column A Per week	Column B Per week		Column A Per week	Column B Per week
(iii) Employed as operator of glazing, all types of measuring, sole substance measuring, sole rolling, hydraulic press, sammying, setting, bark milling, scudding, seasoning, oiling, washing, brushing, spraying, padding, curtain coating, dust removal, oscillating knife, necking and wrinkle setting machines and employees employed as table-hands (other than first grade) who are using currier's tools or improvised currier's tools on any class of leather and who are using these aforementioned tools on pasting plants or vacuum drying plants, employees engaged on repairing defects in leather, mixing and matching of pigment finish colours, matching dyes, square cutting, sueding by brush and/or emery paper, assisting a splitter in feeding into the front of a splitting machine, operating a mobile hoist truck of the type which requires the driver to be on the vehicle, and employees, employed on blackening, greasing, staining, pigmenting and seasoning leather by hand (brush or pad) and as lime yard hand fleshers.	44,10	48,51	(iii) In diens as bediener van verglansmasjiene, alle tipes meetmasjiene, soolstofmeetmasjiene, sooluitrolmasjiene, hidrouliese perse, bevogtigingsmasjiene, setmasjiene, basfynmaalmasjiene, skraapmasjiene, nabehandlingsmasjiene, oliemasjiene, wasmasjiene, borselmasjiene, spuitmasjiene, opstopmasjiene, gordynbekleermasjiene, stofverwyderingsmasjiene, ossilleermesse, nekvormen plooietsmasjiene, en werknemers in diens as tafelwerkers (uitgesonderd eerstegraadse tafelwerkers) wat leerbreiersgereedskap of geïmproviseerde leerbreiersgereedskap op enige soort leer gebruik en wat bogenoemde gereedskap gebruik op lyminstallasies of vakuümdrooginstallasies, werknemers wat gebreke in leer herstel, pigmentafwerkingskleure meng en pas, kleurstowwe pas, vierkante sny, suede met 'n borsel en/of skuurpapier bewerk, 'n splitter help om materiaal in die voorkant van 'n splitsmasjiene in te voer, 'n mobiele hyswa bedien van die tipe waar die drywer op die voertuig moet sit en ook werknemers wat leer met die hand (borsel of kussinkie) swart maak, vetsmeer, beits, pigmenteer en nabehandelen en diens doen as vleiskrapers wat die werk met die hand in 'n kalkskuur doen.	44,10	48,51
(b) Learners under the age of 18 years employed on operations specified in paragraph (a) above: According to experience: First six months. Second six months. Third six months. Thereafter, if employed under— (a) (i) (ii) (iii)	23,94 26,67 33,81 49,56 46,41 44,10	26,25 29,40 37,17 54,60 51,03 48,51	(b) Leerlinge onder die ouderdom van 18 jaar wat werksaamhede vermeld in paragraaf (a) hierbo verrig: Volgens ondervinding: Eerste ses maande. Tweede ses maande. Derde ses maande. Daarna, indien in diens kragtens— (a) (i) (ii) (iii)	23,94 26,67 33,81 49,56 46,41 44,10	26,25 29,40 37,17 54,60 51,03 48,51
(c) Learners of the age of 18 years or over employed on operations specified in paragraph (a) above: According to experience: First six months. Second six months. Thereafter, if employed under— (a) (i) (ii) (iii)	33,81 36,12 49,56 46,41 44,10	37,17 39,69 54,60 51,03 48,51	(c) Leerlinge, 18 jaar oud of ouer, wat werksaamhede vermeld in paragraaf (a) hierbo verrig: Volgens ondervinding: Eerste ses maande. Tweede ses maande. Daarna, indien in diens kragtens— (a) (i) (ii) (iii)	33,81 36,12 49,56 46,41 44,10	37,17 39,69 54,60 51,03 48,51
<i>Ratio.</i> —Not more than one learner receiving less than the full rate prescribed for his occupation may be employed to each three or part of three employees on semi-skilled operations receiving the full rate. 'Part of three' shall mean a remainder of not less than one after the total number of employees receiving full rates has been divided by three.			<i>Getalsverhouding.</i> —Hoogstens een leerling wat minder ontvang as die volle loon vir sy beroep voorgeskryf, kan in diens geneem word vir elke drie of gedeelte van drie werknemers wat halfgeskoolde werk teen die volle loon verrig. 'Gedeelte van drie' beteken 'n res van minstens een nadat die totale getal werknemers wat volle lone ontvang, deur drie gedeel is.		
C. Grade C: (i) Employees— (a) employed on scudding, cobbing, tacking, toggling and trimming hides and skins, drum operators and trimming, breaking and/or fleshing skins with wool or hair on <i>Note.</i> —'Cobbing' means the trimming of the loose fleshings hanging from the edges of the hides after fleshing. (b) employed on oiling, fleshwashing and all shed work, on unskilled labouring operations in the lime yard, tan yard, and on all loading and off-loading work and washing skins with the wool or hair on, and employees engaged on unskilled labouring operations in the manufacture of pump, cup, hat, ram, U, V, or other types of hydraulic leathers.	34,23 33,39	37,59 36,75	C. Graad C: (i) Werknemers— (a) wat huide en velle skraap, skoonsny, spalk en regsny, trommels bedien en velle waaraan daar nog wol of hare is, regsny, sagskraap en/of die vleis daarvan afskraap. <i>Opmerking.</i> —'Skoonsny' beteken die afsny van stukkie vleis wat nog aan die kant van die huide hang nadat die vleis afgeskraap is. (b) wat olie- en vleiswaswerk, alle werk in skure en ongeskoolde arbeid in die kalkskure en looiskure verrig en alle laai- en aflaaiwerk doen en die velle was waaraan daar nog wol of hare is, en ongeskoolde arbeid verrig by die vervaardiging van pomp-, dop-, L-, ram-, U-, V-, of ander soorte hidrouliese leerpakstukke.	34,23 33,39	37,59 36,75

