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VAN
SUID-AFRIKA



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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No. R. 533

16 Maart 1990

REGULASIES KRAGTENS DIE WET OP MASJINERIE EN BEROEPSVEILIGHEID, 1983 (WET No. 6 VAN 1983)

Die Minister van Mannekrag het kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), die regulasies in die Bylae vervat, uitgevaardig.

BYLAE

REGULASIES OOR DIE SERTIFIKAAT VAN BEVOEGDHEID

Woordomskrywing

1. In hierdie regulasies beteken "die Wet" die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), en het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

"Departement van Onderwys en Kultuur" die Departement van Onderwys en Kultuur, Administrasie: Volksraad;

"Eksamenkommissie" of "Kommissie" die kommissie aangestel ingevolge regulasie 5 (1);

"sertifikaat van bevoegdheid" of "sertifikaat" 'n sertifikaat van bevoegdheid as meganiese of elektrotegniese ingenieur, na gelang van die geval, ingevolge regulasie 2 (1) uitgereik.

Uitreiking van sertifikate

2. (1) Sertifikate van bevoegdheid word deur die hoofinspekteur uitgereik ooreenkomstig die aanbevelings van die Eksamenkommissie.

(2) 'n Persoon aan wie 'n sertifikaat van bevoegdheid ingevolge subregulasie (1) uitgereik is, word geag 'n gediplomeerde ingenieur te wees ooreenkomstig die bedoeling van regulasie 1 van die Algemene Masjinerieregulasies afgekondig by Goewermenskennisgewing No. R. 1521 van 5 Augustus 1988.

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No. R. 533

16 March 1990

REGULATIONS UNDER THE MACHINERY AND OCCUPATIONAL SAFETY ACT, 1983 (ACT No. 6 OF 1983)

The Minister of Manpower has, under section 35 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), made the regulations contained in the Schedule.

SCHEDULE

REGULATIONS CONCERNING THE CERTIFICATE OF COMPETENCY

Definitions

1. In these regulations, "the Act" means the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and unless the context otherwise indicates any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and—

"certificate of competency" or "certificate" means a certificate of competency as a mechanical or an electrical engineer, as the case may be, issued in terms of regulation 2 (1);

"Commission of Examiners" or "Commission" means the commission established in terms of regulation 5 (1);

"Department of Education and Culture" means the Department of Education and Culture, Administration: House of Assembly.

Issuing of certificates

2. (1) Certificates of competency shall be issued by the chief inspector in accordance with the recommendations of the Commission of Examiners.

(2) A person to whom a certificate of competency has been issued in terms of subregulation (1) shall be deemed to be a certificated engineer as contemplated in regulation 1 of the General Machinery Regulations promulgated by Government Notice R. 1521 of 5 August 1988.

(3) Enige persoon wat 'n sertifikaat van bevoegdheid wil verwerf, moet daarom aansoek doen by die Eksamenkommissie.

(4) Die Eksamenkommissie mag nie die uitreiking van 'n sertifikaat van bevoegdheid aan 'n kandidaat aanbeveel nie tensy die kandidaat die kwalifiserende eksamen geslaag het of die Kommissie daarvan oortuig is dat die kandidaat oor genoegsame kennis beskik van die ontwerp, samestelling, oprigting, bedryf en instandhouding van masjinerie, apparaat en installasies, en van die Wet en die regulasies daarkragtens uitgevaardig.

(5) 'n Sertifikaat van bevoegdheid as meganiese ingenieur moet in die vorm van Bylae 1 wees en 'n sertifikaat van bevoegdheid as elektrotegniese ingenieur moet in die vorm van Bylae 2 wees.

(6) 'n Sertifikaat ingevolge subregulasie (1) uitgereik waarop enige verandering of uitwissing deur iemand anders as die hoofinspekteur aangebring is, is nietig.

