

REPUBLIEK
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No. 15453

PROKLAMASIES

van die
Staatspresident
van die Republiek van Suid-Afrika

No. R. 10, 1994

WET OP DIE BEHEER VAN TABAKPRODUKTE,
1993 (WET No. 83 VAN 1993)

Kragtens die bevoegdheid my verleen by artikel 8 van die Wet op die Beheer van Tabakprodukte, 1993 (Wet No. 83 van 1993), bepaal ek hierby **1 Februarie 1994** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twintigste dag van Januarie Eenduisend Negehonderd Vier-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

E. H. VENTER,
Minister van die Kabinet.

No. R. 11, 1994

WYSIGING VAN DIE WETTE WAT OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE BETREK-KING HET

Kragtens die bevoegdheid my verleen by artikel 87 (1) van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991 (Wet No. 108 van 1991), wysig ek hierby die wette in die Bylae vervat.

66458—A

PROCLAMATIONS

by the
State President
of the Republic of South Africa

No. R. 10, 1994

TOBACCO PRODUCTS CONTROL ACT, 1993
(ACT No 83 OF 1993)

Under the powers vested in me by section 8 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), I hereby fix **1 February 1994** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twentieth day of January, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,
State President.

By order of the State President-in-Cabinet:

E. H. VENTER,
Minister of the Cabinet.

No. R. 11, 1994

AMENDMENT OF THE LAWS RELATING TO THE
DEVELOPMENT OF BLACK COMMUNITIES

Under the powers vested in me by section 87 (1) of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991), I hereby amend the laws set out in the Schedule.

15453—1

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twintigste dag van Januarie Eenduisend Negehoenderd Vier-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. L. SHILL,

Minister van die Kabinet.

BYLAE

Wysiging van artikel 52 van Wet 4 van 1984, soos gewysig deur artikel 16 van Wet 52 van 1985, artikel 21 van Wet 74 van 1986, artikel 27 van Wet 32 van 1987, artikel 6 van Wet 42 van 1988 en artikel 2 van Wet 77 van 1991

1. Artikel 52 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) ’n Administrateur, plaaslike owerheid, dorpsontwikkelaar of die Staat kan, behoudens die Wet op die Opgradering van Grondbesitregte, 1991 (Wet No. 112 van 1991)—

(i) in die geval van ’n Administrateur, ten opsigte van grond wat kragtens artikel 3 (2) (a) van die Wet op die Afskaffing van Ontwikkelingsliggame, 1986 (Wet No. 75 van 1986), aan hom oorgedra is;

(ii) in die geval van ’n plaaslike owerheid, ten opsigte van grond waarvan hy die geregistreerde eienaar is of wat by hom berus of wat ooreenkomstig ’n herroepe bepaling van hierdie Wet aan hom beskikbaar gestel is;

(iii) in die geval van ’n dorpsontwikkelaar, ten opsigte van grond waarvan hy die geregistreerde eienaar is of wat ooreenkomstig ’n herroepe bepaling van hierdie Wet aan hom beskikbaar gestel is; en

(iv) in die geval van die Staat, ten opsigte van Staatsgrond,

op aansoek aan hom op die voorgeskrewe wyse en op die voorwaardes in die algemeen voorgeskryf of deur die Administrateur in ’n bepaalde geval goedgekeur, of vervat in titelvoorwaardes of dorpsvoorwaardes in artikel 57B beoog, op die voorgeskrewe wyse aan ’n persoon, met inbegrip van die Staat, ’n reg van huurpag verleen ten opsigte van ’n huurpagperseel wat op bedoelde grond geleë is.”;

(b) deur paragraaf (b) van genoemde subartikel (1) te skrap;

(c) deur subartikel (2) te skrap;

(d) deur subartikel (3) te skrap;

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twentieth day of January, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

H. L. SHILL,

Minister of the Cabinet.

SCHEDULE

Amendment of section 52 of Act 4 of 1984, as amended by section 16 of Act 52 of 1985, section 21 of Act 74 of 1986, section 27 of Act 32 of 1987, section 6 of Act 42 of 1988 and section 2 of Act 77 of 1991

1. Section 52 of the Black Communities Development Act, 1984 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Any Administrator, local authority, township developer or the State may, subject to the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991)—

(i) in the case of an Administrator, in respect of land which has been transferred to him under section 3 (2) (a) of the Abolition of Development Bodies Act, 1986 (Act No. 75 of 1986);

(ii) in the case of a local authority, in respect of land of which it is the registered owner or which vests in it or which has been made available to it in accordance with any repealed provision of this Act;

(iii) in the case of a township developer, in respect of land of which it is the registered owner of which has been made available to it in accordance with any repealed provision of this Act; and

(iv) in the case of the State, in respect of State land,

on application made to him or it in the prescribed manner and on the conditions prescribed generally or approved by the Administrator in any particular case, or contained in conditions of title or township conditions contemplated in section 57B, grant to any person, including the State, a right of leasehold in the prescribed manner in respect of any leasehold site which is situate on such land.”;

(b) by the deletion of paragraph (b) of the said subsection (1);

(c) by the deletion of subsection (2);

(d) by the deletion of subsection (3);

- (e) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) Huurpag word verleen teen betaling aan die betrokke Administrateur of, waar die reg deur 'n plaaslike owerheid of 'n ander persoon verleen is, aan so 'n plaaslike owerheid of persoon van 'n bedrag ten opsigte van daardie reg en enige verbetering op die betrokke huurpagperseel, of teen die verstrekking van sekerheid ten genoeë van so 'n Administrateur, plaaslike owerheid of persoon vir die betaling van genoemde bedrag by registrasie.”;

- (f) deur die volgende voorbehoudsbepaling by subartikel (5) te voeg:

“: Met dien verstande dat die Administrateur by proklamasie in die *Offisiële Koerant* kan verklaar dat, vanaf 'n datum in die proklamasie vermeld, geen huurpag in die betrokke provinsie ten opsigte van 'n perseel in hierdie subartikel beoog, verleen mag word nie.”;

- (g) deur subartikel (11) te skrap; en

- (h) deur subartikel (12) te skrap.

Wysiging van artikel 53 van Wet 4 van 1984, soos gewysig deur artikel 17 van Wet 52 van 1985, artikel 22 van Wet 74 van 1986, artikel 7 van Wet 42 van 1988 en artikel 3 van Wet 77 van 1991

2. Artikel 53 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) die uitdrukking “Bevoegde persoon” deur die uitdrukking “Persoon” te vervang;

- (b) deur paragraaf (b) van subartikel (3) te skrap;

- (c) deur paragraaf (c) van genoemde subartikel (3) deur die volgende paragraaf te vervang:

“(c) behoudens artikel 52 (6), van die verlening van die regte en bevoegdhede in artikel 4 (1) van Wet op die Opgradering van Grondbesitregte, 1991 (Wet No. 112 van 1991), bedoel.”;

- (d) deur subartikel (5) te skrap; en

- (e) deur in subartikel (6) die uitdrukking “of 55” te skrap.

Herroeping van artikel 55 van Wet 4 van 1984, soos gewysig deur artikel 18 van Wet 52 van 1985

3. Artikel 55 van die Hoofwet word hierby herroep.

Herroeping van artikel 57A van Wet 4 van 1984, soos ingevoeg deur artikel 24 van Wet 74 van 1986 en gewysig deur artikel 26 van Wet 86 van 1987 en artikel 6 van Wet 77 van 1991

4. Artikel 57A van die Hoofwet word hierby herroep.

Wysiging van artikel 57B van Wet 4 van 1984, soos ingevoeg deur artikel 24 van Wet 74 van 1986

5. Artikel 57B van die Hoofwet word hierby gewysig deur die woorde “of 'n raad” deur die uitdrukking “, Administrateur” te vervang en die woord “bevoegde” te skrap.

- (e) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) Leasehold shall be granted against payment to the Administrator concerned or, where the right was granted by a local authority or any other person, to such local authority or person, of an amount in respect of that right and any improvement on the leasehold site in question, or against the furnishing of security to the satisfaction of such Administrator, local authority or person for the payment of the said amount upon registration.”;

- (f) by the addition to subsection (5) of the following proviso:

“: Provided that the Administrator may by proclamation in the *Official Gazette* declare that, as from a date specified in the proclamation, no leasehold shall be granted in the province concerned in respect of premises contemplated in this subsection.”;

- (g) by the deletion of subsection (11); and

- (h) by the deletion of subsection (12).

Amendment of section 53 of Act 4 of 1984, as amended by section 17 of Act 52 of 1985, section 22 of Act 74 of 1986, section 7 of Act 42 of 1988 and section 3 of Act 77 of 1991

2. Section 53 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the expression “A competent” of the expression “Any”;

- (b) by the deletion of paragraph (b) of subsection (3);

- (c) by the substitution for paragraph (c) of the said subsection (3) of the following paragraph:

“(c) subject to section 52 (6), of the granting of the rights and powers referred to in section 4 (1) of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991).”;

- (d) by the deletion of subsection (5); and

- (e) by the deletion in subsection (6) of the expression “or 55”

Repeal of section 55 of Act 4 of 1984, as amended by section 18 of Act 52 of 1985

3. Section 55 of the principal Act is hereby repealed.

Repeal of section 57A of Act 4 of 1984, as inserted by section 24 of Act 74 of 1986 and amended by section 26 of Act 86 of 1987 and section 6 of Act 77 of 1991

4. Section 57A of the principal Act is hereby repealed.

Amendment of section 57B of Act 4 of 1984, as inserted by section 24 of Act 74 of 1986

5. Section 57B of the principal Act is hereby amended by the substitution for the words “or a board” and the words “a competent” of the expression “, Administrator” and the word “any”, respectively.

Herroeping van artikel 57C van Wet 4 van 1984, soos ingevoeg deur artikel 24 van Wet 74 van 1986

6. Artikel 57C van die Hoofwet word hierby herroep.

Herroeping van artikel 57D van Wet 4 van 1984, soos ingevoeg deur artikel 24 van Wet 74 van 1986

7. Artikel 57D van die Hoofwet word hierby herroep.

Vervanging van woord "raad" in Wet 4 van 1984

8. Die Hoofwet word hierby gewysig deur die woord "raad", oral waar dit in Hoofstuk VI voorkom, deur die woord "Administrateur" te vervang.

Wysiging van artikel 1 van Wet 40 van 1949, soos gewysig deur artikel 11 van Wet 80 van 1959, artikel 1 van Wet 77 van 1964, artikel 5 van Wet 103 van 1969, artikel 4 van Wet 106 van 1980, artikel 1 van Wet 86 van 1987 en artikel 2 van Wet 87 van 1988

9. Artikel 1 van die Wet op Hereregte, 1949, word hierby gewysig—

- (a) deur in paragraaf (a) van die omskrywing van "datum van verkryging" die uitdrukking "paragrafe (b) en (c)" deur die uitdrukking "paragraaf (b)" te vervang; en
- (b) deur paragraaf (c) van genoemde omskrywing te skrap.

Wysiging van artikel 5 van Wet 40 van 1949, soos gewysig deur artikel 2 van Wet 31 van 1953, artikel 6 van Wet 103 van 1969, artikel 2 van Wet 86 van 1987 en artikel 3 van Wet 136 van 1992

10. Artikel 5 van die Wet op Hereregte, 1949, word hierby gewysig deur subartikel (5A) te skrap.

Kort titel en inwerkingtreding

11. (1) Hierdie Proklamasie heet die Wysigingsproklamasie op die Ontwikkeling van Swart Gemeenskappe, 1994, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende provinsies of die verskillende bepalings van hierdie Proklamasie bepaal word.

GOEWERMENSKENNISGEWINGS

**ADMINISTRASIE:
VOLKSRAAD**

**DEPARTEMENT VAN ONDERWYS EN
KULTUUR**

No. R. 159 28 Januarie 1994

WET OP PRIVATE SKOLE (VOLKSRAAD), 1986

WYSIGING VAN REGULASIES BETREFFENDE DIE REGISTRASIE VAN EN GELDELIKE TOEKENNINGS AAN PRIVATE SKOLE

Die Minister van Onderwys en Kultuur het kragtens artikel 9 van die Wet op Private Skole (Volksraad), 1986 (Wet No. 104 van 1986), die regulasies afgekondig by Goewermenskennisgewing No. R. 2281 van 31 Oktober 1986, gewysig soos uiteengesit in die Bylae.