	Column A Per week	Column B Per week		Column A Per week	Column B Per week
(c) employed as general labourers.....	33,39	36,75	(c) wat as algemene arbeiders werksaam is.....	33,39	36,75
(d) employed on batch stamping of raw hides or skins.....	35,28	38,85	(d) wat rou huide of velle in lotte stempel	35,28	38,85
<i>Note.</i> —All wages prescribed in paragraph (i) above are inclusive of a 'dirt allowance' at the rate of 25c per week awarded by the arbitrator in 1945.			<i>Opmerking.</i> —Alle lone in paragraaf (i) hierbo voorgeskryf, sluit in 'n toelae vir vuilwerk' van 25c per week wat in 1945 deur die arbiter toegeken is.		
D. Wool-skin processing machines and operations not elsewhere specified:			D. Wol-velverwerkingsmasjiene en werksaamhede nie elders vermeld nie:		
(a) Ironing and/or shearing and/or combing.....	39,69	43,68	(a) Stryk en/of skeer en/of kam.....	39,69	43,68
(b) Carding.....	39,69	43,68	(b) Kaarding.....	39,69	43,68
(c) Stitching by machine.....	40,95	45,15	(c) Stikwerk met masjiene.....	40,95	45,15
(d) Cutting to patterns.....	36,12	39,69	(d) Snywerk volgens patrone.....	36,12	39,69
E. Welting, rinding and lace-cutting departments:			E. Afdelings vir die sny van kantstrookies, hakstrookies en veters:		
(a) Operators of splitting, skiving, cutting, grooving and bevelling machines.....	40,95	45,15	(a) Bedieners van splits-, skaaf-, sny-, groef-, sny- en afskuinsmasjiene.....	40,95	45,15
(b) All other operations.....	34,23	37,59	(b) Alle ander werksaamhede.....	34,23	37,59
F. (i) Storemen and/or warehousemen, despatch clerks.....	40,95	45,15	F. (i) Magasynmeesters en/of pakhuismanne, versendingsklerke.....	40,95	45,15
(ii) Assistant storemen and/or assistant warehousemen.....	38,01	41,79	(ii) Assistent-magasynmeesters en/of assistentpakhuismanne.....	38,01	41,79
G. Motor-vehicle drivers—			G. Motorvoertuigdrywers—		
employed on vehicles of a pay-load of up to and including 2 722 kg.....	43,26	47,67	werksaam op voertuie met 'n loonvrag van tot en met 2 722 kg.....	43,26	47,67
employed on vehicles of a pay-load of over 2 722 kg but not exceeding 4 536 kg.....	48,51	53,34	werksaam op voertuie met 'n loonvrag van meer as 2 722 kg maar hoogstens 4 536 kg.....	48,51	53,34
employed on vehicles of a pay-load of over 4 536 kg.....	53,76	59,22	werksaam op voertuie met 'n loonvrag van meer as 4 536 kg.....	53,76	59,22
H. Boiler attendant.....	35,28	38,85	H. Ketelbediener.....	35,28	38,85
I. Night watchmen.....	38,01	41,79	I. Nagwag.....	38,01	41,79
J. Day watchmen.....	35,28	38,85	J. Dagwag.....	35,28	38,85
K. Handymen.....	38,01	41,79	K. Faktotum.....	38,01	41,79
L. (a) Operations relating to the production of upholstery leather not elsewhere specified:			L. (a) Werksaamhede in verband met die produksie van bekleeedselleer wat nie elders vermeld word nie:		
(i) Marking and/or pattern cutting.....	54,18	59,64	(i) Merk- en/of patroonsnywerk.....	54,18	59,64
(ii) Cutting to patterns.....	49,56	54,60	(ii) Snywerk volgens patrone.....	49,56	54,60
(iii) Piece marking.....	35,28	38,85	(iii) Stukmerkwerk.....	35,28	38,85
(b) Learners employed on operations specified in paragraph (a) (i) above:			(b) Leerlinge wat die werksaamhede verrig wat in paragraaf (a) (i) hierbo vermeld word:		
First six months of experience.....	43,47	47,88	Eerste ses maande ondervinding.....	43,47	47,88
Second six months of experience.....	48,72	53,55	Tweede ses maande ondervinding.....	48,72	53,55
(c) Learners employed on the operation referred to in paragraph (a) (ii) above:			(c) Leerlinge wat die werksaamheid verrig wat in paragraaf (a) (ii) hierbo bedoel word:		
First six months of experience.....	38,64	42,42	Eerste ses maande ondervinding.....	38,64	42,42
Second six months of experience.....	44,10	48,51	Tweede ses maande ondervinding.....	44,10	48,51

(2) In subclause (9) (a), substitute the date "22 April 1980" for the date "10 May 1979" wherever it appears.

3. CLAUSE 7.—HOLIDAYS AND ANNUAL LEAVE

Substitute the following for subclause (12) (a):

"(12) (a) Every employee who has completed 12 months of employment with the same employer when the establishment closes in terms of subclause (1), shall be paid a holiday bonus equal to the weekly wage which the employee is receiving when the establishment closes: Provided that an employee whose employment commences on the date on which an establishment reopens after the annual leave period, shall be deemed to have been employed for a period of 12 months if he is still in the employ of the same employer when the establishment closes for the next period of annual leave in terms of subclause (1)."

This Agreement signed on behalf of the parties this 9th day of May 1980.

J. R. HARDING, Member of the Council.

F. J. J. JORDAAN, Member of the Council.

J. P. HORN, Secretary of the Council.

(2) In subklousule (9) (a), vervang die datum "10 Mei 1979" deur die datum "22 April 1980" waar dit ookal voorkom.

3. KLOUSULE 7.—VAKANSIEDAE EN JAARLIKSE VERLOF

Vervang subklousule (12) (a) deur die volgende:

"(12) (a) Aan elke werknemer wat 12 maande diens by dieselfde werkgever voltooi het as die bedryfsinrigting ingevolge subklousule (1) sluit, moet 'n vakansiebonus betaal word gelykstaande aan die weekloon wat hy ontvang wanneer die bedryfsinrigting sluit: Met dien verstande dat 'n werknemer wie se diens begin op die datum waarop die bedryfsinrigting na die jaarlikse verloftydperk heropen, geag word 12 maande in diens te gewees het as hy nog in diens by dieselfde werkgever is wanneer die bedryfsinrigting vir die volgende tydperk van jaarlikse verlof ingevolge subklousule (1) sluit."

Hierdie Ooreenkoms namens die partye op hede die 9de dag van Mei 1980 onderteken.

J. R. HARDING, Lid van die Raad.

F. J. J. JORDAAN, Lid van die Raad.

J. P. HORN, Sekretaris van die Raad.

No. R. 1290

20 June 1980

INDUSTRIAL CONCILIATION ACT, 1956**LEATHER INDUSTRY, REPUBLIC OF SOUTH AFRICA.—EXTENSION OF AGREEMENT FOR THE TANNING SECTION**

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby, in terms of section 48 (4) (a) (i) of the Industrial Conciliation Act, 1956, extend the periods fixed in Government Notices R. 1213 of 16 June 1978, R. 1655 of 18 August 1978 and R. 1454 and R. 1455 of 29 June 1979, by a further period of 12 months ending 30 June 1981.

S. P. BOTHA, Minister of Manpower Utilisation.

DEPARTMENT OF NATIONAL EDUCATION

No. R. 1244

20 June 1980

RHODES UNIVERSITY.—AMENDMENT OF REGULATIONS

The Minister of National Education has, by virtue of the powers vested in him by section 17 (5) of the Universities Act, 1955 (Act 61 of 1955), approved the regulation framed by the Council of Rhodes University, as set out in the Schedule hereto.

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, the expression "regulations" means the regulations of the University, published under Government Notices R. 1545 of 21 September 1962, R. 1460 of 1 August 1975 and R. 837 of 28 April 1978.