Opskorting of kansellering van sertifikate

3. (1) Indien die hoofinspekteur te eniger tyd, op grond van inligting deur enigiemand aan hom voorgelê en na ondersoek, van oordeel is dat die houer van 'n sertifikaat van bevoegdheid in die uitvoering van sy pligte as houer van so 'n sertifikaat, skuldig was aan growwe nalatigheid of wangedrag, kan hy so 'n sertifikaat onverwyld opskort of kanselleer of kan hy na goeë dunks die saak vir ondersoek aan die Eksamenkommissie voorlê en op aanbeveling van die Kommissie so 'n sertifikaat opskort of kanselleer.

(2) Die hoofinspekteur moet die houer van 'n sertifikaat van bevoegdheid onverwyld van sy beslissing ingevolge subregulasie (1) in kennis stel.

(3) 'n Opgeskorte of gekanselleerde sertifikaat moet deur die houer daarvan aan die hoofinspekteur terugbesorg word binne een maand vanaf die datum waarop die hoofinspekteur hom in kennis gestel het van die opskorting of kansellering daarvan.

Vervanging van verlore, beskadigde of vernietigde sertifikate

4. (1) Indien 'n sertifikaat uitgereik ingevolge regulasie 2 (1) verlore, beskadig of vernietig is, kan die persoon aan wie die sertifikaat uitgereik was, by die hoofinspekteur aansoek doen om 'n duplikaatsertifikaat.

(2) Elke aansoek kragtens subregulasie (1) moet vergesel gaan van 'n bedrag van R50 in die vorm van ongehoëerde inkomsteseëls wat op die aansoek geplak is.

(3) Nadat bewys tot die bevrediging van die hoofinspekteur gelewer is dat 'n sertifikaat verlore, beskadig of vernietig is, moet hy 'n duplikaatsertifikaat uitreik.

(4) Die hoofinspekteur moet toesien dat op elke duplikaatsertifikaat uitgereik kragtens subregulasie (3), die woorde "duplikaat/duplicate" verskyn.

Eksamenkommissie

5. (1) Die hoofinspekteur moet na raadpleging met die Staatsmyningingenieur soos omskryf in die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en onderworpe aan die bepalings van subregulasie (4), 'n Eksamenkommissie aanstel.

(2) (a) 'n Lid van die Eksamenkommissie word aangestel vir die tydperk wat die hoofinspekteur ten tyde van sy aanstelling bepaal en 'n lid wie se ampstermyn as lid verstryk het, kan weer aangestel word.

(b) Die hoofinspekteur kan enige lid van die Eksamenkommissie ontslaan.

(3) Any person wishing to obtain a certificate of competency shall apply therefor to the Commission of Examiners.

(4) The Commission of Examiners shall not recommend the issuing of a certificate of competency unless the candidate has passed the qualifying examination or the Commission is satisfied that the candidate possesses sufficient knowledge of the design, assembly, erection, running and maintenance of machinery, apparatus and installations, and of the Act and regulations promulgated thereunder.

(5) A certificate of competency as mechanical engineer shall be in the form of Annexure 1 and a certificate of competency as electrical engineer shall be in the form of Annexure 2.

(6) Any certificate issued in terms of subregulation (1) on which anyone other than the chief inspector has made any amendment or erasure shall be rendered null and void.

Suspension or cancellation of certificates

3. (1) If the chief inspector at any time, by virtue of information submitted to him by anyone, and after investigation, is of the opinion that the holder of a certificate of competency was guilty of gross negligence or misconduct in the execution of his duties as holder of such certificate, he may forthwith suspend or cancel such certificate or he may as he may deem fit refer the matter to the Commission of Examiners for investigation and on the recommendation of the Commission he may suspend or cancel such certificate.

(2) The chief inspector shall forthwith advise the holder of a certificate of competency of his decision in terms of subregulation (1).

(3) A suspended or cancelled certificate shall be returned by the holder thereof to the chief inspector within one month of the date upon which the chief inspector advised him of the suspension or cancellation thereof.