Repeal of section 57C of Act 4 of 1984, as inserted by section 24 of Act 74 of 1986

6. Section 57C of the principal Act is hereby repealed.

Repeal of section 57D of Act 4 of 1984, as inserted by section 24 of Act 74 of 1986

7. Section 57D of the principal Act is hereby repealed.

Substitution of the word "board" in Act 4 of 1984

8. The principal Act is hereby amended by the substitution for the word "board", wherever it appears in Chapter VI, of the word "Administrator".

Amendment of section 1 of Act 40 of 1949, as amended by section 11 of Act 80 of 1959, section 1 of Act 77 of 1964, section 5 of Act 103 of 1969, section 4 of Act 106 of 1980, section 1 of Act 86 of 1987 and section 2 of Act 87 of 1988

9. Section 1 of the Transfer Duty Act, 1949, is hereby amended—

- (a) by the substitution in paragraph (a) of the definition of "date of acquisition" for the expression "paragraphs (b) and (c)" of the expression "paragraph (b)"; and
- (b) by the deletion of paragraph (c) of the said definition.

Amendment of section 5 of Act 40 of 1949, as amended by section 2 of Act 31 of 1953, section 6 of Act 103 of 1969, section 2 of Act 86 of 1987 and section 3 of Act 136 of 1992

10. Section 5 of the Transfer Duty Act, 1949, is hereby amended by the deletion of subsection (5A).

Short title and commencement

11. (1) This Proclamation shall be called the Black Communities Development Amendment Proclamation, 1994, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provinces or the different provisions of this Proclamation.

GOVERNMENT NOTICE

**ADMINISTRATION:
HOUSE OF ASSEMBLY**

**DEPARTMENT OF EDUCATION AND
CULTURE**

No. R. 159 28 January 1994

PRIVATE SCHOOLS ACT (HOUSE OF ASSEMBLY), 1986

AMENDMENT OF REGULATIONS REGARDING THE REGISTRATION OF AND SUBSIDIES TO PRIVATE SCHOOLS

The Minister of Education and Culture has under section 9 of the Private Schools Act (House of Assembly), 1986 (Act No. 104 of 1986), amended the regulations promulgated by Government Notice No. R. 2281 of 31 October 1986, as set out in the Schedule.

BYLAE**Wysiging van Regulasie 5**

Regulasie 5 van die Regulasies word hierby gewysig deur subregulasie (6A) met die volgende subregulasie te vervang:

“(6A) Ondanks die bepalings van subregulasie (1) en (2), kan aan ’n private skool wat geregistreer word na aanleiding van die feit dat die ouers van die leerlinge van ’n openbare of ’n staats-ondersteunde skool, soos omskryf in artikel 1 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), op ’n wyse deur die Minister bepaal ’n keuse uitgeoefen het dat die betrokke openbare of ’n staats-ondersteunde skool gesluit word en as ’n private skool geregistreer word—

- (a) in die eerste jaar na registrasie ’n subsidie van 85 persent;
- (b) in die tweede jaar na registrasie ’n subsidie van 70 persent;
- (c) in die derde jaar na registrasie ’n subsidie van 55 persent; en
- (d) daarna ’n subsidie van 50 persent,

van die bedrag in subregulasie (2) bedoel betaal word indien sodanige private skool aan die vereistes in subregulasie (5) bedoel, voldoen.”

DEPARTEMENT VAN FINANSIES

No. R. 106 **28 Januarie 1994**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (1/1/656)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Goewermmentskennisgewing No. R. 1137 van 2 Julie 1993 hiermee geag op 1 April 1993 in werking te getree het.

T. G. ALANT,
Adjunkminister van Finansies.

No. R. 107 **28 Januarie 1994**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/657)

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

T. G. ALANT,
Adjunkminister van Finansies.

SCHEDULE**Amendment of regulation 5**

Regulation 5 of the Regulations is hereby amended by the substitution for subregulation (6A) of the following subregulation:

“(6A) Notwithstanding the provisions of subregulations (1) and (2), a private school which is registered as a result of the fact that the parents of the pupils of a public or state-aided school as defined in section 1 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), have exercised an option in the manner determined by the Minister, that the public or state-aided school concerned be closed and registered as a private school, may be paid a subsidy—

- (a) in the first year after registration of 85 per cent;
- (b) in the second year after registration of 70 per cent;
- (c) in the third year after registration of 55 per cent; and
- (d) thereafter of 50 per cent,

of the amount referred to in subregulation (2) if such private school meets the requirements referred to in subregulation (5).”

DEPARTMENT OF FINANCE

No. R. 106 **28 January 1994**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/656)

Under section 48 of the Customs and Excise Act, 1964, Government Notice No. R. 1137 of 2 July 1993 hereby deemed to have taken effect on 1 April 1993.

T. G. ALANT,
Deputy Minister of Finance.

No. R. 107 **28 January 1994**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/657)

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

T. G. ALANT,
Deputy Minister of Finance.

BYLAE

Pos	Subpos	T. S.	Artikelbeskrywing	Statistiese Eenheid	Skaal van Reg	Annotasies
44.12 "44.12			Deur pos No. 44.12 deur die volgende te vervang: Laaghout, fineerpanele en dergelike gelamelleerde hout			
	4412.1		Laaghout wat slegs uit velle van hout bestaan, waarvan elke laag hoogstens 6 mm dik is:			
	4412.11	1	Met minstens een buitelaag van die volgende tropiese houtsoorte: Donkerrooi Meranti, Ligrooi Meranti, Wit Lauan, Sipo, Limba, Okoumé, Obeche, Acajou d'Afrique, Sapelli, Baboen, Mahonie (<i>Swietenia spp.</i>), Palissandre du Brésil of Bois de Rose femelle	m³	15%	
	4412.12	8	Ander, met minstens een buitelaag van nie-keëldraende hout	m³	15%	
	4412.19	2	Ander	m³	15%	
	4412.2		Ander, met minstens een buitelaag van nie-keëldraende hout:			
	4412.21	6	Wat minstens een laag spaanderbord bevat	m³	15%	
	4412.29	7	Ander	m³	15%	
	4412.9		Ander:			
	4412.91	8	Wat minstens een laag spaanderbord bevat	m³	15%	
	4412.99	9	Ander	m³	15%"	

SCHEDULE

Heading	Subheading	C. D.	Article Description	Statistical Unit	Rate of Duty	Annotations
44.12 "44.12			By the substitution for heading No. 44.12 of the following: Plywood, veneered panels and similar laminated wood			
	4412.1		Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm thickness:			
	4412.11	1	With at least one outer ply of the following tropical woods: Dark Red Meranti, Light Red Meranti, White Lauan, Sipo, Limba, Okoumé, Obeche, Acajou d'Afrique, Sapelli, Baboen, Mahogany (<i>Swietenia spp.</i>), Palissandre du Brésil or Bois de Rose femelle	m³	15%	
	4412.12	8	Other, with at least one outer ply of non-coniferous wood	m³	15%	
	4412.19	2	Other	m³	15%	
	4412.2		Other, with at least one outer ply of non-coniferous wood:			
	4412.21	6	Containing at least one layer of particle board	m³	15%	
	4412.29	7	Other	m³	15%	
	4412.9		Other:			
	4412.91	8	Containing at least one layer of particle board	m³	15%	
	4412.99	9	Other	m³	15%"	

No. R. 108

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/4/149)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 4 van Bylae No. 1 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Januarie 1993, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 108

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/4/149)

Under section 48 of the Customs and Excise Act, 1964, Part 4 of Schedule No. 1 to the said Act is hereby amended, with retrospective effect to 1 January 1993, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

	Annotasies
Opmerking: Deur Opmerking 7 (f) (i) deur die volgende te vervang: " (i) in die Hongaarse Republiek, die Republiek Malawi, die Republiek van Pole, die Tsjeggiese Republiek, die Slowaakse Republiek en Roemenië; en "	

SCHEDULE

	Annotations
Note By the substitution for Note 7 (f) (i) of the following: "(i) in the Hungarian Republic, the Republic of Malawi, the Republic of Poland, the Czech Republic, the Slovak Republic and Romania; and"	

No. R. 109

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 4 (No. 4/148)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by genoemde Wet hiermee gewysig met terugwerkende krag tot 19 Desember 1993, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 109

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 4 (No. 4/148)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the said Act is hereby amended, with retrospective effect to 19 December 1993, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting- item	II			III Mate van Korting	Annota- sies
	Tarief- pos	Korting- kode	T. S.		
405.02		"02.00	08	Deur kortingkode 02.00 by tariefpos No. 00.00 deur die volgende te vervang: Ander apparate, toebehore en materiale wat voor of op 31 Desember 1994 vir binnelandse verbruik geklaar is	Volle reg"

SCHEDULE

I Rebate Item	II			III Extent of Rebate	Annota- tions
	Tariff Heading	Rebate Code	C. D.		
405.02		"02.00	08	By the substitution for rebate code 02.00 to tariff heading No. 00.00 of the following: Other apparatus, equipment and materials entered for home consumption on or before 31 December 1994	Full duty"

No. R. 110

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 6 (No. 6/67)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 6 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 19 Desember 1993, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 110

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 6 (No. 6/67)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 6 to the said Act is hereby amended, with retrospective effect to 19 December 1993, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting- item	II Tarief- item	III Kode	T. S.	IV Beskrywing	V Mate van Korting	VI Mate van Terug- betaling	Annota- sies
610.08 "610.08	000.00	01.00	03	Deur kortingitem 610.08 deur die volgende te vervang: Radio-, televisie- en aanvullende apparate, -toebehore en -materiale, vir gebruik deur 'n liggaam of persoon wat gelisensieer is om 'n openbare radio- of televisiediens te bestuur, wat voor of op 31 Desember 1994 vir binnelandse verbruik geklaar is, onderworpe aan die regulasie wat op item 405.02 van Bylae No. 4 van toepassing is	Volle reg"		

SCHEDULE

I Rebate Item	II Tariff Item	III Code	C. D.	IV Description	V Extent of Rebate	VI Extent of Refund	Annota- tions
610.08				By the substitution for rebate item 610.08 of the following:			
"610.08	000.00	01.00	03	Radio-, television and ancillary apparatus, equipment and materials, for use by a body or person licensed to conduct a public radio or television service, entered for home consumption on or before 31 December 1994, subject to the regulations which apply to item 405.02 of Schedule No. 4	Full duty"		

No. R. 111

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 6 (No. 6/68)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 6 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Maart 1992, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 111

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 6 (No. 6/68)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 6 to the said Act is hereby amended, with retrospective effect to 1 March 1992, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting- item	II Tarief- item	III Kode	T. S.	IV Beskrywing	V Mate van Korting	VI Mate van Terugbeta- ling	Annota- sies
609.17				Deur na Opmerking 1 (c) (xiv) die volgende in te voeg: “(xv) 'n Bedrag gelyk aan 30 persent van die verkoopprijs van spesifieke motorinstrument-groepe en motorsendeenhede wat as oorspronklike toerusting aan 'n doeane-en-aksynsvervaardigingspakhuis gedurende 'n kwartaal vir aksynsregdoeleindes gelewer is, op voorwaarde dat sodanige verkoopprijs en motorinstrumentgroepe en motorsendeenhede deur die Direkteur-generaal: Handel en Nywerheid gesertifiseer is, wat voor of op 28 Februarie 1996 vir binnelandse gebruik geklaar is”			

SCHEDULE

I Rebate Item	II Tariff Item	III Code	C. D.	IV Description	V Extent of Rebate	VI Extent of Refund	Annota- tions
609.17				By the insertion after Note 1 (c) (xiv) of the following: “(xv) An amount equal to 30 per cent of the selling price of specific automotive instrument clusters and automotive sending units which were supplied as original equipment to a customs and excise manufacturing warehouse during a quarter for excise duty purposes, provided that such selling prices and automotive instrument clusters and automotive sending units are certified by the Director-General: Trade and Industry, cleared for home consumption on or before 28 February 1996”			

No. R. 141**28 Januarie 1994****RAAD OP FINANSIËLE DIENSTE****WYSIGING VAN REGULASIES INGEVOLGE DIE WET OP PENSIOENFONDSE, 1956**

Die Adjunkminister van Finansies het kragtens artikel 36 van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), die regulasies vervat in die Bylae uitgevaardig.