2. The following regulation is substituted for regulation 1 of the regulations:

"1. No person shall be admitted as a candidate for the undermentioned degrees unless, in addition to having obtained the certificate of the Joint Matriculation Board or a certificate of exemption therefrom, he has fulfilled the following prerequisite:

(a) For the degree of Bachelor of Science obtained at least—

(i) an F symbol in Mathematics on the Higher Grade at the Matriculation Examination; or

(ii) an E symbol in Mathematics on the Standard Grade at the Matriculation Examination; or

(iii) a pass in Mathematics, deemed to be the equivalent thereof, obtained in another examination.

(b) Subject to any exceptions approved by the Senate for the degree of Bachelor of Science, obtained a pass at the Matriculation Examination, or at another examination deemed by the Senate to be equivalent thereto, in the appropriate course or courses listed in column (b), with at least the grade and symbol in column (c):

(a)	(b)	(c)
Course to which admission is sought	Required matriculation courses	Minimum grade and symbol required
Chemistry IG and IP	*	*
Mathematics IA...	Mathematics.....	Higher Grade E and Standard Grade D.
Physics IS.....	Physical Science or Physics	Higher Grade F and Standard Grade E.

* It is assumed that students have previous knowledge of Chemistry at the standard of Physical Science at Matriculation level or its equivalent.

No. R. 1290

20 June 1980

WET OP NYWERHEIDSVERSOENING, 1956**LEERNYWERHEID, REPUBLIEK VAN SUID-AFRIKA.—VERLENGING VAN OOREENKOMS VIR DIE LOOISEKSIE**

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Nywerheidsversoening, 1956, die tydperke vasgestel in Goewermentskennisgewings R. 1213 van 16 Junie 1978, R. 1655 van 18 Augustus 1978 en R. 1454 en R. 1455 van 29 Junie 1979, met 'n verdere tydperk van 12 maande wat 30 Junie 1981 eindig.

S. P. BOTHA, Minister van Mannekragbenutting.

DEPARTEMENT VAN NASIONALE OPVOEDING

No. R. 1244

20 Junie 1980

RHODES-UNIVERSITEIT.—WYSIGING VAN REGULASIES

Die Minister van Nasionale Opvoeding het kragtens die bevoegdheid hom verleen by artikel 17 (5) van die Wet op Universiteite, 1955 (Wet 61 van 1955), sy goedkeuring geheg aan die regulasie, wat deur die Raad van Rhodes-universiteit opgestel is en in die Bylae hiervan uiteengesit word.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken die uitdrukking "regulasies" die regulasies van die Universiteit afgekondig by Goewermentskennisgewings R. 1545 van 21 September 1962, R. 1460 van 1 Augustus 1975 en R. 837 van 28 April 1978.

2. Regulasie 1 van die regulasies word hierby deur onderstaande regulasie vervang:

"1. Niemand word as kandidaat vir ondergenoemde grade toegelaat nie, tensy hy die sertifikaat van die Gemeenskaplike Matrikulasieraad of 'n vrystellingsertifikaat van gemelde Raad verkry het, en daarbenewens aan die volgende vereistes voldoen:

(a) Vir die graad Baccalaureus Scientiae moet hy minstens die volgende behaal het:

(i) 'n F-simbool in Wiskunde in die Hoër Graad in die Matrikulasie-eksamen; of

(ii) 'n E-simbool in Wiskunde in die Standaardgraad in die Matrikulasie-eksamen; of

(iii) 'n slaagsyfer in Wiskunde wat in 'n ander eksamen behaal is en wat gelykwaardig daarmee geag word.

(b) Behoudens uitsonderings wat die Senaat vir die graad Baccalaureus Scientiae goedgekeur het, moet hy 'n slaagpunt behaal het in die Matrikulasie-eksamen of 'n ander eksamen wat die Senaat gelykwaardig daarmee ag, in die toepaslike kursusse vermeld in kolom (b) met minstens die graad en simbool vermeld in kolom (c):

(a)	(b)	(c)
Kursus waartoe toelating verlang word	Vereiste matrikulasiekursusse	Minimum graad en simbool wat vereis word
Chemie IG en IP	*	*
Wiskunde IA.....	Wiskunde.....	Hoër Graad E en Standaardgraad D.
Fisika IS.....	Natuurkunde of Fisika	Hoër Graad F en Standaardgraad E.

* Daar word veronderstel dat studente 'n vorige kennis van Chemie op die Natuurkundestandaard op Matrikulasie- of gelykwaardige vlak verwerf het.

(c) For the degree of Bachelor of Pharmacy, obtained a pass on the Standard Grade in Mathematics at the Matriculation or another examination deemed by the Senate to be equivalent thereto.

(d) For the degree of Bachelor of Commerce, obtained at least an F symbol in Mathematics on the Higher Grade or an E symbol in Mathematics on the Standard Grade at the Matriculation Examination, or a pass in Mathematics at another examination deemed by the Senate to be equivalent thereto, prior to his commencing the course Business Mathematics and Statistics.

(e) For the degree of Bachelor of Science (Information Processing), obtained at least an F symbol in Mathematics on the Higher Grade or an E symbol in Mathematics on the Standard Grade at the Matriculation Examination or a pass in Mathematics at another examination deemed by the Senate to be equivalent thereto."

DEPARTMENT OF RAILWAYS AND HARBOURS

No. R. 1270 20 June 1980

DEPARTMENT OF THE SOUTH AFRICAN RAILWAYS AND HARBOURS.—AMENDMENT OF THE RAILWAY BOARD REGULATIONS

The Minister of Transport Affairs has, under and by virtue of the powers vested in him by section 3 (2) of the Railway Board Act, 1962 (Act 73 of 1962), amended the Railway Board Regulations, published in Government Notice No. 1645 of 5 October 1962, as follows:

Regulation No. 2

(a) By the substitution, in paragraph (e), of the expression "R19 800" for the expression "R16 710" and the expression "R22 200" for the expression "R17 700".

(b) By the substitution, in subparagraph (iii) of paragraph (g), of the expression "R19 800" for the expression "R13 860".

DEPARTMENT OF STATISTICS

No. R. 1259 20 June 1980

REGULATIONS IN TERMS OF SECTION 17 OF THE STATISTICS ACT, 1976 (ACT 66 OF 1976).—CENSUS OF ACCOUNTING, AUDITING AND BOOKKEEPING SERVICES, 1980

The Minister of Statistics has, under section 17 of the Statistics Act, 1976 (Act 66 of 1976), read with Government Notice R. 139 of 4 February 1977 and, in so far as they are applicable to the Territory of South West Africa, with the consent of the Administrator-General of the Territory of South West Africa, made the regulations relating to accounting, auditing and bookkeeping establishments contained in the Schedule hereto.

SCHEDULE

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

(a) "establishment" means any accounting, auditing or bookkeeping services establishment where accountants, auditors, cost and works accountants, cost and management accountants, bookkeepers and other persons or partnerships of such persons or companies

(c) Vir die graad Baccalaureus Scientiae in Farmasie moet hy 'n slaagpunt in die Standaardgraad in Wiskunde in die Matrikulasie-eksamen behaal het of in 'n eksamen wat die Senaat gelykwaardig daarmee ag.