Substitution of lost, damaged or destroyed certificates

4. (1) If a certificate issued in terms of regulation 2 (1) has been lost, damaged or destroyed, the person to whom the certificate had been issued may apply to the chief inspector for a duplicate certificate.

(2) Every application in terms of subregulation (1) shall be accompanied by an amount of R50 in the form of uncanceled revenue stamps affixed to the application.

(3) After proof that a certificate has been lost, damaged or destroyed has been submitted to the satisfaction of the chief inspector he shall issue a duplicate certificate.

(4) The chief inspector shall ensure that on every duplicate certificate issued in terms of subregulation (3), the words "duplicate/duplikaat" appear.

Commission of Examiners

5. (1) The chief inspector shall after consultation with the Government Mining Engineer as defined in the Mines and Works Act, 1956 (Act No. 27 of 1956), and subject to the provisions of subregulation (4), appoint a Commission of Examiners.

(2) (a) A member of the Commission of Examiners shall be appointed for the period laid down by the chief inspector on his appointment and a member whose term of office has expired may be reappointed.

(b) The chief inspector may discharge any member of the Commission of Examiners.

(3) Die werksaamhede van die Eksamenkommissie is—

(a) om 'n kandidaat se geskiktheid vir 'n sertifikaat van bevoegdheid te evalueer ooreenkomstig die bedoeling van regulasie 2 (4);

(b) om aanbevelings betreffende die leerplanne bedoel in subregulasie (9) vir die kwalifiserende eksamens by die hoofinspekteur te doen;

(c) om verslag van sy werksaamhede aan die hoofinspekteur te doen; en

(d) om die ander werksaamhede te verrig wat voorgeskryf is.

(4) Die Eksamenkommissie moet soos volg saamgestel word:

(a) Twee inspekteurs aangewys kragtens artikel 20 van die Wet;

(b) twee beamptes aangestel kragtens artikel 3 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967);

(c) minstens twee persone wat houers is van sertifikate van bevoegdheid as meganiese ingenieur uitgereik kragtens hierdie regulasies of die regulasies uitgevaardig kragtens die Wet op Myne en Bedrywe, 1956; en

(d) minstens twee persone wat houers is van sertifikate van bevoegdheid as elektrotegniese ingenieurs uitgereik kragtens hierdie regulasies of die regulasies uitgevaardig kragtens die Wet op Myne en Bedrywe, 1956.

(5) 'n Vergadering van die Eksamenkommissie moet gehou word op die tyd en plek deur die hoofinspekteur, na raadpleging met die Staatsmyningenieur, bepaal.

(6) 'n Vergadering van die Eksamenkommissie word gehou onder voorsitterskap van een van die lede van die Kommissie daartoe aangewys deur die hoofinspekteur na raadpleging met die Staatsmyningenieur.

(7) (a) 'n Kworum van die Eksamenkommissie bestaan uit die voorsitter en twee lede.

(b) Ingeval enige verskil van opinie ontstaan oor enige aangeleentheid rakende die aanvaarding of eksaminering van 'n kandidaat, of oor die opskorting of kansellering van 'n sertifikaat, moet dit besluit word deur 'n meerderheid van stemme van die lede van die Kommissie aanwesig by die betrokke vergadering: Met dien verstande dat by 'n staking van stemme, die voorsitter 'n beslissende sowel as gewone stem het.

(8) 'n Beampte van die Departement, daartoe aangewys deur die hoofinspekteur, moet as sekretaris van die Eksamenkommissie optree en notule hou van die vergaderinge van die Kommissie.

(9) Voorskrifte vir die leiding van die Eksamenkommissie, reëls betreffende die aanvaarding van kandidate vir die kwalifiserende eksamen en die leerplanne vir sodanige eksamen word in oorleg met die Staatsmyningenieur deur die hoofinspekteur opgestel en gewysig indien nodig.