BYLAE

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 98 van 26 Januarie 1962, soos gewysig deur Goewermentskennisgewing No. R. 99 van 26 Januarie 1962, No. R. 2144 van 28 September 1984, R. 1790 van 16 Augustus 1985, R. 1037 van 28 Mei 1986, R. 232 van 6 Februarie 1987, R. 1452 van 7 Julie 1989, R. 1920 van 1 September 1989, R. 2361 van 27 September 1991, R. 201 van 12 Februarie 1993 en R. 2324 van 10 Desember 1993.

2. Deel VII van die Regulasies word hierby gewysig deur regulasie 27 deur die volgende regulasie te vervang:

"27. Vir die doel van artikel 19 (5) (b) (iii) van die Wet is die rentekoers 15 persent per jaar met ingang van 1 Februarie 1994."

No. R. 160**28 Januarie 1994****DOEANE- EN AKSYNSWET, 1964****WYSIGING VAN BYLAE No. 1 (No. 1/1/658)**

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

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 141**28 January 1994****FINANCIAL SERVICES BOARD****AMENDMENT OF REGULATIONS UNDER THE PENSION FUNDS ACT, 1956**

The Deputy Minister of Finance has under section 36 of the Pension Funds Act, 1956 (Act No. 24 of 1956), made the regulations contained in the Schedule.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 98 of 26 January 1962, as amended by Government Notices No. R. 99 of 26 January 1962, No. R. 2144 of 28 September 1984, R. 1790 of 16 August 1985, R. 1037 of 28 May 1986, R. 232 of 6 February 1987, R. 1452 of 7 July 1989, R. 1920 of 1 September 1989, R. 2361 of 27 September 1991, R. 201 of 12 February 1993 and R. 2324 of 10 December 1993.

2. Part VII of the Regulations is hereby amended by the substitution for regulation 27 with the following regulation:

"27. For the purpose of section 19 (5) (b) (iii) of the Act the rate of interest is 15 per cent per annum with effect from 1 February 1994."

No. R. 160**28 January 1994****CUSTOMS AND EXCISE ACT, 1964****AMENDMENT OF SCHEDULE No. 1 (No. 1/1/658)**

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

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

Pos	Subpos	T. S.	Artikelbeskrywing	Statis-tiese Eenheid	Skaal van Reg	Anno-tasies
87.01	"8701.90 .25	9	Deur subpos No. 8701.90 deur die volgende te vervang: Ander: Ingevoer met of wat kompressie-ontstekingsenjins met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer, met 'n agteraswydte, gemeet tussen die wielnaafbuitebelegsels, van hoogstens 1 250 mm	getal	vry	
	.80	1	Ander, ingevoer met of wat kompressie-ontstekingsenjins met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer	getal	vry	
	.90	9	Ander	getal	vry"	

SCHEDULE

Heading	Subheading	C. D.	Article Description	Statistical Unit	Rate of Duty	Annotations
87.01	"8701.90 .25	9	By the substitution for subheading No. 8701.90 of the following: Other: Imported with or incorporatig compression ignition engines with a cubic displacement of 2 000 cm ³ or more but not exceeding 5 000 cm ³ , with a rear-axle width, measured between the wheel hubs outside mounting faces, not exceeding 1 250 mm	no.	free	
	.80	1	Other, imported with or incorporating compression ignition engines with a cubic displacement of 2 000 cm ³ of more but not exceeding 5 000 cm ³	no.	free	
	.90	9	Other	no.	free"	

No. R. 161**28 Januarie 1994****DOEANE- EN AKSYNSWET, 1964****WYSIGING VAN BYLAE No. 1 (No. 1/2/74)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 2A van Bylae No. 1 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Januarie 1993, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 161**28 January 1994****CUSTOMS AND EXCISE ACT, 1964****AMENDMENT OF SCHEDULE No. 1 (No. 1/2/74)**

Under section 48 of the Customs and Excise Act, 1964, Part 2A of Schedule No. 1 to the said Act is hereby amended, with retrospective effect to 1 January 1993, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

Tarief-item	Tarief-pos	Beskrywing	Skaal van Reg		Annotasies
			Aksyns	Doeane	
117.01	87.01	Deur tariefitem 117.01 deur die volgende te vervang:			
"117.01		Trekkers wat binnebrandsuierenjins met 'n kubieke verplasing van 2 000 cm³ of meer inkorporeer (uitgesonderd kruiptrekkers)			
.10		Padtrekkers vir leunsleepwaens	40%		
.20		Trekkers (uitgesonderd padtrekkers vir leunsleepwaens) wat binnebrandsuierenjins van hoogstens 5 000 cm ³ inkorporeer, met 'n agteraswydte, gemeet tussen die wielnaafbuitebelegsels, van hoogstens 1250 mm	20%	20%	
.30		Ander, wat ontstekingsbinnebrandsuierenjins van hoogstens 5 000 cm ³ inkorporeer	40%	40%	

SCHEDULE

Tariff Item	Tariff Heading	Description	Rate of Duty		Annotations
			Excise	Customs	
117.01	87.01	By the substitution for tariff item 117.01 of the following:			
"117.01		Tractors incorporating internal combustion piston engines with a cubic displacement of 2 000 cm³ or more (excluding track-laying tractors)			
.10		Road tractors for semi-trailers	40%		
.20		Tractors (excluding road tractors for semi-trailers) incorporating internal combustion piston engines not exceeding 5 000 cm ³ , with a rear-axle width, measured between the wheel hubs outside mounting faces, not exceeding 1250 mm	20%	20%	
.30		Other, incorporating internal combustion piston engines not exceeding 5 000 cm ³	40%	40%	

No. R. 162**28 Januarie 1994****DOEANE- EN AKSYNSWET, 1964****WYSIGING VAN BYLAE No. 4 (No. 4/149)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 162**28 January 1994****CUSTOMS AND EXCISE ACT, 1964****AMENDMENT OF SCHEDULE (No. 4/149)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting-item	II			Beskrywing	III Mate van Korting	Annotasies
	Tarief-pos	Korting-kode	T. S.			
411.00	8701.90	01.06	64	Deur tariefpos No. 87.01 te skrap.		
460.17				Deur na kortingitem 460.16 die volgende in te voeg:		
"460.17		02.06	69	Trekkers (uitgesonderd padtrekkers vir leunsleepwaens), gemonteer, slegs met agterwielaandrywing, ingevoer met of wat binnebrandsuierenjins met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer, met 'n waarde vir belastingdoeleindes van meer as R50 000 elk	1% ten opsigte van elke R600 of deel daarvan bo 'n waarde vir belastingdoeleindes van R50 000 elk met 'n maksimum van 40%	
				Trekkers (uitgesonderd padtrekkers vir leunsleepwaens), gemonteer, met voor-en agterwielaandrywing, ingevoer met of wat binnebrandsuierenjins met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer, met 'n waarde vir belastingdoeleindes van meer as R56 000 elk	1% ten opsigte van elke R600 of deel daarvan bo 'n waarde vir belastingdoeleindes van R56 000 elk met 'n maksimum van 40%	

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Annota- tions
	Tariff Heading	Rebate Code	C. D.	Description		
411.00	8701.90	01.06	64	By the deletion of tariff heading No. 87.01.	1% in respect of each R600 or part thereof in excess of a value for duty purposes of R50 000 each with a maximum of 40%	
460.17				By the insertion after rebate item 460.16 of the following:		
460.17				Tractors (excluding road tractors for semi-trailers), assembled, with rear-wheel drive only, imported with or incorporating internal combustion piston engines with a cubic displacement of 2 000 cm ³ or more but not exceeding 5 000 cm ³ , of a value for duty purposes exceeding R50 000 each		
		02.06	69	Tractors (excluding road tractors for semi-trailers), assembled, with front and rear-wheel drive, imported with or incorporating internal combustion piston engines with a cubic displacement of 2 000 cm ³ or more but not exceeding 5 000 cm ³ , of a value for duty purposes exceeding R56 000 each	1% in respect of each R600 or part thereof in excess of a value for duty purposes of R56 000 each with a maximum of 40%	

No. R. 163

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 6 (No. 6/69)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 6 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Januarie 1993, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 163

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 6 (No. 6/69)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 6 to the said Act is hereby amended, with retrospective effect to 1 January 1993, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting- item	II Tarief- item	III Kode	T. S.	IV Beskrywing	V Mate van Korting	VI Mate van Terug- betaling	Annota- sies
609.17		02.00		Deur kodes 02.00, 02.01, 02.02 en 02.03 by tariefitem 117.01 deur die volgende te vervang:			
		02.01	58	Trekkers (uitgesonderd padtrekkers vir leun-sleepwaens): Wat binnebrandsuiereenjins in die Republiek vervaardig onder 'n vervaardigingsprogram deur die Minister van Handel en Nywerheid, op aanbeveling van die Raad op Tariewe en Handel, goedgekeur, met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer	Volle reg		
		02.02	55	Ander, slegs met agterwielaandrywing, wat binnebrandsuiereenjins met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer, met 'n waarde vir aksynsregdoeleindes van meer as R54 000 elk	1% ten opsigte van elke R600 of deel daarvan bo 'n waarde vir aksynsregdoeleindes van R54 000 elk met 'n maksimum van 40%		
		02.03	52	Ander, met voor- en agterwielaandrywing, wat binnebrandsuiereenjins met 'n kubieke verplasing van minstens 2 000 cm ³ maar hoogstens 5 000 cm ³ inkorporeer met 'n waarde vir aksynsregdoeleindes van meer as R60 000 elk	1% ten opsigte van elke R600 of deel daarvan bo 'n waarde vir aksynsregdoeleindes van R60 000 elk met 'n maksimum van 40%		

SCHEDULE

I Rebate Item	II Tariff Item	III Code	C. D.	IV Description	V Extent of Rebate	VI Extent of Refund	Annota- tions
609.17		"02.00"		By the substitution of codes 02.00, 02.01, 02.02 and 02.03 to tariff item 117.01 of the following: Tractors (excluding road tractors for semi-trailers):			
		02.01	58	Incorporating internal combustion piston engines manufactured in the Republic under a manufacturing programme approved by the Minister of Trade and Industry, on recommendation of the Board on Tariffs and Trade, with a cubic displacement of 2 000 cm ³ or more but not exceeding 5 000 cm ³	Full duty		
		02.02	55	Other, with rear-wheel drive only, incorporating internal combustion piston engines with a cubic displacement of 2 000 cm ³ or more but not exceeding 5 000 cm ³ , of a value for excise duty purposes exceeding R54 000	1% in respect of each R600 or part thereof in excess of a value for excise duty purposes of R54 000 each with a maximum of 40%		
		02.03	52	Other, with a front and rear-wheel drive, incorporating internal combustion piston engines with a cubic displacement of 2 000 cm ³ or more but not exceeding 5 000 cm ³ , of a value for excise duty purposes exceeding R60 000	1% in respect of each R600 or part thereof in excess of a value for excise duty purposes of R60 000 each with a maximum of 40%"		

No. R. 164

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/246)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Desember 1991, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 164

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/246)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended, with retrospective effect to 1 December 1991, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting- item	II				III Mate van Korting	Annota- sies
	Tarief- pos	Korting- kode	T. S.	Beskrywing		
317.03 "317.03"				Deur kortingitem 317.03 deur die volgende te vervang: Nywerheid: Trekkers (uitgesonderd trekkers van pos No. 87.09), motorkarre en ander motorvoertuie hoofsaaklik vir die vervoer van persone ontwerp met inbegrip van stasiewaens, motorvoertuie vir die vervoer van goedere en onderstelle met enjins toegerus vir die motorvoertuie van poste Nos. 87.01 tot 87.05		
	00.00	01.00	01	Komponente vir motorkarre (met inbegrip van stasiewaens)	Volle reg	
		02.00	06	Komponente vir motorvoertuie vir die vervoer van minstens 10 persone, met inbegrip van die bestuurder	Volle reg	
		03.00	00	Komponente vir padtrekkers vir leunsleepwaens	Volle reg	
		04.00	05	Komponente vir motorvoertuie vir die vervoer van goedere	Volle reg	
		05.00	00	Komponente vir onderstelle van subpos No. 8706.00	Volle reg"	

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Anno- tations
	Tariff Heading	Rebate Code	C. D.	Description		
317.03 "317.03"				By the substitution for rebate item 317.03 of the following: Industry: Tractors (excluding tractors of heading No. 87.09), motor cars and other motor vehicles principally designed for the transport of persons including stationwagons, motor vehicles for the transport of goods and chassis fitted with engines for the motor vehicles of headings Nos. 87.01 to 87.05:		
	00.00	01.00	01	Components for motor cars (including station wagons)	Full duty	
		02.00	06	Components for motor vehicles for the transport of 10 or more persons, including the driver	Full duty	
		03.00	00	Components for road tractors for semi-trailers	Full duty	
		04.00	05	Components for motor vehicles for the transport of goods	Full duty	
		05.00	00	Components for chassis of subheading No. 8706.00	Full duty"	

No. R. 165

28 Januarie 1994

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 6 (No. 6/70)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 6 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Desember 1991, in die mate in die Bylae hiervan aangetoon.