(d) Vir die graad Baccalaureus in die Handelswetenskappe moet hy minstens 'n F-simbool in Wiskunde in die Hoër Graad of 'n E-simbool in Wiskunde in die Standaardgraad in die Matrikulasie-eksamen behaal het, of 'n slaagpunt behaal het in 'n ander eksamen wat die Senaat gelykwaardig daarmee ag, voordat hy 'n aanvang maak met die kursus Bedryfswiskunde en Statistiek.

(e) Vir die graad Baccalaureus Scientiae (Inligting-verwerking) moet hy minstens 'n F-simbool in Wiskunde in die Hoër Graad of 'n E-simbool in Wiskunde in die Standaardgraad in die Matrikulasie-eksamen behaal het of 'n slaagpunt in 'n eksamen wat die Senaat gelykwaardig daarmee ag."

DEPARTEMENT VAN SPOORWEE EN HAWENS

No. R. 1270 20 Junie 1980

DEPARTEMENT VAN DIE SUID-AFRIKAANSE SPOORWEE EN HAWENS.—WYSIGING IN DIE SPOORWEGRAADREGULASIES

Kragtens die bevoegdheid hom verleen by artikel 3 (2) van die Spoorwegraadwet, 1962 (Wet 73 van 1962), het die Minister van Vervoerwese die Spoorwegraadregulasies afgekondig by Goewermentskennisgewing R. 1645 van 5 Oktober 1962, soos volg gewysig:

Regulasie no. 2

(a) Deur in paragraaf (e) die uitdrukking "R16 710" deur die uitdrukking "R19 800" en die uitdrukking "R17 700" deur die uitdrukking "R22 200" te vervang.

(b) Deur in subparagraaf (iii) van paragraaf (g) die uitdrukking "R13 860" deur die uitdrukking "R19 800" te vervang.

DEPARTEMENT VAN STATISTIEK

No. R. 1259 20 Junie 1980

REGULASIES KRAGTENS ARTIKEL 17 VAN DIE WET OP STATISTIEKE, 1976 (WET 66 VAN 1976).—SENSUS VAN REKENING-, OUDIT- EN BOEKHOUDIENSTE, 1980

Die Minister van Statistiek het kragtens artikel 17 van die Wet op Statistieke, 1976 (Wet 66 van 1976), geles met Goewermentskennisgewing R. 139 van 4 Februarie 1977, en, vir sover hulle in die gebied Suidwes-Afrika van toepassing is, met die toestemming van die Administrateur-generaal vir die gebied Suidwes-Afrika, die regulasies in die Bylae hierby met betrekking tot rekening-, audit- en boekhoudiensinrigtings, uitgevaardig.

BYLAE

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

(a) "inrigting" enige rekening-, audit- of boekhoudiensinrigting waar rekenmeesters, ouditeure, bedryfs- en kosterekenmeesters, koste- en bestuursrekenmeesters, boekhouders en ander persone of vennootskappe

render for their own account accounting, auditing, bookkeeping or related services, either on a full-time or part-time basis.

(b) "person in charge of an accounting, auditing or bookkeeping services establishment" means—

(i) any person who during the period defined in regulation 3 was the owner of such establishment or the person to whom the owner entrusted the supervision or control or administration, direction or management, as the case may be, of such establishment;

(ii) a trustee or liquidator or executor or administrator of an insolvent or deceased estate, or a liquidator of a company in liquidation, or a judicial manager of a company under judicial management, which estate or company was the owner of such establishment during the period defined in regulation 3.

2. (a) The person in charge of an establishment, shall, on or before 30 September 1980, on or before such later date as the Secretary for Statistics may for good cause allow, submit to the Secretary for Statistics a return for the period defined in regulation 3 in the form of a questionnaire furnishing all the particulars and information prescribed in regulation 4.

(b) (i) The questionnaire referred to in subregulation (a) above may be obtained from the Secretary for Statistics, Private Bag X44, Pretoria, 0001.

(ii) The Secretary for Statistics may send the questionnaire referred to in subregulation (a) above to the person in charge of an establishment, but his failure to do so does not exempt any person in charge of such an establishment from the obligation imposed upon such person by subregulation (a) above.

3. The period to be covered by the return shall be the financial year of the establishment concerned, which ended on any date during the period 1 July 1979 up to and including 30 June 1980.

4. The following information and particulars shall be furnished on the questionnaire in accordance with the provisions of these regulations:

- (1) Name of the establishment;
- (2) name(s) of owner(s);
- (3) full postal address;
- (4) address and magisterial district where the establishment is situated;
- (5) nature of business in which the establishment is predominantly engaged;
- (6) whether the establishment is run on a full-time or part-time basis;
- (7) whether the establishment manages or controls any other business and if so the name and main activity of such business;
- (8) proprietorship, i.e. one-man business, partnership, public or private company or other form of proprietorship;
- (9) if one-man business or partnership, population group(s) of owner(s);
- (10) names, addresses and activities of head office or main establishment and other establishments of the firm;
- (11) other census returns in respect of this establishment rendered to the Department of Statistics;
- (12) business or financial year covered by the return;

van sodanige persone of maatskappye, rekening-, audit-, boekhou- of verwante dienste vir eie rekening lewer, hetsy op 'n voltydse of deeltydse basis;

(b) "persoon in beheer van 'n rekening-, audit- of boekhoudiens- inrigting"—

(i) iemand wat gedurende die tydperk in regulasie 3 omskryf, die eienaar van sodanige inrigting was of iemand was aan wie die einaar die toesig of beheer oor of die administrasie, leiding of bestuur, na gelang van die geval, van sodanige inrigting opgedra het;

(ii) 'n trustee of likwidateur of eksekuteur of administrateur van 'n insolvente of bestorwe boedel, of 'n likwidateur van 'n maatskappy in likwidasie, of 'n geregtelike bestuurder van 'n maatskappy onder geregtelike bestuur, welke boedel of maatskappy gedurende die tydperk in regulasie 3 omskryf, die eienaar van sodanige inrigting was.

2. (a) Die persoon in beheer van 'n inrigting moet voor of op 30 September 1980, of voor of op sodanige latere datum as wat die Sekretaris van Statistiek om goeie redes kan toestaan, 'n opgawe vir die tydperk in regulasie 3 omskryf, in die vorm van 'n vraelys, wat al die besonderhede en inligting verstrek wat in regulasie 4 voorgeskryf word, by die Sekretaris van Statistiek indien.

(b) (i) Die vraelys in subregulasie (a) hierbo bedoel, is verkrygbaar van die Sekretaris van Statistiek, Privaatsak X44, Pretoria, 0001.

(ii) Die Sekretaris van Statistiek kan die vraelys genoem in subregulasie (a) hierbo, aan die persoon in beheer van 'n inrigting stuur, maar sy versuim om dit te doen, onthef geen persoon in beheer van sodanige inrigting van die verpligting wat daardie persoon by subregulasie (a) hierbo opgelê is nie.