(10) (a) 'n Kandidaat kan teen enige besluit van die Eksamenkommissie na die hoofinspekteur appelleer.

(b) Enigiemand wat ingevolge paragraaf (a) na die hoofinspekteur wil appelleer, moet sodanige appèl skriftelik binne 60 kalenderdae nadat die besluit van die Eksamenkommissie waarteen geappelleer word, gegee is, by die hoofinspekteur indien.

(3) The functions of the Commission of Examiners are—

(a) to evaluate a candidate's suitability for a certificate of competency as contemplated in regulation 2 (4);

(b) to make recommendations to the chief inspector regarding the curricula referred to in subregulation (9) for the qualifying examinations;

(c) to report to the chief inspector on its activities; and

(d) to perform the other functions which are prescribed.

(4) The Commission of Examiners shall be constituted as follows:

(a) Two inspectors designated in terms of section 20 of the Act;

(b) two officers appointed in terms of section 3 of the Mining Rights Act, 1967 (Act No. 20 of 1967);

(c) at least two persons holding certificates of competency as mechanical engineers issued in terms of these regulations or the regulations issued under the Mines and Works Act, 1956; and

(d) at least two persons holding certificates of competency as electrical engineers issued in terms of these regulations or the regulations issued under the Mines and Works Act, 1956.

(5) A meeting of the Commission of Examiners shall be held at a time and place fixed by the chief inspector, after consultation with the Government Mining Engineer.

(6) A meeting of the Commission of Examiners shall take place under the chairmanship of one of the members of the Commission appointed for that purpose by the chief inspector after consultation with the Government Mining Engineer.

(7) (a) A quorum of the Commission of Examiners consists of the chairman and two members.

(b) In the event of a difference of opinion arising in respect of any matter regarding the acceptance or examination of a candidate, or regarding the suspension or cancellation of a certificate, it shall be decided by a majority of votes of the members of the Commission present at such meeting: Provided that if there is a tie of votes, the chairman has a casting as well as an ordinary vote.

(8) An officer of the Department, designated by the chief inspector shall serve as secretary to the Commission of Examiners and keep minutes of the proceedings of the Commission.

(9) Directives for the guidance of the Commission of Examiners, rules regarding the acceptance of candidates for the qualifying examinations and the curricula for such examinations shall be drawn up and, if necessary, amended by the chief inspector in consultation with the Government Mining Engineer.

(10) (a) A candidate may appeal to the chief inspector against any decision of the Commission of Examiners.

(b) Any person who wishes to appeal to the chief inspector in terms of paragraph (a), shall lodge such appeal in writing with the chief inspector within 60 calendar days after the decision of the Commission of Examiners against which the appeal is being lodged.

(c) In 'n appèl ingevolge paragraaf (a) moet die gronde waarop appèl aangeteken word, volledig en duidelik uiteengesit word tesame met enige verdoel wat die appellante wil rig waarom die hoofinspekteur die besluit van die Eksamenkommissie ter syde moet stel of wysig.

(d) Die hoofinspekteur moet die besluit van die Eksamenkommissie bekragtig, ter syde stel of wysig, of die besluit deur sodanige ander besluit vervang as wat die Eksamenkommissie na die hoofinspekteur se oordeel moes gegee het.

(e) Die hoofinspekteur se beslissing in sodanige appèl is afdoende.

Kwalifiserende eksamen

6. (1) Die kwalifiserende eksamen word deur die Departement van Onderwys en Kultuur afgeneem op die tye en plekke wat daardie Departement bepaal.

(2) Die reëls vir die afneem van die kwalifiserende eksamen word deur die Departement van Onderwys en Kultuur bepaal.

(3) Die kwalifiserende eksamen moet in die volgende twee vakke afgeneem word:

(a) Installasie-ingenieurswese; en

(b) die Wet en die regulasies daarkragtens uitgevaardig of geag daarkragtens uitgevaardig te wees:

Met dien verstande dat die Eksamenkommissie na goeëdunke vrystelling van die eksamen in enige van hierdie vakke aan kandidaat kan verleen.