T. G. ALANT,

Adjunkminister van Finansies.

No. R. 165

28 January 1994

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 6 (No. 6/70)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 6 to the said Act is hereby amended, with retrospective effect to 1 December 1991, to the extent set out in the Schedule hereto.

T. G. ALANT,

Deputy Minister of Finance.

BYLAE

I Korting- item	II Tarief- item	III Kode	T. S.	IV Beskrywing	V Mate van Korting	VI Mate van Terug- betaling	Annota- sies
613.03	"124.70	01.00	53	Deur na tariefitem 124.45 die volgende in te voeg: Radio-uitsendingontvangers, om as oorspronklike toe- rusting in motorvoertuie geïnkorporeer te word	Volle reg"		

SCHEDULE

I Rebate Item	II Tariff Item	III Code	C. D.	IV Description	V Extent of Rebate	VI Extent of Refund	Annota- tions
613.03	"124.70	01.00	53	By the insertion after tariff item 124.45 of the following: Radio-broadcast receivers, to be incorporated in motor vehicles as original equipment	Full duty"		

DEPARTEMENT VAN HANDEL EN
NYWERHEID

No. R. 169

28 Januarie 1994

WET OP HANDELSMETROLOGIE, 1973

WYSIGING VAN DEEL I, II, IV EN VI VAN DIE
REGULASIES

Ek, David de Villiers Graaff, Adjunkminister van Handel en Nywerheid, handelende namens en in opdrag van die Minister van Finansies en van Handel en Nywerheid, wysig hierby kragtens artikel 42 van die

DEPARTMENT OF TRADE AND
INDUSTRY

No. R. 169

28 January 1994

TRADE METROLOGY ACT, 1973

AMENDMENT OF PART I, II, IV AND VI OF THE
REGULATIONS

I, David de Villiers Graaff, Deputy Minister of Trade and Industry, acting on behalf of and on assignment by the Minister of Finance and of Trade and Industry, in terms of section 42 of the Trade Metrology Act, 1973

Wet op Handelsmetrologie, 1973 (Wet No. 77 van 1973), Deel I, II, IV en VI van die regulasies afgekondig by Goewermenskennisgewing No. R. 2362 van 18 November 1977, soos gewysig by Goewermenskennisgewings Nos. R. 2052 van 13 Oktober 1978, R. 527 van 21 Maart 1980, R. 1805 van 27 Augustus 1982, 192 van 10 Februarie 1984, R. 1739 van 9 Augustus 1985, 2110 van 20 September 1985, R. 1868 van 12 September 1986, R. 125 van 16 Januarie 1987, R. 861 van 5 Mei 1989, R. 2255 van 28 September 1990, R. 360 van 1 Maart 1991 en R. 3250 van 4 Desember 1992, soos in die Bylaes hiervan uiteengesit.

D. DE V. GRAAFF,

Adjunkminister van Handel en Nywerheid.

BYLAE A

WYSIGING VAN DEEL I VAN DIE REGULASIES

1. Regulasie 8 word gewysig—

- (a) deur in paragraaf (i) die woorde "daardie hoeveelheid" deur die woorde "die minimum volume" te vervang; en
- (b) deur paragraaf (vii) deur die volgende paragraaf te vervang:

"(vii) die hoeveelheidsverklaring op 'n verpakking waarby 'n gratis hoeveelheid goedere of artikels van dieselfde soort as integrerende deel van sodanige verpakking ingesluit is moet die totale hoeveelheid van die goedere met inbegrip van die gratis hoeveelheid vermeld;" en
- (c) deur die volgende paragraaf na paragraaf (vii) in te voeg:

"(viii) die hoeveelheidsverklaring op 'n verpakking waaraan 'n gratis hoeveelheid goedere as aparte deel aangeheg is moet die hoeveelheid van sodanige verpakking uitgesluit die gratis hoeveelheid, vermeld."

2. Regulasie 10 word hierby gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

"GRATIS AANBIEDINGE BY VOORAF-VERPAKTE GOEDERE

- (4) 'n Verpakking waarby 'n gratis hoeveelheid goedere of artikels van dieselfde soort as integrerende deel daarvan ingesluit is mag met bv. 'n kontrasterende kleur of stippellyn gemerk wees om sodanige gratis hoeveelheid te definieer."

3. Bylae I word gewysig—

- (a) deur in Tabel I item (b) van die Tabel te skrap; en
- (b) deur in Tabel II item (b) van die Tabel te skrap.

4. Die indeks tot Bylae 5 word gewysig—

- (a) deur in die tweede kolom van die artikel "Brood", "22" in te voeg;
- (b) deur in die derde kolom van die artikel "Brood", "7 en" te skrap; en

(Act No. 77 of 1973), do hereby amend Part I, II, IV and VI of the regulations published under Government Notice No. R. 2362 of 18 November 1977, as amended by Government Notices Nos. R. 2052 of 13 October 1978, R. 527 of 21 March 1980, R. 1805 of 27 August 1982, 192 of 10 February 1984, R. 1739 of 9 August 1985, 2110 of 20 September 1985, R. 1868 of 12 September 1986, R. 125 of 16 January 1987, R. 861 of 5 May 1989, R. 2255 of 28 September 1990, R. 360 of 1 March 1991 and R. 3250 of 4 December 1992, as set out in the Schedules hereto.

D. DE V. GRAAFF,

Deputy Minister of Trade and Industry.

SCHEDULE A

AMENDMENT OF PART I OF THE REGULATIONS

1. Regulation 8 is amended—

- (a) by the substitution in paragraph (i) for the words "that quantity" of the words "the minimum volume"; and
- (b) by the substitution for paragraph (vii) of the following paragraph:

"(vii) the statement of quantity on a package which includes a free quantity of goods or articles of the same kind as an integral part of such package shall make known the total quantity of goods including the free quantity;" and
- (c) by the insertion of the following paragraph after paragraph (vii):

"(viii) the statement of quantity on a package to which a free quantity of goods is attached as a separate component shall make known the quantity of such package exclusive of such free quantity."

2. Regulation 10 is hereby amended by the substitution for subregulation (4) of the following subregulation:

"FREE OFFERS WITH PREPACKED GOODS

- (4) A package which includes a free quantity of goods or articles of the same kind as an integral part thereof may be marked with e.g. a contrasting colour or dotted line to define such free quantity."

3. Schedule I is amended—

- (a) by the deletion in Table I of item (b) of the Table; and
- (b) by the deletion in Table II of item (b) of the Table.

4. The index to Schedule 5 is amended—

- (a) by the insertion of "22" in the second column of the article "Bread";
- (b) by the deletion of "7 and" in the third column of the article "Bread"; and

- (c) deur in die eerste kolom die artikel "Lusern, voer, kaf of hooi, in baal vorm" en in die derde kolom van hierdie artikel "71" in te voeg na die artikel "Lusern (in groen stadium)".

5. Bylae 5 word gewysig—

- (a) deur die woorde in die derde kolom van item 1 van die Tabel deur die woord "Volume" te vervang; en
- (b) deur die woorde in die derde kolom van item 19 van die Tabel deur dié volgende woorde te vervang:

"Volume in kubieke maat of massa, met dien verstande dat in laasgenoemde geval 'n geskikte gesertifiseerde massameter gebruik word en verder met dien verstande dat volume in kubieke maat nie van massa afgelei mag word nie vir die doel van verkoop per volume in kubieke maat, tensy daar op 'n omskakelingsfaktor ooreengekom is deur die koper en verkoper".

6. Die indeks tot Bylae 6 word gewysig—

- (a) deur die woorde "(kyk regulasie 11)" te skrap in die eerste kolom van die artikel "Brood";
- (b) deur in die tweede kolom van die artikel "Brood", "32" in te voeg; en
- (c) deur die artikel "Lusern, voer, kaf of hooi (saamgeperste droë)", en die item No. "71" van hierdie artikel te skrap na die artikel "Lourienolies".

7. Bylae 6 word gewysig—

- (a) deur in die derde kolom van item 1 van die Tabel "100 g," na "50 g," in te voeg;
- (b) deur in die derde kolom van die Engelse teks van sub-item 31 (c) van die Tabel "950 ml," na "500 ml," in te voeg;
- (c) deur die hoeveelhede en woorde in die derde kolom van item 33 van die Tabel deur die volgende hoeveelhede en woorde te vervang:
- "Enige voorafverpakte hoeveelheid tot en met 100 ml; dan 250 ml, 500 ml, 1 l, 2 l, 5 l, 10 l, 20 l, 25 l, 50 l, 100 l, 200 l en 'n heeltalveelvoud van 1 l bo 200 l";
- (d) deur in die derde kolom van subitem 41 (a) van die Tabel "35 kg, 40 kg, 45 kg," na "25 kg," in te voeg;
- (e) deur in die derde kolom van subitem 42 (a) van die Tabel "25 kg," voor "50 kg" in te voeg;
- (f) deur in die derde kolom van subitem 63 (b) van die Tabel "1,5 l," na "1 l," in te voeg;

- (c) by the insertion in the first column of the article "Lucerne, fodder, chaff or hay, in bale form" and in the third column of this article "71" after the article "Lubricating oils".

5. Schedule 5 is amended—

- (a) by the substitution for the words in the third column of item 1 of the Table of the word "Volume"; and
- (b) by the substitution for the words in the third column of item 19 of the Table of the following words:

"Volume in cubic measure or mass, provided that in the latter case a suitable certified mass-meter is used, and provided further that volume in cubic measure may not be derived from the mass for the purpose of sale by volume in cubic measure, unless a conversion factor has been agreed upon between purchaser and seller".

6. The index to Schedule 6 is amended—

- (a) by the deletion of the words "(see regulation 11)" in the first column of the article "Bread";
- (b) by the insertion of "32" in the second column of the article "Bread"; and
- (c) by the deletion of the article "Lucerne, fodder, chaff or hay (compressed dry)" and the item No. "71" of this article after the article "Lubricating oils".