3. Die tydperk wat deur die opgawe gedek moet word, is die boekjaar van die betrokke inrigting wat op enige datum gedurende die tydperk 1 Julie 1979 tot en met 30 Junie 1980 geëindig het.

4. Die volgende besonderhede en inligting moet ooreenkomstig die bepalings van hierdie regulasies op die vraelys verstrek word:

- (1) Naam van die inrigting;
- (2) naam/name van eienaar(s);
- (3) volledige posadres;
- (4) adres en landdrostdistrik waar die inrigting geleë is;
- (5) aard van besigheid waarby die inrigting oorwegend betrokke is;
- (6) of die inrigting op 'n voltydse of deeltydse basis besigheid doen;
- (7) of die inrigting enige ander besigheid bestuur of beheer en, indien wel, die naam en hoofaktiwiteit van sodanige besigheid;
- (8) eienaarskap, d.w.s. eenmansaak, vennootskap, publieke of private maatskappy of ander vorm van eienaarskap;
- (9) indien dit 'n eenmansaak of vennootskap is, die bevolkingsgroep(e) van die eienaar(s);
- (10) name, adresse en aktiwiteite van die hoofkantoor of hoofinrigting en ander inrigtings van die firma;
- (11) ander sensusopgawes wat ten opsigte van die inrigting by die Departement van Statistiek ingedien is;
- (12) besigheids- of boekjaar wat deur die opgawe gedek word;

(13) number of persons engaged in the activities of the establishment, including working proprietors and unpaid family assistants, according to qualifications, nature of work performed, population group and sex;

(14) estimated cost of ancillary services and payments in kind, according to population group;

(15) income and expenditure data; and

(16) land and buildings, furniture, fittings and equipment, and vehicles: book value, capital expenditure, revaluation, sales and transfers out, losses by fire and depreciation.

5. (1) The person in charge of an establishment who, without reasonable cause, fails to comply with these regulations shall be guilty of an offence and liable, on conviction, to a fine not exceeding R200 or, in the case of continuing failure to comply therewith, to a fine not exceeding R10 for every day during which such failure continues.

(2) At criminal proceedings where the person in charge of an accounting, auditing or bookkeeping services establishment is accused of having, without reasonable cause, failed to comply with these regulations, it shall be no defence against the accusation that such person did not receive a questionnaire to submit the return as defined in regulation 2 (a).

6. The Secretary for Statistics may compile lists of the names and addresses of the accounting, auditing or bookkeeping services establishments referred to in regulation 1, classified according to activities, and make such lists available to any person or organisation.

7. These regulations are also applicable to the Territory of South West Africa.

No. R. 1260

20 June 1980

REGULATIONS IN TERMS OF SECTION 17 OF THE STATISTICS ACT, 1976 (ACT 66 OF 1976).—CENSUS OF UNDERTAKER AND CREMATORIUM SERVICES, 1980

The Minister of Statistics has, under section 17 of the Statistics Act, 1976 (Act 66 of 1976), read with Government Notice R. 139 of 4 February 1977 and, in so far as they are applicable to the Territory of South West Africa, with the consent of the Administrator-General of the Territory of South West Africa, made the regulations relating to undertaker and crematorium services establishments contained in the Schedule hereto.

SCHEDULE

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

(a) "establishment" means any private undertaker or crematorium business which renders for its own account undertaker or crematorium services or any related services, either on a full-time or part-time basis;

(b) "person in charge of an establishment" means—

(i) any person who during the period defined in regulation 3 was the owner of such establishment or the person to whom the owner entrusted the supervision or control or administration, direction or management, as the case may be, of such establishment;

(ii) a trustee or liquidator or executor or administrator of an insolvent or deceased estate, or a liquidator of a company in liquidation, or a judicial manager of a company under judicial management, which estate or company was the owner of such establishment during the period defined in regulation 3.

(13) getal persone betrokke in die aktiwiteite van die inrigting, met inbegrip van werkende eienaars en onbetaalde gesinsassistentie, volgens kwalifikasies, aard van werk verrig, bevolkingsgroep en geslag;

(14) geraamde koste van aanvullende dienste en betalings *in natura*, volgens bevolkingsgroep;

(15) inkomste- en uitgawegegewens; en

(16) grond en geboue, meubels, toebehore en ander uitrusting en voertuie: boekwaarde, kapitaaluitgawes, herwaardering, verkope en oorplasings-uit, verliese deur brand en waardevermindering.

5. (1) Die persoon in beheer van 'n inrigting, wat sonder redelike oorsaak versuim om hierdie regulasies na te kom, begaan 'n misdryf en is by skuldigebevinding strafbaar met 'n boete van hoogstens R200 of, in die geval van voortdurende versuim om dit na te kom, met 'n boete van hoogstens R10 vir elke dag waarop sodanige versuim voortduur.

(2) By strafregtelike verrigtinge waarby die persoon in beheer van 'n rekening-, audit- of boekhoudiensinrigting daarvan aangekla word dat daar sonder redelike oorsaak versuim is om hierdie regulasies na te kom, is dit geen verweer teen die aanklag nie dat daardie persoon geen vraelys ontvang het om die opgawe in regulasie 2 (a) omskryf, in te dien nie.

6. Die Sekretaris van Statistiek kan naam- en adreslyste opstel van rekening-, audit- en boekhoudiensinrigtings in regulasie 1 bedoel, ingedeel volgens werksaamde, en dit aan enige persoon of instansie beskikbaar stel.

7. Hierdie regulasies is ook in die gebied Suidwes-Afrika van toepassing.

No. R. 1260

20 Junie 1980

REGULASIES KRAGTENS ARTIKEL 17 VAN DIE WET OP STATISTIEKE, 1976 (WET 66 VAN 1976).—SENSUS VAN BEGRAFNIJSONDERNEMER- EN KREMATORIUMDIENSTE, 1980

Die Minister van Statistiek het kragtens artikel 17 van die Wet op Statistieke, 1976 (Wet 66 van 1976), gelees met Goewermmentskennisgewing R. 139 van 4 Februarie 1977, en, vir sover hulle in die gebied Suidwes-Afrika van toepassing is, met die toestemming van die Administrateur-generaal vir die gebied Suidwes-Afrika, die regulasies in die Bylae hierby met betrekking tot begrafnisondernemer- en krematoriumdiensinrigtings, uitgevaardig.