(4) Niemand mag 'n aansoek om eksaminering in die kwalifiserende vakke aan die Departement van Onderwys en Kultuur voorlê nie tensy hy deur die Eksamenkommissie as kandidaat aanvaar is.

(5) 'n Persoon wat hom vir die kwalifiserende eksamen wil inskryf, moet dit doen by die Departement van Onderwys en Kultuur, aan wie die eksamengelde, soos van tyd tot tyd deur daardie Departement bepaal, betaal moet word.

Aanvaarding as kandidaat

7. (1) 'n Persoon wat ingevolge regulasie 2 (3) aansoek doen om aanvaarding as kandidaat vir die kwalifiserende eksamen, mag nie as kandidaat aanvaar word nie tensy hy afdoende bewys aan die Eksamenkommissie gelewer het—

(a) dat hy minstens 23 jaar oud is; en

(b) dat hy die nodige praktiese ondervinding het soos bepaal in die reëls opgestel kragtens regulasie 5 (9).

(2) Elke aansoek om aanvaarding as kandidaat ingevolge regulasie 2 (3) moet vergesel gaan van 'n bedrag van R50 in die vorm van ongeroëerde inkomsteseëls wat op die aansoekvorm geplak is.

Herroeping van regulasies

8. Die volgende regulasies en aanhangsels word hierby herroep:

Regulasies E1, E2, E3, E4, E5, E6, E7, E8 en E9 en Aanhangsels F26, F26 (a), F27 en F27 (a) van die regulasies afgekondig by Goewermentskennisgewing No. R. 929 van 28 Junie 1963.

Kort titel

9. Hierdie regulasies heet die Regulasies oor die Sertifikaat van Bevoegdheid, 1990.

(c) In an appeal in terms of paragraph (a) the grounds of appeal shall be set out clearly and in full, together with any representations which the appellant wishes to lodge as to why the chief inspector should set aside or amend the decision of the Commission of Examiners.

(d) The chief inspector shall confirm, set aside or amend the decision, or substitute for it such other decision as the Commission of Examiners, in the opinion of the chief inspector should have made.

(e) The decision of the chief inspector in such an appeal is final.

Qualifying examination

6. (1) The qualifying examination shall be conducted by the Department of Education and Culture at the times and places determined by that Department.

(2) The rules for the conducting of qualifying examinations shall be determined by the Department of Education and Culture.

(3) The qualifying examination shall be conducted in respect of the following two subjects:

(a) Plant engineering; and

(b) the Act and regulations issued thereunder or deemed to have been issued thereunder:

Provided that the Commission of Examiners may, as it may deem fit, grant exemption to candidates from examination in any of these subjects.

(4) No person may lodge with the Department of Education and Culture an application to be examined in the qualifying subjects unless he has been accepted as a candidate by the Commission of Examiners.

(5) Any person who wishes to enter for the qualifying examination shall do so through the Department of Education and Culture to which the examination fees, as fixed by that Department from time to time, shall be paid.

Acceptance as candidate

7. (1) A person who applies in terms of regulation 2 (3) to be accepted as a candidate for the qualifying examination shall not be accepted as a candidate unless he has provided satisfactory proof to the Commission of Examiners—

(a) that he is at least 23 years of age; and

(b) that he has the required practical experience, as provided for in the rules drafted under regulation 5 (9).

(2) Every application for acceptance as a candidate in terms of regulation 2 (3) shall be accompanied by an amount of R50 in the form of uncanceled revenue stamps affixed to the application form.

Withdrawal of regulations

8. The following regulations and Annexures are hereby withdrawn:

Regulations E1, E2, E3, E4, E5, E6, E7, E8 and E9 and Annexures F26, F26 (a), F27 and F27 (a) of the regulations published by Government Notice No. R. 929 of 28 June 1963.