7. Schedule 6 is amended—

- (a) by the insertion in the third column of item 1 of the Table of "100 g," after "50 g,";
- (b) by the insertion in the third column of subitem 31 (c) of the Table of "750 ml," after "500 ml,";
- (c) by the substitution for the quantities and words in the third column of item 33 of the Table of the following quantities and words:
- "any prepacked quantity up to and including 100 ml; then 250 ml, 500 ml, 1 l, 2 l, 5 l, 10 l, 20 l, 25 l, 50 l, 100 l, 200 l and integral multiples of 1 l above 200 l";
- (d) by the insertion in the third column of subitem 41 (a) of the Table of "35 kg, 40 kg, 45 kg," after "25 kg,";
- (e) by the insertion of in the third column of subitem 42 (a) of the Table of "25 kg," before "50 kg";
- (f) by the insertion in the third column of subitem 63 (b) of the Table of "1,5 l," after "1 l,";

(g) deur item 71 van die Tabel deur die volgende item te vervang:

"71. Vleis, synde—

- (a) gesnyde bewerkte vleis, uitgesonderd in die vorm van skywe, wat deur 'n kook-, rook-, drogings- of insoutings-proses behandel is, wanneer anders as in glashouers voorafverpak
- (b) gesnyde, verwerkte vleisprodukte, synde vleis soos in (a) bewerk, en dan gemaal en in omhulsels gevul of op ander maniere gevorm voordat dit gesny word, wanneer anders as in metaal- of glashouers voorafverpak
- (c) Weense, frankfort- en Russiese worsies, met of sonder natuurlike omhulsel, en enige ander gekookte en/of gerookte worsies sonder omhulsel, wanneer anders as in metaal- of glashouers voorafverpak
- (d) ongesnyde eenhede verwerkte vleisprodukte in waterdigte sintetiese omhulsels ingevul, insluitende, polonies en vleissmere (nie vleisekstrakte nie), maar uitgesonderd salamis en soortgelyke items in die handel bekend as "Continental products" met groot verskille in eenheids-grootte of wat aan 'n verouderingsproses en vogverlies onderworpe is
- (e) koekies bestaande uit gemaalde rou vleis en/of vleis wat soos in (a), bewerk is, bekend as of soortgelyk aan "burgers", en vleis wat hersaamgestel is in stukke of gesimuleerde stukke nadat dit gekap of gemaal is, wanneer in buigbare of kartonverpakking voorafverpak
- (f) wors, spesie wors en boerewors, uitgesonderd wanneer op die perseel van 'n kleinhandelaar berei en dit 'n verklaring van netto massa, prys per kilogram en verkoop-prys dra

"71. Meats, being—

- (a) sliced processed meats, other than in the form of steaks, which have been subjected to a process of cooking, smoking, drying or salting (curing), when prepacked in packaging other than glass containers
- (b) sliced manufactured meat products, being meats which have been processed as in (a) and then ground or minced and moulded by being filled into casings or by other means formed before being sliced, when prepacked in packaging other than metal or glass containers
- (c) vienna, frankfurter and Russian sausages, skinless or in natural casings, and any other cooked and/or smoked sausages in skinless form, when prepacked in packaging other than metal or glass containers
- (d) uncut units of manufactured meat products filled into moisture-impermeable synthetic casings, including polonies and meat spreads (not being meat extracts), but excluding salamis and similar items known in the trade as Continental products which differ widely in unit size or which are subject to ageing and moisture loss
- (e) patties of either minced raw meat and/or meat processed as in (a), known as or similar to "burgers", and meat which has been reconstituted into pieces or simulated steaks after having been chipped or minced, when prepacked in flexible or cardboard packaging
- (f) sausage, specie sausage and boerewors, except when prepared on the premises of a retail dealer and bearing a statement of the net mass, price per kilogram and retail selling price

(g) by the substitution for item 71 of the Table of the following item:

Enige voorafverpakte hoeveelheid tot en met 100 g; dan 125 g, 150 g en veelvoude van 50 g tot en met 2 kg en enige hoeveelheid bo 2 kg

Enige hoeveelheid tot en met 100 g; dan 125 g, 150 g en veelvoude van 50 g tot en met 2 kg en enige hoeveelheid bo 2 kg

Enige hoeveelheid tot en met 100 g; dan 125 g, 150 g en veelvoude van 50 g tot en met 2 kg en enige hoeveelheid bo 2 kg

Enige hoeveelheid tot en met 100 g; dan 125 g, 150 g en veelvoude van 50 g tot en met 2 kg en enige hoeveelheid bo 2 kg

Enige hoeveelheid tot en met 100 g; dan 125 g, 150 g, en veelvoude van 50 g tot en met 2 kg en enige hoeveelheid bo 2 kg

Enige hoeveelheid tot en met 100 g; dan 125 g, 150 g en veelvoude van 50 g tot en met 2 kg en enige hoeveelheid bo 2 kg: Met dien verstande dat die vleis-produkte in (a) tot (f) gespesifiseer in willekeurige massas verpak mag word indien elke sodanige produk 'n verklaring van netto massa, prys per kilogram en kleinhandelverkoopprys op die pakket dra"

Any prepacked quantity up to and including 100 g; then 125 g, 150 g and multiples of 50 g up to and including 2 kg and any quantity above 2 kg

Any quantity up to and including 100 g; then 125 g, 150 g and multiples of 50 g up to and including 2 kg and any quantity above 2 kg

Any quantity up to and including 100 g; then 125 g, 150 g and multiples of 50 g up to and including 2 kg and any quantity above 2 kg

Any quantity up to and including 100 g; then 125 g, 150 g and multiples of 50 g and up to and including 2 kg and any quantity above 2 kg

Any quantity up to and including 100 g; then 125 g, 150 g and multiples of 50 g up to and including 2 kg and any quantity above 2 kg

Any quantity up to and including 100 g; then 125 g, 150 g and multiples of 50 g up to and including 2 kg, and any quantity above 2 kg: Provided that the meat products specified in (a) to (f) may be packed in random masses if each such product bears a statement of net mass, price per kilogram and retail selling price on the package"

- (h) deur in die derde kolom van item 78 van die Tabel "600 g," na "500 g," in te voeg;
- (i) deur in die derde kolom van item 88 van die Tabel "350 g," na "250 g," in te voeg;
- (j) deur in die derde kolom van item 95 van die Tabel ", 25 kg" na "1 kg" in te voeg;
- (k) deur in die derde kolom van item 96 van die Tabel "1,5 l," na "1 l," in te voeg;
- (l) deur in die derde kolom van item 102 van die Tabel "500 g," na "400 g," in te voeg;
- (m) deur in die derde kolom van item 105 van die Tabel "3 l," na "2 l," in te voeg;
- (n) deur in die derde kolom van subitem 110 (d) van die Tabel "37,5 g," na die woord "dan" in te voeg;
- (o) deur in die derde kolom van item 116 van die Tabel "3 kg, 4 kg," na "2 kg," in te voeg;
- (p) deur item 124 van die Tabel deur die volgende item te vervang:

"124. Aerosols

Enige voorafverpakte hoeveelheid tot en met 60 ml; dan in veelvoude van 5 ml : Met dien verstande dat die houer tot 'n minimum van 60% en 'n maksimum van 85% van die propvol kapasiteit gevul word";

- (q) deur item 126 van die Tabel te skrap.

BYLAE B

WYSIGING VAN DEEL II VAN DIE REGULASIES

1. Regulasie 1 word gewysig—

- (a) deur die woordskrywing van "sertifiseringstempel" deur die volgende woordskrywing te vervang:

"(xxvi) 'sertifiseringstempel', 'n merk wat—

- (a) die organisasie wat die sertifisering of verifieering onderneem;
- (b) die inspekteur of verifikasiebeampte;
- (c) die jaar van sertifisering of verifieering;

identifiseer en ooglopend gehê is aan of gemerk is op 'n meetinstrument op so 'n wyse dat dit nie verwyder kan word (vir hergebruik) sonder om dit te vernietig nie of duidelik aandui dat daarmee gepeuter is: Met dien verstande dat die meetinstrument waarvan die klas of tipe of grootte of materiaal van vervaardiging van so 'n aard is dat dit onprakties is vir die sertifiseringstempel om aan al bogenoemde vereistes te voldoen, 'n alternatiewe sertifiseringstempelontwerp deur die SABS-Raad goedgekeur mag word; (v)";

- (b) deur in die woordskrywing van "herstelde" die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

2. Regulasie 5 word gewysig deur in subregulasie

- (1) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

- (h) by the insertion in the third column of item 78 of the Table of "600 g," after "500 g,";
- (i) by the insertion in the third column of item 88 of the Table of "350 g," after "250 g,";
- (j) by the insertion in the third column of item 95 of the Table of ", 25 kg" after "1 kg";
- (k) by the insertion in the third column of item 96 of the Table of "1,5 l," after "1 l,";
- (l) by the insertion in the third column of item 102 of the Table of "500 g," after "400 g,";
- (m) by the insertion in the third column of item 105 of the Table of "3 l," after "2 l,";
- (n) by the insertion in the third column of subitem 110 (d) of the Table of "37,5 g," after the word "then";
- (o) by the insertion in the third column of item 116 of the Table of "3 kg, 4 kg," after "2 kg,";
- (p) by the substitution for item 124 of the Table of the following item:

"124. Aerosols

Any prepacked quantity up to and including 60 ml; then in multiples of 5 ml: Provided that the container is filled to a minimum of 60% and a maximum of 85% of its brimful capacity";

- (q) by the deletion of item 126 of the Table.

SCHEDULE B

AMENDMENT OF PART II OF THE REGULATIONS

1. Regulation 1 is amended—

- (a) by the substitution for the definition of "certifying stamp" of the following definition:

"(v) 'Certifying stamp', means a mark which identifies—

- (a) the organization that undertakes the certification or verification;
- (b) the inspector or verification officer;
- (c) the year of certification or verification;

and is conspicuously affixed to, or marked on a measuring instrument in such a way that it cannot be removed (for re-use) without being destroyed or giving a clear indication that it has been tampered with: Provided that where the measuring instrument is of such a class or type or size or manufactured from such a material as to make it impractical for the certifying stamp to conform to all the above requirements, an alternative certifying stamp design may be approved by the SABS Council; (xxvi)";

- (b) by the insertion in the definition of "repaired" of the words "or verification officer" after the word "inspector".

2. Regulation 5 is amended by the insertion in subregulation (1) of the words "or verification officer" after the word "inspector".

3. Regulasie 14 word gewysig deur die voorbehoudsbepaling van subregulasie (2) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat die bepaling van massa gedoen word deur middel van 'n massameter of samestelling van massameters wat voldoen aan 'n bepaling van 'n regulasie van hierdie Deel wat van toepassing is op 'n instrument wat geskik is om gebruik te word vir die bepaling van massa soos in paragraaf (a) of (b) van hierdie regulasie uiteengesit is en—

- (i) vir sodanige doel of gebruik ingevolge artikel 18 (2) van die Wet goedgekeur is; of
- (ii) die metode vir die bepaling van die massa van sulke trokke of padvoertuie deur die direkteur evalueer is en hy homself oortuig het van die akkuraatheid daarvan en alle partye betrokke by die transaksie in ooreenstemming is daartoe."

4. Regulasie 24 word gewysig deur in subregulasie (1) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

5. Regulasie 30 word gewysig deur in subregulasie (2) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

6. Regulasie 33 word gewysig deur in subregulasie (1) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

7. Regulasie 44 word gewysig deur in subregulasie (9) (b) (iii) en (9) (c) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

8. Regulasie 62 word gewysig deur in subregulasie (2) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

9. Regulasie 66 word gewysig deur in subregulasie (1) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

10. Regulasie 74 word gewysig deur in die opskrif van Tabel B van subregulasie (8) die woorde "of verifikasiebeampte" na die woord "inspekteur" in te voeg.

BYLAE C

WYSIGING VAN DEEL IV VAN DIE REGULASIES

1. Regulasie 1 word gewysig deur die woordomskeywing van "sertifiseringstempel" deur die volgende woordomskeywing te vervang:

"(ii) 'sertifiseringstempel', 'n merk wat—

- (a) die organisasie wat die sertifisering of verifieering onderneem;
- (b) die inspekteur of verifikasiebeampte;
- (c) die jaar van sertifisering of verifieering;

identifiseer en ooglopend geheg is aan of gemerk is op 'n meetinstrument op so 'n wyse dat dit nie verwyder kan word (vir hergebruik) sonder om dit te vernietig nie of duidelik aandui dat daarmee gepeuter is: Met dien verstande dat die meetinstrument waarvan die klas of tipe of grootte of materiaal van vervaardiging van so 'n aard is dat dit onprakties is vir die sertifiseringstempel om aan al bogenoemde vereistes te voldoen, 'n alternatiewe sertifiseringstempelontwerp deur die SABS-Raad goedgekeur mag word; (i)".