BYLAE

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

(a) "inrigting" enige private begrafnisondernemer- of krematoriumbesigheid wat begrafnisondernemer- of krematoriumdienste of enige verwante dienste vir eie rekening lewer, hetsy op 'n voltydse of deeltydse basis;

(b) "persoon in beheer van 'n inrigting"—

(i) iemand wat gedurende die tydperk in regulasie 3 omskryf, die eienaar van sodanige inrigting was of iemand was aan wie die eienaar die toesig of beheer oor of die administrasie, leiding of bestuur, na gelang van die geval, van sodanige inrigting opgedra het;

(ii) 'n trustee of likwidateur of eksekuteur of administrateur van 'n insolvente of bestorwe boedel, of 'n likwidateur van 'n maatskappy in likwidasie, of 'n geregtelike bestuurder van 'n maatskappy onder geregtelike bestuur, welke boedel of maatskappy gedurende die tydperk in regulasie 3 omskryf, die eienaar van sodanige inrigting was.

2. (a) The person in charge of an establishment, shall, on or before 30 September 1980, or on or before such later date as the Secretary for Statistics may for good cause allow, submit to the Secretary for Statistics a return for the period defined in regulation 3 in the form of a questionnaire furnishing all the particulars and information prescribed in regulation 4.

(b) (i) The questionnaire referred to in subregulation (a) above may be obtained from the Secretary for Statistics, Private Bag X44, Pretoria, 0001.

(ii) The Secretary for Statistics may send the questionnaire referred to in subregulation (a) above to the person in charge of an establishment, but his failure to do so does not exempt any person in charge of such an establishment from the obligation imposed upon such person by subregulation (a) above.

3. The period to be covered by the return shall be the financial year of the establishment concerned, which ended on any date during the period 1 July 1979 up to and including 30 June 1980.

4. The following information and particulars shall be furnished on the questionnaire in accordance with the provisions of these regulations:

- (1) Name of the establishment;
- (2) name(s) of owner(s);
- (3) full postal address;
- (4) address and magisterial district where the establishment is situated;
- (5) nature of business in which the establishment is predominantly engaged;
- (6) proprietorship, i.e. one-man business, partnership, public or private company or other form of proprietorship;
- (7) if one-man business or partnership, the population group(s) of the owner(s);
- (8) names, addresses and activities of the head office or main establishment and other establishments of the firm;
- (9) other census returns in respect of this establishment rendered to the Department of Statistics;
- (10) business or financial year covered by the return;
- (11) number of persons engaged in the activities of this establishment, including working proprietors and unpaid family assistants, according to nature of work performed, population group and sex;
- (12) estimated net cost of ancillary services and payments in kind classified according to population group;
- (13) income and expenditure data;
- (14) land and buildings, furniture, fittings and equipment and vehicles: book value, capital expenditure, revaluation, sales and transfers-out, losses by fire and depreciation; and
- (15) number of employees and their salaries and wages (according to population group) and gross rent and lease charges paid in respect of land and buildings, furniture, fittings and equipment and vehicles, classified according to magisterial districts.

5. (1) The person in charge of an establishment who, without reasonable cause, fails to comply with these regulations shall be guilty of an offence and liable, on conviction, to a fine not exceeding R200 or, in the case of continuing failure to comply therewith, to a fine not exceeding R10 for every day during which such failure continues.

2. (a) Die persoon wat in beheer van 'n inrigting is, moet voor of op 30 September 1980, of voor of op sodanige latere datum as wat die Sekretaris van Statistiek om goeie redes kan toestaan, 'n opgawe vir die tydperk in regulasie 3 omskryf, in die vorm van 'n vraelys, wat al die besonderhede en inligting verstrekkend wat in regulasie 4 voorgeskryf word, by die Sekretaris van Statistiek indien.

(b) (i) Die vraelys in subregulasie (a) hierbo bedoel, is verkrygbaar van die Sekretaris van Statistiek, Private Bag X44, Pretoria, 0001.

(ii) Die Sekretaris van Statistiek kan die vraelys genoem in subregulasie (a) hierbo, aan die persoon in beheer van 'n inrigting stuur, maar sy versuim om dit te doen, onthef geen persoon in beheer van sodanige inrigting van die verpligting wat daardie persoon by subregulasie (a) hierbo opgelê is nie.

3. Die tydperk wat deur die opgawe gedek moet word, is die boekjaar van die betrokke inrigting wat op enige datum gedurende die tydperk 1 Julie 1979 tot en met 30 Junie 1980 geëindig het.

4. Die volgende besonderhede en inligting moet ooreenkomstig die bepalings van hierdie regulasies op die vraelys verstrekkend word:

- (1) Naam van die inrigting;
- (2) naam/name van eienaar(s);
- (3) volledige posadres;
- (4) adres en landdrosdistrik waar die inrigting geleë is;
- (5) aard van besigheid waarby die inrigting oorewegend betrokke is;
- (6) eienaarskap, d.w.s. eenmansaak, vennootskap, publieke of private maatskappy of ander vorm van eienaarskap;
- (7) indien dit 'n eenmansaak of vennootskap is, die bevolkingsgroep(e) van eienaar(s);
- (8) name, adresse en aktiwiteite van die hoofinrigting of hoofkantoor en ander inrigtings van die firma;
- (9) ander sensusopgawes wat ten opsigte van die inrigting by die Departement van Statistiek ingedien is;
- (10) besigheids- of boekjaar wat deur die opgawe gedek word;
- (11) getal persone betrokke by die aktiwiteite van die inrigting, met inbegrip van werkende eienaars en onbetaalde gesinsassistenten volgens aard van die werk verrig, bevolkingsgroep en geslag;
- (12) geraamde netto koste van aanvullende dienste en betalings *in natura*, ingedeel volgens bevolkingsgroep;
- (13) inkomste- en uitgawegegewens;
- (14) grond en geboue, meubels, toebehore en ander uitrusting en voertuie: boekwaarde, kapitaaluitgawes, herwaarderings, verkope en oorplasings-uit, verliese deur brand en waardevermindering; en
- (15) getal werknemers en hul salarisse en lone (volgens bevolkingsgroep) en bruto huur betaal vir grond en geboue, meubels, toebehore en ander uitrusting en voertuie, ingedeel volgens landdrosdistrikte.

5. (1) Die persoon in beheer van 'n inrigting, wat sonder redelike oorsaak versuim om hierdie regulasies na te kom, begaan 'n misdryf en is by skuldigebevinding strafbaar met 'n boete van hoogstens R200 of, in die geval van voortdurende versuim om dit na te kom, met 'n boete van hoogstens R10 vir elke dag waarop sodanige versuim voortduur.

(2) At criminal proceedings where the person in charge of an establishment is accused of having, without reasonable cause, failed to comply with these regulations, it shall be no defence against the accusation that such person did not receive a questionnaire to submit the return as defined in regulation 2 (a).

6. The Secretary for Statistics may compile lists of the names and addresses of the establishments referred to in regulation 1, classified according to activities, and make such lists available to any person or organisation.

7. These regulations are also applicable to the Territory of South West Africa.

No. R. 1261

20 June 1980

REGULATIONS IN TERMS OF SECTION 17 OF THE STATISTICS ACT, 1976 (ACT 66 OF 1976).—CENSUS OF FUNERAL AGENCIES, 1980

The Minister of Statistics has, under section 17 of the Statistics Act, 1976 (Act 66 of 1976), read with Government Notice R. 139 of 4 February 1977 and, in so far as they are applicable to the Territory of South West Africa, with the consent of the Administrator-General of the Territory of South West Africa, made the regulations relating to funeral agencies contained in the Schedule hereto.