Short title

9. These regulations shall be called the Regulations concerning the Certificate of Competency, 1990.

**BYLAE 1
ANNEXURE 1****REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA****DEPARTEMENT VAN MANNEKRAG
DEPARTMENT OF MANPOWER****SERTIFIKAAT VAN BEVOEGDHEID AS MEGANIESE INGENIEUR
MECHANICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Uitgereik ooreenkomstig die bepalinge van die Wet op Masjinerie en Beroepsveiligheid, 1983, en die Regulasies wat daarkragtens opgestel is)
(Issued in accordance with the provisions of the Machinery and Occupational Safety Act, 1983, and the Regulations framed thereunder)

Hierby word gesertifiseer dat, aangesien
This is to certify that

.....
in die voorgeskrewe eksamens geslaag het en deur die Eksamenkommissie aanbeveel is, hy ooreenkomstig die
having passed the prescribed examinations and having been recommended by the Commission of Examiners, is qualified

Regulasies opgestel kragtens voormelde Wet, kwalifiseer as 'n Gediplomeerde Ingenieur.
in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

.....
Hoofinspekteur/Chief Inspector

PRETORIA.....19.....

**BYLAE 2
ANNEXURE 2****REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA****DEPARTEMENT VAN MANNEKRAG
DEPARTMENT OF MANPOWER****SERTIFIKAAT VAN BEVOEGDHEID AS ELEKTROTEGNIIESE INGENIEUR
ELECTRICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Uitgereik ooreenkomstig die bepalinge van die Wet op Masjinerie en Beroepsveiligheid, 1983, en die Regulasies wat daarkragtens opgestel is)
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Hoofinspekteur/Chief Inspector

PRETORIA.....19.....

**BYLAE 1
ANNEXURE 1**

REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA

DEPARTEMENT VAN MANNEKRAG
DEPARTMENT OF MANPOWER

**SERTIFIKAAT VAN BEVOEGDHEID AS MEGANIESE INGENIEUR
MECHANICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Uitgereik ooreenkomstig die bepalings van die Wet op Masjinerie en Beroepsveiligheid, 1983, en die Regulasies wat daarkragtens opgestel is)
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in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

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Hoofinspekteur/Chief Inspector

PRETORIA.....19.....

**BYLAE 2
ANNEXURE 2**

REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA

DEPARTEMENT VAN MANNEKRAG
DEPARTMENT OF MANPOWER

**SERTIFIKAAT VAN BEVOEGDHEID AS ELEKTROTEGNISE INGENIEUR
ELECTRICAL ENGINEER'S CERTIFICATE OF COMPETENCY**

(Uitgereik ooreenkomstig die bepalings van die Wet op Masjinerie en Beroepsveiligheid, 1983, en die Regulasies wat daarkragtens opgestel is)
(Issued in accordance with the provisions of the Machinery and Occupational Safety Act, 1983, and the Regulations framed thereunder)

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in accordance with the Regulations framed under the above Act, as a Certificated Engineer.

.....
Hoofinspekteur/Chief Inspector

PRETORIA.....19.....

Werk mooi daarmee.

Ons leef  daarvan.

water is kosbaar

Use it.

Don't abuse  it.

water is for everybody

Werk mooi daarmee

Ons leef  daarvan

water is kosbaar

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INHOUD			CONTENTS		
No.	Bladsy No.	Koerant No.	No.	Page No.	Gazette No.
GOEWERMENSKENNISGEWING			GOVERNMENT NOTICE		
Mannekrag, Departement van Goewermenskennisgewing			Manpower, Department of Government Notice		
R. 533 Wet op Masjinerie en Beroepsveiligheid (6/1983): Regulasies: Sertifikaat van be- voegdheid: Meganiese of elektroniese in- genieur.....	1	12337	R. 533 Machinery and Occupational Safety Act (6/1983): Regulations: Certificate of com- petency: Mechanical or electrical engi- neer.....	1	12337