3. Regulation 14 is amended by the substitution for the proviso of subregulation (2) of the following proviso:

"Provided that the determination of mass is made by means of a massmeter or combination of massmeters which complies with any provision of any regulation of this part applicable to any massmeter suitable to be used for the determination of mass as set out in paragraph (a) or (b) of this subregulation and—

- (i) approved for such purpose of use in terms of section 18 (2) of the Act; or
- (ii) the director has evaluated the method of determining the mass of such trucks or road vehicles and has satisfied himself as to the accuracy thereof and that all parties to the transaction are in agreement thereto."

4. Regulation 24 is amended by the insertion in subregulation (1) of the words "or verification officer" after the word "inspector".

5. Regulation 30 is amended by the insertion in subregulation (2) of the words "or verification officer" after the word "inspector".

6. Regulation 33 is amended by the insertion in subregulation (1) of the words "or verification officer" after the word "inspector".

7. Regulation 44 is amended by the insertion in subregulation (9) (b) (iii) and (9) (c) of the words "or verification officer" after the word "inspector".

8. Regulation 62 is amended by the insertion in subregulation (2) of the words "or verification officer" after the word "inspector".

9. Regulation 66 is amended by the insertion in subregulation (1) of the words "or verification officer" after the word "inspector".

10. Regulation 74 is amended by the insertion in the heading of Table B of subregulation (8) of the words "or verification officer" after the word "inspector".

SCHEDULE C

AMENDMENT OF PART IV OF THE REGULATIONS

1. Regulation 1 is amended by the substitution for the definition of "certifying stamp" of the following definition:

"(ii) 'Certifying stamp', means a mark which identifies—

- (a) the organisation that undertakes the certification or verification;
- (b) the inspector or verification officer;
- (c) the year of certification or verification;

and is conspicuously affixed to, or marked on a measuring instrument in such a way that it cannot be removed (for re-use) without being destroyed or giving a clear indication that it has been tampered with: Provided that where the measuring instrument is of such a class or type or size or manufactured from such a material as to make it impractical for the certifying stamp to conform to all the above requirements, an alternative certifying stamp design may be approved by the SABS Council; (ii)".

2. Regulasie 2 word gewysig —

- (a) deur in subregulasie (1) (a) die adres deur die volgende adres te vervang:

“Die Direkteur van Handelsmetrologie, Suid-Afrikaanse Buro vir Standaarde, Afdeling Handelsmetrologie, Privaatsak X191, Pretoria, 0001,”; en

- (b) deur in subregulasie (1) (d) die woorde “van tien rand (R10,00)” deur die woorde “teen ’n *pro rata* uurtarief van R120,00” te vervang.

3. Regulasie 7 word gewysig deur in subregulasie (1) (a) die adres deur die volgende adres te vervang:

“Die Direkteur van Handelsmetrologie, Suid-Afrikaanse Buro vir Standaarde, Afdeling Handelsmetrologie, Privaatsak X191, Pretoria, 0001,”.

BYLAE D**WYSIGING VAN DEEL VI VAN DIE REGULASIES****1. Regulasie 1 word gewysig deur in subregulasie (1) (b) die adres deur die volgende adres te vervang:**

“Die Direkteur van Handelsmetrologie, Suid-Afrikaanse Buro vir Standaarde, Afdeling Handelsmetrologie, Privaatsak X191, Pretoria, 0001,”.

No. R. 170**28 Januarie 1994****INTREKKING VAN KENNISGEWING 954 VAN 11 DESEMBER 1981**

Kennis word hierby gegee dat Kennisgewing 954 van 11 Desember 1981 uitgereik ingevolge artikel 19 (2) van die Wet op Handelsmetrologie, 1973 (Wet No. 77 van 1973), hierby ingetrek word aangesien artikel 19 (2) van die Wet geskrap is by die Wysigingswet op Handelsmetrologie, 1993 (Wet No. 17 van 1993).

L. SCHWULST,

Direkteur van Handelsmetrologie.

DEPARTEMENT VAN LANDBOU**No. R. 138****28 Januarie 1994**

BEMARKINGSWET, 1968
(WET No. 59 VAN 1968)

GRAANSORGHUMSKEMA: WYSIGING

Ek, André Isak van Niekerk, Minister van Landbou, handelende kragrens artikel 14, soos toegepas by artikel 15 (3), van die Bemarkingswet, 1968 (Wet No. 59 van 1968) —

- (a) publiseer hierby die wysigings in die Bylae uiteengesit, van die Graansorghumskema gepubliseer by Goewermentskennisgewing No. R. 190 van 31 Januarie 1986, soos gewysig; en
- (b) verklaar hierby dat genoemde wysigings op die datum van publikasie hiervan in werking tree.

A. I. VAN NIEKERK,

Minister van Landbou.

2. Regulation 2 is amended —

- (a) by the substitution in subregulation (1) (a) for the address of the following address:

“The Director of Trade Metrology, South African Bureau of Standards, Trade Metrology Division, Private Bag X191, Pretoria, 0001;” and

- (b) by the substitution in subregulation (1) (d) for the words “of ten rand (R10,00)” of the words “at a *pro rata* hourly tariff of R120,00”.

3. Regulation 7 is amended by the substitution in subregulation (1) (a) for the address of the following address:

“The Director of Trade Metrology, South African Bureau of Standards, Trade Metrology Division, Private Bag X191, Pretoria, 0001;”.

SCHEDULE D**AMENDMENT OF PART VI OF THE REGULATIONS****1. Regulation 1 is amended by the substitution in subregulation (1) (b) for the address of the following address:**

“The Director of Trade Metrology, South African Bureau of Standards, Trade Metrology Division, Private Bag X191, Pretoria, 0001;”.

No. R. 170**28 January 1994****WITHDRAWAL OF NOTICE 954 OF 11 DECEMBER 1981**

It is hereby notified that Notice 954 of 11 December 1981 issued in terms of section 19 (2) of the Trade Metrology Act, 1973 (Act No. 77 of 1973), is hereby withdrawn seeing that section 19 (2) of the Act was deleted by the Trade Metrology Amendment Act, 1993 (Act No. 17 of 1993).

L. SCHWULST,

Director of Trade Metrology.

DEPARTMENT OF AGRICULTURE**No. R. 138****28 January 1994**

MARKETING ACT, 1968
(ACT No. 59 OF 1968)

GRAIN SORGHUM SCHEME: AMENDMENT

I, André Isak van Niekerk, Minister of Agriculture, acting under section 14, as applied by section 15 (3), of the Marketing Act, 1968 (Act No. 59 of 1968) —

- (a) publish the amendments set out in the Schedule, of the Grain Sorghum Scheme published by Government Notice No. R. 190 of 31 January 1986, as amended; and
- (b) declare that the said amendments shall come into operation on the date of publication hereof.

A. I. VAN NIEKERK,

Minister of Agriculture.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Skema" die Graan-sorghumskema gepubliseer by Goewermentskennisgewing No. R. 190 van 31 Januarie 1986 (soos verbeter by Goewermentskennisgewing No. R. 726 van 3 April 1987), soos gewysig by Goewermentskennisgewings Nos. R. 1474 van 11 Julie 1986, R. 1515 van 14 Julie 1989 en R. 1881 van 1 September 1989.

Wysiging van artikel 1 van die Skema

2. Artikel 1 van die Skema word hiermee gewysig deur die omskrywing van "die Raad" deur die volgende omskrywing te vervang:

"'die Raad' die Sorghumraad vermeld in artikel 6;"

Wysiging van artikel 6 van die Skema

3. Artikel 6 van die Skema word hierby deur die volgende artikel vervang:

"6. Hierby word 'n beheerraad ingestel wat die Sorghumraad heet."

Wysiging van artikel 32 van die Skema

4. Artikel 32 van die Skema word hierby deur die volgende artikel vervang:

"32 (1) Die eersvolgende boekjaar ingevolge hierdie Skema is die tydperk vanaf 1 Januarie 1994 tot 30 April 1995, albei dae ingesluit.

(2) Die daaropvolgende boekjare ingevolge hierdie Skema is die tydperk van 1 Mei in enige jaar tot 30 April van die daaropvolgende jaar, albei dae ingesluit."

DEPARTEMENT VAN MANNEKRAG**No. R. 124****28 Januarie 1994**

WET OP ARBEIDSVERHOUDINGE, 1956

MUNISIPALE ONDERNEMING VAN PORT ELIZABETH: NUWE OOREENKOMS

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van die Ooreenkoms wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van 1 Februarie 1994 en vir die tydperk wat op 30 Junie 1996 eindig, bindend is vir die werkgewer en die vakverenigings wat die genoemde Ooreenkoms aangegaan het en vir die werknemers wat lede van genoemde verenigings is.

L. WESSELS,

Minister van Mannekrag.

BYLAE**NYWERHEIDSRAAD VIR DIE MUNISIPALE ONDERNEMING VAN PORT ELIZABETH****OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Munisipaliteit van Port Elizabeth

(hierna "die werkgewer" of "die Stadsraad" genoem), aan die een kant,

en

SCHEDULE**Definitions**

1. In this Schedule "the Scheme" means the Grain Sorghum Scheme published by Government Notice No. R. 190 of 31 January 1986 (as corrected by Government Notice No. R. 726 of 3 April 1987), as amended by Government Notices Nos. R. 1474 of 11 July 1986, R. 1515 of 14 July 1989 and R. 1881 of 1 September 1989.

Amendment of section 1 of the Scheme

2. Section 1 of the Scheme is hereby amended by the substitution for the definition of "the Board" of the following definition:

"'the Board' means the Sorghum Board referred to in section 6;"

Amendment of section 6 of the Scheme

3. Section 6 of the Scheme is hereby replaced by the following section:

"6. There is hereby established a control board to be known as the Sorghum Board."

Amendment of section 32 of the Scheme

4. Section 32 of the Scheme is hereby replaced by the following section:

"32 (1) The following financial year under this Scheme shall be the period from 1 January 1994 until 30 April 1995, both days included.

(2) The subsequent financial years under this Scheme shall be the period 1 May in any year until 30 April in the following year, both days included."

DEPARTMENT OF MANPOWER**No. R. 124****28 January 1994**

LABOUR RELATIONS ACT, 1956

MUNICIPAL UNDERTAKING OF PORT ELIZABETH: NEW AGREEMENT

I, Leon Wessels, Minister of Manpower, hereby, in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from 1 February 1994 and for the period ending 30 June 1996, upon the employer and the trade unions which entered into the said Agreement and upon the employees who are members of the said unions.

L. WESSELS,

Minister of Manpower.

SCHEDULE**INDUSTRIAL COUNCIL OF THE MUNICIPAL UNDERTAKING OF PORT ELIZABETH****AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between

The Port Elizabeth Municipality

(hereinafter referred to as the "employer" or "the City Council"), of the one part,

and

Die Suid-Afrikaanse Vereniging van Munisipale Werknemers (Nie-politiek) ("SAVMW")

en die

Amalgamated Municipal Employees' Association ("AMEA")

en die

South African Municipal Workers' Association ("SAMWU")

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

wat die partye is by die Nywerheidsraad vir die Munisipale Onderneming van Port Elizabeth.

The South African Association of Municipal Employees (Non-Political) ("SAAME")

and

The Amalgamated Municipal Employees' Association ("AMEA")

and

The South African Municipal Workers' Association ("SAMWU")

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

being the parties to the Industrial Council for the Municipal Undertaking of Port Elizabeth.

HOOFSTUK I**1. TOEPASSINGSBESTEK**

Hierdie ooreenkoms moet in die Munisipale Onderneming in die munisipale gebied van Port Elizabeth nagekom word deur die Stadsraad en alle werknemers van die Stadsraad.