SCHEDULE

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

(a) "agency" means any person or business who acts as agent for an undertaker and receives commission therefore.

(b) "person in charge of an agency" means—

(i) any person who during the period defined in regulation 3 was the owner of such agency or the person to whom the owner entrusted the supervision or control or administration, direction or management, as the case may be, of such agency;

(ii) a trustee or liquidator or executor or administrator of an insolvent or deceased estate, or a liquidator of a company in liquidation, or a judicial manager of a company under judicial management, which estate or company was the owner of such agency during the period defined in regulation 3.

2. (a) The person in charge of an agency, shall, on or before 30 September 1980, or on or before such later date as the Secretary for Statistics may for good cause allow, submit to the Secretary for Statistics a return for the period defined in regulation 3 in the form of a questionnaire furnishing all the particulars and information prescribed in regulation 4.

(b) (i) The questionnaire referred to in subregulation (a) above may be obtained from the Secretary for Statistics, Private Bag X44, Pretoria, 0001.

(ii) The Secretary for Statistics may send the questionnaire referred to in subregulation (a) above to the person in charge of an agency, but his failure to do so does not exempt any person in charge of such an agency from the obligation imposed upon such person by subregulation (a) above.

(2) By strafregtelike verrigtinge waarby die persoon in beheer van 'n inrigting daarvan aangekla word dat daar sonder redelike oorsaak versuim is om hierdie regulasies na te kom, is dit geen verweer teen die aanklag nie dat daardie persoon geen vraelys ontvang het om die opgawe in regulasie 2 (a) omskryf, in te dien nie.

6. Die Sekretaris van Statistiek kan naam- en adreslyste opstel van inrigtings in regulasie 1 bedoel, ingedeel volgens werksaamhede, en dit aan enige persoon of instansie beskikbaar stel.

7. Hierdie regulasies is ook in die gebied Suidwes-Afrika van toepassing.

No. R. 1261

20 Junie 1980

REGULASIES KRAGTENS ARTIKEL 17 VAN DIE WET OP STATISTIEKE, 1976 (WET 66 VAN 1976).—SENSUS VAN BEGRAFNISAGENTSKAPPE, 1980

Die Minister van Statistiek het kragtens artikel 17 van die Wet op Statistieke, 1976 (Wet 66 van 1976), gelees met Goewermentskennisgewing R. 139 van 4 Februarie 1977, en, vir sover hulle in die gebied Suidwes-Afrika van toepassing is, met die toestemming van die Administrateur-generaal vir die gebied Suidwes-Afrika, die regulasies in die Bylae hierby met betrekking tot begrafnisagentskappe, uitgevaardig.

BYLAE

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

(a) "agentskap" enige persoon of besigheid wat as agent vir 'n begrafnisondernemer optree en kommissie daarvoor ontvang;

(b) "persoon in beheer van 'n agentskap"—

(i) iemand wat gedurende die tydperk in regulasie 3 omskryf, die eienaar van sodanige agentskap was of iemand was aan wie die eienaar die toesig of beheer oor of die administrasie, leiding of bestuur, na gelang van die geval, van sodanige agentskap opgedra het;

(ii) 'n trustee of likwidateur of eksekuteur of administrateur van 'n insolvente of bestorwe boedel, of 'n likwidateur van 'n maatskappy in likwidasie, of 'n geregtelike bestuurder van 'n maatskappy onder geregtelike bestuur, welke boedel of maatskappy gedurende die tydperk in regulasie 3 omskryf, die eienaar van sodanige agentskap was.

2. (a) Die persoon in beheer van 'n agentskap moet voor of op 30 September 1980, of voor of op sodanige latere datum as wat die Sekretaris van Statistiek om goeie redes kan toestaan, 'n opgawe vir die tydperk in regulasie 3 omskryf, in die vorm van 'n vraelys, wat al die besonderhede en inligting verstrek wat in regulasie 4 voorgeskryf word, by die Sekretaris van Statistiek indien.

(b) (i) Die vraelys in subregulasie (a) hierbo bedoel, is verkrygbaar van die Sekretaris van Statistiek, Private Bag X44, Pretoria, 0001.

(ii) Die Sekretaris van Statistiek kan die vraelys genoem in subregulasie (a) hierbo, aan die persoon in beheer van 'n agentskap stuur, maar sy versuim om dit te doen, onthef geen persoon in beheer van sodanige agentskap van die verpligting wat daardie persoon by subregulasie (a) hierbo opgelê is nie.

3. The period to be covered by the return shall be the financial year of the agency concerned, which ended on any date during the period 1 July 1979 up to and including 30 June 1980.

4. The following information and particulars shall be furnished on the questionnaire in accordance with the provisions of these regulations:

- (1) Name of the agency;
- (2) full address;
- (3) magisterial district in which the agency is situated;
- (4) nature of business which serves as the main source of income for the agency;
- (5) gross income from each of the activities of the agency;
- (6) other census returns submitted to the Department of Statistics;
- (7) business or financial year covered by the return;
- (8) the number of persons involved in the activities of the agency, including working proprietors and unpaid family assistants, according to the nature of the work performed, population group and sex; and
- (9) income and expenditure data.

5. (1) The person in charge of any agency who, without reasonable cause, fails to comply with these regulations shall be guilty of an offence and liable, on conviction, to a fine not exceeding R200 or, in the case of continuing failure to comply therewith, to a fine not exceeding R10 for every day during which such failure continues.

(2) At criminal proceedings where the person in charge of an agency is accused of having, without reasonable cause, failed to comply with these regulations, it shall be no defence against the accusation that such person did not receive a questionnaire to submit the return as defined in regulation 2 (a).

6. The Secretary for Statistics may compile lists of the names and addresses of the agencies referred to in regulation 1, classified according to activities, and make such lists available to any person or organisation.

7. These regulations are also applicable to the Territory of South West Africa.

DEPARTMENT OF TRANSPORT

No. R. 1287

20 June 1980

AMENDMENT TO THE COURTS OF MARINE ENQUIRY REGULATIONS, 1961

The Minister of Transport Affairs has, in terms of section 356 of the Merchant Shipping Act, 1951 (Act 57 of 1951), made the regulations in the Schedule hereto.

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, the expression "the Regulations" means the Courts of Marine Enquiry Regulations, 1961, promulgated by Government Notice R. 1067 of 24 November 1961, as amended by Government Notices R. 1419 of 11 September 1964, R. 3055 of 8 August 1969 and R. 215 of 16 February 1973.

3. Die tydperk wat deur die opgawe gedek moet word, is die boekjaar van die betrokke agentskap wat op enige datum gedurende die tydperk 1 Julie 1979 tot en met 30 Junie 1980 geëindig het.