2. GELDIGHEDSDUUR

Hierdie Ooreenkoms tree in werking op die datum wat kragtens artikel 48 van die Wet deur die Minister van Mannekrag bepaal word en bly van krag tot 30 Junie 1996 of vir sodanige tydperk as wat hy bepaal.

HOOFSTUK II**DIENSVOORWAARDES****1. WOORDOMSKRYWING**

Tensy anders by wet bepaal, of tensy die sinsverband anders aandui, behou die woorde en uitdrukkings wat in hierdie Diensvoorwaardes gebruik word, hul gewone betekenisse: Met dien verstande dat die manlike vorm ook die vroulike insluit en dat enige terme of uitdrukking in dié Ooreenkoms wat in die Wet op Arbeidsverhoudinge, 1956, (Hierna "die Wet" genoem), gebruik word, dieselfde betekenis as in die Wet het en dat 'n verwysing na 'n wet enige wysiging daarvan insluit; en voorts beteken—

- 1.1 **"adjunkhoof"** 'n werknemer wat in dié hoedanigheid aangestel is en wat vir 'n departementshoof waarneem wanneer laasgenoemde ingevolge hierdie Diensvoorwaardes afwesig is; (1.8)
- 1.2 **"aftreefonds"** die Port Elizabethse Munisipale Pensioenfonds, die Port Elizabethse Twee Munisipale Pensioenfondse, die Port Elizabethse Munisipale Voorsorgfondse of die Port Elizabethse Pensioenvoordeelfondse, soos saamgestel en geadministreer ingevolge die reëls wat van tyd tot tyd van krag is; (1.19)
- 1.3 **"bestuurspan"** die komitee van beamptes, wat deur die Stadsraad aangestel word; (1.11)
- 1.4 **"deels geskikte werknemer"** 'n werknemer wie se vergoeding deur die Departement van Mannekrag gesubsidieer word; (1.20)
- 1.5 **"deeltydse werknemer"** 'n werknemer wat elke dag of week minder ure werk as wat hierdie Ooreenkoms gewoonlik vir 'n voltydse werknemer voorskryf; (1.17)
- 1.6 **"departementshoof"** die uitvoerende beampte wat in dié hoedanigheid aangestel is en wat regstreeks aan die Stadsraad of die Stadsklerk verantwoordelik is vir die administrasie van 'n departement, of 'n werknemer wat tydelik in dié hoedanigheid waarneem; (1.10)
- 1.7 **"diensvoorwaardes"** die diensvoorwaardes hierin vervat, soos van tyd tot tyd gewysig; (1.6)
- 1.8 **"gereedheidsdiens"** die diens wat werknemers onderneem ingevolge 'n diensrooster opgestel deur die departementshoof en waarkragtens die werknemers gereed moet staan indien en wanneer hulle uitgeroep word en waarvoor hulle vir bepaalde tydperke ná gewone werkure tuis of op 'n ander aangewese plek moet bly; (1.22)
- 1.9 **"jaar diens" of "diensjaar"**— (1.27)
 - 1.9.1 ten opsigte van 'n werknemer wat voor 1 Januarie 1966 in die Stadsraad se diens getree het, 'n kalenderjaar; (1.27.1)
 - 1.9.2 ten opsigte van 'n werknemer wat op of ná 1 Januarie 1966 in diens getree het, die tydperk van 12 maande wat op die eerste of enige daaropvolgende verjaring van sy indienstreding volg; (1.27.2)
- 1.10 **"komitee"** die vaste komitee wat gewoonlik personeelaangeleenthede behartig, tensy uit die samehang anders blyk; (1.5)
- 1.11 **"los werknemer"** 'n persoon wat vir 'n tydperk van hoogstens drie dae per week in diens geneem is; (1.3)
- 1.12 **"Mediese Raad"**— (1.12)
 - (i) die Stadsraad se Stadsgesondheidshoof
 - (ii) 'n mediese spesialis deur die aftreefondse benoem; en
 - (iii) 'n mediese praktisyn deur die werknemer benoem;
- 1.13 **"mediese sertifikaat"** 'n sertifikaat wat deur 'n geneesheer of tandarts onderteken is; (1.13)
- 1.14 **"munisipale gebied"** die gebied onder beheer van en enige ander gebied binne die regsgebied van die Stadsraad, en "Munisipaliteit" die regspersoon soos voorgeskryf in artikel 3 van Munisipale Ordonnansie No. 20 van 1974; (1.14)

- 1.15 **"Munisipale Onderneming"** die Nywerheidsraad vir die munisipale onderneming van Port Elizabeth; (1.15)
- 1.16 **"ononderbroke diens"** die tydperk vanaf die datum van indienstreding tot die datum van finale diensbeëindiging, insluitende enige tydperk waartydens 'n werknemer met behoorlik gemagtigde verlof afwesig is en enige tydperk van skorsing uit die diens as die werknemer daarna weer in dieselfde of 'n ander betrekking herstel word; (1.7)
- 1.17 **"openbare vakansiedag"** enige dag wat ingevolge Wet No. 5 van 1952 tot 'n openbare feesdag verklaar is, naamlik Nuwejaarsdag, Stigtingsdag, Goeie Vrydag, Gesinsdag, Hemelvaartdag, Republiekdag, Krugersdag, Gelofte-dag, Kersdag, Welwillendheidsdag en 1 Mei, en enige ander dae wat van tyd tot tyd deur wetgewing ingestel word, en sluit dit in enige dag wat deur 'n Raadsbesluit as 'n openbare vakansiedag verklaar word; (1.18)
- 1.18 **"Ordonnansie"** die Kaapse Munisipale Ordonnansie No. 20 van 1974 of enige wet ter vervanging daarvan; (1.16)
- 1.19 **"Personeeladvieskomitee"** die komitee wat ingevolge klousule 11 saamgestel is; (1.21)
- 1.20 **"stadsklerk"** Uitvoerende Hoof/Stadsklerk; (1.25)
- 1.21 **"Stadsraad"** die Raad van die Munisipaliteit van die stad Port Elizabeth of 'n komitee of departementshoof wat die nodige magtiging ontvang het om namens die Stadsraad op te tree; (1.4)
- 1.22 **"tydelike werknemer"** 'n persoon wat vir spesifieke korttermyn diens deur magtiging van die Stadsraad vir 'n vaste tydperk van hoogstens twee jaar in diens geneem word, of 'n werknemer wie se besoldiging deur die Departement van Mannekrag gesubsidieer word, maar sluit werknemers uit wat ingevolge die Stadsraad se bedryfsloonskale besoldig word; (1.23)
- 1.23 **"vakbond"** 'n organisasie wat kragtens die Wet as vakbond geregistreer is, of enige organisasie wat die Stadsraad as 'n vakbond erken; (1.24)
- 1.24 **"Vereniging"**, na gelang van die sinsverband, die Suid-Afrikaanse Vereniging van Munisipale Werknemers (nie-polities), die Port Elizabethse tak daarvan of the Amalgamated Municipal Employees Association of enige ander vakbond (met inbegrip van die Suid-Afrikaanse Munisipale Werkersunie) met wie die Raad 'n erkenningsooreenkoms aangegaan het; (1.1)
- 1.25 **"Versekeraar"** die Suid-Afrikaanse Onderlinge Lewensversekeringsgenootskap; (1.2)
- 1.26 **"werkdag"** enie dag van die week behalwe 'n werknemer se weeklikse rusdag en enige openbare vakansiedag waarop 'n werknemer geregtig is; (1.26)
- 1.27 **"werknemer"** 'n persoon wat in 'n vaste hoedanigheid in diens geneem is in 'n goedgekeurde betrekking op die vaste diensstaat van die Stadsraad en wat tot een van die Stadsraad se aftreefondse bydra, en kan dit 'n persoon insluit wat die Stadsraad ingevolge 'n besluit as vaste werknemer aanvaar, of hy tot 'n aftreefonds bydra of nie; (1.9)

2. ALGEMEEN

2.1 *Grade en skale*

Die grade en skale waarvolgens werknemers besoldig word, word uiteengesit in die graderingskema wat van tyd tot tyd van krag is, soos deur die Munisipale Onderneming aangeneem of kragtens die Wet, of enige plaasvervangende wetgewing bepaal.

2.2 *Jaarlikse verhogings*

2.2.1 Die verhogingsdatum van alle werknemers is 1 Julie ten opsigte van alle aanstellings of bevorderings: Met dien verstande dat 'n werknemer se verhogingsdatum ingevolge 'n algemene hergraderingskema, ooreenkoms of beslissing verander kan word: Met dien verstande voorts dat die jaarlikse verhoging wat 'n werknemer in sy eerste diensjaar toekom, op 'n *pro rata*-grondslag bereken word in dieselfde verhouding as dié tussen die voltooië maande diens en 12 maande: Met dien verstande voorts dat—

- 2.2.1.1 voor 'n werknemer sy jaarlikse verhoging ontvang, die departementshoof aan die Stadsklerk verslag doen dat die betrokke werknemer die pligte wat aan hom opgedra is, bevredigend uitgevoer het;
- 2.2.1.2 ingeval die departementshoof van mening is dat 'n werknemer nie die pligte wat aan hom opgedra is, bevredigend uitgevoer het nie, hy laasgenoemde skriftelik in kennis stel dat sy jaarlikse verhoging teruggehou word, nadat die Komitee dit goedgekeur het dat geen jaarlikse verhoging betaal word nie, en dat die werknemer by die bestuurspan appél kan aanteken en deur die Vereniging verteenwoordig kan word;
- 2.2.1.3 enige verloftyd sonder betaling ingevolge dié Diensvoorwaardes vir verlofdoeleindes as diens beskou word, tensy die bestuurspan anders beslis;
- 2.2.1.4 indien 'n werknemer met betaalde verlof afwesig is, dit nie sal verhinder dat hy enige behoorlik goedgekeurde verhoging in sy besoldiging ontvang indien dit in sy afwesigheid betaalbaar word nie, en dat wanneer onbetaalde verlof van langer as 30 dae toegestaan word, die bestuurspan egter die verhogingsdatum bepaal.

2.3 *Bykomende meriete verhoging binne grade/skale*

In buitengewone omstandighede kan departementshoofde 'n versoek om 'n verhoging van die besoldiging van 'n werknemer, binne die perke van die betrokke grand/skaal, aan die bestuurspan voorleë.

2.4 *Uitbetaling van besoldiging*

2.4.1 Alle salarisse, lone en ander bedrae aan werknemers betaalbaar, word op die datums en wyse betaal waarop die Stadsraad en die Vereniging ooreengekom het nadat die mening van die stadstesourier oorweeg is.

- 2.4.1.1 Alle uurtariefwerknemers wat op of na 1 Julie 1978 aangestel is, word maandeliks betaal, met uitsondering van—
 - (a) alle werknemers op loonskale 20–24;
 - (b) werknemers wat voor 1 Julie 1990 op loonskale 25–28 was en gekies het om nie op 'n maandelikse grondslag betaal te word nie.
- 2.4.1.2 Die maandelikse tjeks vir alle uurtarief- en alle gesalarieerde werknemers wat op of ná 1 Julie 1978 aangestel is [met uitsondering van werknemers gemeld in klousule 2.4.1.1 (a) en (b)], word regstreeks deur die Stadsraad by 'n erkende finansiële instelling van die werknemer se keuse inbetaal, en die Stadsraad dra die koste van enige gelde wat dié instelling op die inbetalings hef.

- 2.4.2 Die gedeelte van die jaarlikse salaris wat betaalbaar is aan 'n werknemer wat die diens in die loop van 'n kalendermaand betree of verlaat, word op die volgende grondslag bereken:

$$\frac{\text{Aantal werkdae}}{250} \times \text{jaarlikse salaris}$$

(Vir werknemers wat 'n sesdagweek werk, is die deler 300, en vir uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste is die deler 365. Alle agtereenvolgende kalenderdae, openbare vakansiedae inbegrepe, word ingesluit.)

3. INDIENSNEMINGSVOORWAARDES

3.1 *Adverteer van betrekkings*

Alle vakante betrekkings op die vaste diensstaat van die Stadsraad word in die pers of deur middel van 'n departementele omsendbrief geadverteer. Hierdie vereiste kan egter ter syde gestel word in die geval van 'n posbeker wat voordat hy sy aftree-ouderdom bereik, goedkeuring van die Stadsraad ontvang om langer in diens aan te bly.