4. Die volgende besonderhede en inligting moet ooreenkomstig die bepalings van hierdie regulasies op die vraelys verstrek word:

- (1) Naam van die agentskap;
- (2) volledige adres;
- (3) landdrosdistrik waarin die agentskap geleë is;
- (4) aard van besigheid wat dien as die hoofbron van inkomste van die agentskap;
- (5) bruto inkomste uit elk van die aktiwiteite van die agentskap;
- (6) ander sensusopgawes wat by die Departement van Statistiek ingedien is;
- (7) besigheids- of boekjaar wat deur die opgawe gedek word;
- (8) die getal persone betrokke by die aktiwiteite van die agentskap, met inbegrip van werkende eienaars en onbetaalde gesinsassistenten, volgens die aard van die werk verrig, bevolkingsgroep en geslagte; en
- (9) inkomste- en uitgawegegewens.

5. (1) Die persoon in beheer van 'n agentskap, wat sonder redelike oorsaak versuim om hierdie regulasies na te kom, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of, in die geval van voortdurende versuim om dit na te kom, met 'n boete van hoogstens R10 vir elke dag waarop sodanige versuim voortduur.

(2) By strafregtelike verrigtinge waarby die persoon in beheer van 'n agentskap daarvan aangekla word dat daar sonder redelike oorsaak versuim is om hierdie regulasie na te kom, is dit geen verweer teen die aanklag nie dat daardie persoon geen vraelys ontvang het om die opgawe in regulasie 2 (a) omskryf, in te dien nie.

6. Die Sekretaris van Statistiek kan naam- en adreslyste opstel van agentskappe in regulasie 1 bedoel, ingedeel volgens werksaamhede, en dit aan enige persoon of instansie beskikbaar stel.

7. Hierdie regulasie is ook in die gebied Suidwes-Afrika van toepassing.

DEPARTEMENT VAN VERVOER

No. R. 1287

20 Junie 1980

WYSIGING VAN DIE REGULASIES BETREFFENDE HOWE VAN MARINE-ONDERSOEK, 1961

Die Minister van Vervoerwese het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet 57 van 1951), die Regulasies in die Bylae hierby uitgevaardig.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken die uitdrukking "die Regulasies" die Regulasies afgekondig by Goewermentskennisgewing R. 1067 van 24 November 1961, soos gewysig deur Goewermentskennisgewing R. 1419 van 11 September 1964, R. 3055 van 8 Augustus 1969 en R. 215 van 16 Februarie 1973.

2. The following annex is hereby substituted for Annex A of the Regulations:

"ANNEX A

(Regulation 6)

ALLOWANCES TOWARDS SUBSISTENCE AND TRANSPORT PAYABLE TO MEMBERS OF COURTS OF MARINE ENQUIRY

1. A member shall receive an allowance for every day on which he attends an investigation in respect of expenditure necessarily and actually incurred in respect of meals, liquid refreshments, accommodation, bedding and laundry and ironing but excluding alcoholic beverages and dry-cleaning—

(i) when he is not absent from his usual place of residence or employment overnight: R10 per day or part of a day calculated from midnight to midnight; and

(ii) when he is absent from his usual place of residence or employment overnight: R24 per day or part of a day calculated from midnight to midnight: Provided that if this allowance is insufficient the actual expenditure may be refunded to the member plus an amount of R2,50 per day to cover additional expenditure.

2. In addition to the allowance payable under paragraph 1 above a member shall receive a special allowance for every day on which he attends an investigation and on which the case is wholly or partly heard of R30 per day or part of a day calculated from midnight to midnight.

3. For journeys undertaken by a member from his usual place of residence or employment to the place where the investigation is held, he shall make use of public transport but if such transport is not available or the use thereof for the whole journey or part thereof is impractical or uneconomic he may make use of his own motor vehicle or a hired motor vehicle.

4. If journeys are to be undertaken by public transport (excluding municipal transport), a member shall obtain a warrant for the issue of tickets beforehand from the Director-general.

5. A member is entitled to travel first class by train and in the economic class by air.

6. The actual cost will be refunded to a member in the case of hired transport if the Director-general considers it reasonable.

7. For the use of his own motor vehicle a member shall be reimbursed at the rate of 16,3 cents per kilometre for the distance travelled to and from the place of the investigation or the place from where the journey was continued by public transport."

2. Bylae A van die Regulasies word hierby deur die volgende vervang:

"BYLAE A

(Regulasie 6)

TOELAES VIR ONDERHOUD EN VERVOER BETAALBAAR AAN LEDE VAN 'N HOF VAN MARINEONDERSOEK.

1. Vir elke dag waarop hy 'n ondersoek bywoon, ontvang 'n lid vir uitgawes noodwendig en werklik aangegaan ten opsigte van etes, vloeibare verversings, slaapplek, beddegoed en was- en strykwerk, maar uitgesonderd alkoholiese drank en droogskoonmaakwerk, die volgende onderhoudstoelae:

(i) Wanneer hy nie weg van sy gewone verblyf- of werkplek oornag nie: R10 per dag of gedeelte van 'n dag gereken vanaf middernag tot middernag; en

(ii) Wanneer hy weg van sy gewone verblyf- of werkplek oornag: R24 per dag of gedeelte van 'n dag gereken vanaf middernag tot middernag: Met dien verstande dat indien hierdie toelae ontoereikend sou wees, die werklike uitgawes aan die lid vergoed mag word plus 'n bedrag van R2,50 per dag om ekstra uitgawes te dek.

2. Bo en behalwe die toelae in paragraaf 1 hierbo genoem ontvang 'n lid vir elke dag waarop hy 'n ondersoek bywoon en waarop die saak geheel of gedeeltelik verhoor word 'n spesiale toelae van R30 per dag of gedeelte van 'n dag gereken vanaf middernag tot middernag.

3. Vir reise wat 'n lid weg van sy verblyf- of werkplek na die plek van die ondersoek onderneem, moet hy van openbare vervoermiddels gebruik maak maar as dit nie beskikbaar is nie of as die gebruik daarvan vir die hele reis of 'n gedeelte daarvan onprakties of onekonomies is, kan hy van sy eie motorvoertuig of 'n gehuurde motorvoertuig gebruik maak.

4. Indien reise met openbare vervoermiddels uitgesonder munisipale vervoermiddels onderneem word, moet 'n lid vooraf 'n magtigingsbrief vir die uitreiking van reiskaartjies van die Direkteur-generaal verkry.

5. 'n Lid is geregtig om in die eerste klas per trein en in die ekonomiese klas per vliegtuig te reis.

6. Die werklike reiskoste word in die geval van 'n gehuurde vervoermiddel aan 'n lid vergoed mits dit na oordeel van die Direkteur-generaal redelike koste is.

7. Vir die gebruik van sy eie motorvoertuig word 'n lid vergoed teen 16,3 sent per kilometer vir die afstand na en van die plek van die ondersoek of die plek waarvandaan daar verder met openbare vervoermiddels gereis is."

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