3.2 *Verhuiskoste*

Die Stadsraad help die vervoeruitgawes van suksesvolle aansoekers dek net volgens die bepalinge en voorwaardes wat deur die Stadsraad neergelê is.

3.3 *Mediese en X-straalondersoeke en uitgawes*

- 3.3.1 Alle nuwe werknemers, ongeag of hulle op 'n tydelike of vaste grondslag aangestel is, moet 'n mediese en X-straalondersoek voor indiensneming ondergaan: Met dien verstande dat as 'n werknemer by 'n ander plaaslike owerheid in diens was, 'n mediese sertifikaat en X-straalverslag van dié owerheid se gesondheidshoof of 'n ander goedgekeurde geneesheer moontlik aanvaar kan word, maar altyd onderworpe aan die goedkeuring van die Stadsgesondheidshoof van die Stadsraad.

- 3.3.2 Die Stadsgesondheidshoof is gemagtig om X-straal- en enige ander ondersoeke op kandidate vir vaste betrekkings in die diens uit te voer.

- 3.3.3 Indien die Stadsgesondheidshoof twyfel of 'n aansoeker geskik vir indiensneming en vir lidmaatskap van enigeen van die Raad se aftreefondse is, mag hy die persoon nie laat slaag nie, maar hy kan 'n gekwalifiseerde mediese sertifikaat uitreik waarvolgens die aansoeker nietemin as geskik vir indiensneming beskou word. Indien die mediese ondersoek voor indiensneming toon dat 'n voornemende werknemer gesondheidsprobleme het, kan die Stadsgesondheidshoof hom vir 'n uitvoeriger verslag na 'n mediese spesialis verwys. Die koste hieraan verbonde moet deur die betrokke individu gedra word. 'n Aansoeker wat nie met die spesialis se verslag tevrede is nie, kan versoek dat hy weer, in oorleg met sy private geneesheer, deur die Stadsgesondheidshoof ondersoek word, en die aansoeker moet die koste daarvan dra. Indien die betrokke geneesheer tot verskillende bevindings kom berus die besluit of die aansoeker in diens geneem moet word, by die bestuursplan.

- 3.3.4 Die koste van mediese ondersoeke vir vroeë aftrede om mediese redes word soos volg betaal:

- 3.3.4.1 Die lid is aanspreeklik vir die vereffening van die rekening van sy eie mediese praktisyn;
3.3.4.2 die betrokke aftreefonds is aanspreeklik vir die betaling van die gelde van die fonds se genomineerde mediese spesialis; en
3.3.4.3 die Stadsraad is aanspreeklik vir die betaling van die koste van die dienste wat die Stadsgesondheidshoof lewer.

3.4 *Minimum ouderdom by aanstelling*

Persone wat in die vaste personeelkorps aangestel word, moet ouer as 16 jaar wees.

3.5 *Bewys van ouderdom en kwalifikasies*

- 3.5.1 Nuwe werknemers van die Stadsraad moet bewys van hul ouderdom lewer deur 'n geboortesertifikaat of doopseël tydens die mediese ondersoek aan die Stadsgesondheidshoof voor te lê, en die Stadsgesondheidshoof moet dié sertifikaat by die sekretaris van die aftreefonds indien.

- 3.5.2 Nuwe werknemers moet binne een maand ná indienstreding bewys van die kwalifikasies waarop hulle aanspraak maak, by die Personeelafdeling indien.

3.6 *Proeftyd*

Nuwe werknemers moet voordat hul aanstelling in 'n vaste betrekking bekragtig word, 'n proeftyd van ses maande uitdien, wat die indiensnemende owerheid na goeddunke kan verleng. Werknemers wat reeds op die vaste diensstaat is maar bevorder of na 'n ander departement oorgeplaas word, moet na goeddunke van die indiensnemende owerheid 'n proeftyd van drie tot ses maande uitdien, wat insgelyks verleng kan word. Wanneer daar aanbeveel word dat die proeftyd van 'n werknemer verleng word, moet die departementshoof die redes daarvoor skriftelik of mondeling aan die stadsklerk verstrek.

3.7 *Aanstellings, bevorderings of oorplasinge*

- 3.7.1 Aanstellings, bevorderings of oorplasinge na 'n ander departement, hetsy in 'n tydelike, vaste of waarnemende hoedanigheid, word deur die Stadsraad gedoen. Die Stadsraad kan hierdie bevoegdheid deur middel van 'n besluit en onderworpe aan die bepalinge van die Munisipale Ordonnansie, 1974, uitgesonderd in die geval van departementshoofde of adjunkhoofde, deleger aan enigeen van sy vaste komitees of aan die hoof van die departement waarin die aanstelling, bevordering of oorplasing plaasvind.

- 3.7.2 'n Werknemer kan bevorder word net indien 'n meer senior betrekking vakant is en indien die werk van die betrokke departement vereis dat dié vakature gevul word.

- 3.7.3 Wanneer 'n werknemer na 'n meer senior betrekking bevorder word, ontvang hy 'n salaris wat strook met die groter verantwoordelikheid wat die nuwe betrekking meebring, soos in die Stadsraad se graderingskema bepaal.

3.8 Tydelike aanstellings

- 3.8.1 Tydelike werknemers word ingevolge gedelegeerde bevoegdhede aangestel vir 'n tydperk wat in alle gevalle gemeld moet word. Wanneer gemelde tydperk of totaal van sodanige tydperke ses maande oorskry, moet die bestuursplan oor die aanstelling ingelig word.
- 3.8.2 Wanneer 'n tydperk ingevolge klousule 3.8.1 bepaal verleng moet word, moet oorweeg word of diensvereistes 'n vaste aanstelling regverdig, maar onder geen omstandighede mag twee jaar tydelike diens in enige betrekking oorskry word sonder die magtiging van die bestuursplan nie.

3.9 Lidmaatskap van aftreefondse

- 3.9.1 Alle werknemers wat in 'n vaste hoedanigheid op die vaste diensstaat aangestel is, moet, mits hulle die Stadsraad se verpligte mediese ondersoek slaag, tot een van die aftreefondse—die Port Elizabethse Munisipale Pensioenfonds, die Port Elizabethse Tweede Munisipale Pensioenfonds of die Port Elizabethse Munisipale Pensioenvoordeelfonds—bydra en die reëls nakom van die fonds waarvan hulle lede is: Met dien verstande dat, in die geval van die Port Elizabethse Munisipale Pensioenfonds, dié klousule nie geld vir persone wat op die datum waarop hulle diens aanvaar, jonger as 17 jaar of ouer as 50 jaar is nie en, in die geval van die Port Elizabethse Tweede Munisipale Pensioenfonds en die Port Elizabethse Munisipale Pensioenvoordeelfonds, jonger as 17 jaar en nie oor die pensioenouderdom is nie, soos bepaal in die reëls van die onderskeie fondse, tensy dié persoon aftreefondsevoordele het wat na gemelde fonds oorgedra kan word.
- 3.9.2 'n Werknemer, uitgesonderd werknemers wat aan die Port Elizabethse Munisipale Pensioenvoordeelfonds behoort, wat weer in die Stadsraad se diens tree binne 'n tydperk van 12 maande vanaf die datum waarop sy diens beëindig is en, in die geval van die Port Elizabethse Munisipale Voorsorgfonds, binne dieselfde kalenderjaar, moet alle bedrae wat van die betrokke fonds ontvang is, saam met rente daarop, soos bepaal in die reëls van die fondse, aan die betrokke fonds terugbetaal.
- 3.9.3 'n Werknemer, uitgesonderd werknemers wat aan die Port Elizabethse Munisipale Pensioenvoordeelfonds behoort, wat in die Port Elizabethse Munisipaliteit se diens tree binne 12 maande nadat hy die diens van 'n ander plaaslike owerheid verlaat het en wat oor 'n pensioen-/aftreefonds beskik of lid van 'n gesamentlike pensioen-/aftreefonds is, moet aan een van die Port Elizabethse munisipale aftreefondse die gratifikasiebedrag betaal wat van daardie plaaslike owerheid ontvang is, saam met rente daarop, soos in die reëls van die betrokke fondse bepaal.

3.10 Lidmaatskap van die Vereniging/vakbond, die Mediese Hulpfonds vir Plaaslike Owerhede (Kaapland) en die Voorsorgfonds (Ou Mutual)

- 3.10.1 Alle werknemers, behalwe dié wat voor 1 Januarie 1967 in diens was of werknemers wie se besoldiging deur die Departement van Mannekrag gesubsidieer word of tydelike werknemers wie se dienstermyn hoogstens drie maande duur, moet vanaf die datum waarop hulle by die Stadsraad in diens tree, lede van die vereniging of vakbond met wie die Stadsraad 'n erkenningsooreenkoms aangegaan het, word en daarna vir hul hele dienstryd by die Stadsraad lede van dié vereniging of vakbond bly.
- 3.10.2 *Lidmaatskap van die Voorsorgfonds (Ou Mutual):*
- 3.10.2.1 Alle werknemers wat op of na 1 Januarie 1987 lede geword het van die Port Elizabethse Munisipale Pensioenfonds of van die Tweede Munisipale Pensioenfonds moet, onderworpe aan bewys van goeie gesondheid tot bevrediging van die Stadsraad en die Versekeraar, lede word van en bydra tot die Voorsorgfonds (Ou Mutual), gereël deur die Port Elizabethse tak van die Suid-Afrikaanse Vereniging van Munisipale Werknemers, onderworpe aan en ingevolge die reëls van dié fonds, met uitsondering van—
- vroulike werknemers op salarisgraad 12 of laer sonder afhanklikes;
 - ongetroude vroulike werknemers op salarisgraad 13 en hoër wat voor 1 Januarie 1986 in diens was en nie hul opsie benut het om lede van die Voorsorgfonds (Ou Mutual) te word nie;
 - alle getroude vroulike werknemers;
 - alle werknemers wat voor 1 Januarie 1967 in diens was of op of na 1 Mei 1977 aangestel is en nie tot die Port Elizabethse Munisipale Pensioenfonds bydra nie; en
 - alle werknemers wat 50 jaar of ouer is (Tweede Munisipale Pensioenfonds).
- 3.10.2.2 Alle werknemers wat nie voor of op 31 Mei 1987 die ouderdom van 50 jaar bereik het nie en wat nie vroulike werknemers op salarisgraad 12 of laer sonder afhanklikes of getroude vroulike werknemers is nie en wat sedert 'n datum vóór 1 Januarie 1987 deurlopend lede van die Tweede Munisipale Pensioenfonds is en wat die Stadsraad voor of op 31 Mei 1987 skriftelik in kennis gestel het van hul besluit om by die Voorsorgfonds (Ou Mutual) aan te sluit, moet, onderworpe aan bewys van goeie gesondheid tot bevrediging van die Stadsraad en van die Versekeraar, vanaf die eerste dag van die maand wat volg op dié waarin bevredigende bewys van goeie gesondheid gelewer word, lede word van en bydra tot die Voorsorgfonds (Ou Mutual), onderworpe aan en ingevolge die reëls van dié fonds.
- 3.10.3 Alle werknemers moet kragtens Ordonnansie No. 25 van 1967 en die regulasies wat daarkragtens uitgevaardig is, lede van die Mediese Hulpfonds vir Plaaslike Owerhede (Kaapland) word, met uitsondering van—
- tydelike werknemers wie se dienstermyn hoogstens ses maande duur;
 - werknemers wat ouer as 60 jaar is;
 - gesubsidieerde arbeiders;
 - deeltydse werknemers;
 - getroude vrouens wie se mans lede is of geregtig is om lede te wees van 'n ander skema;
 - werknemers op loonskale 20–24;
 - werknemers wat vir lidmaatskap van die Raad se Tweede Munisipale Pensioenfonds kwalifiseer en wat óf by Pro Sano óf by Bonitas Mediese Hulpfonds moet aansluit;
 - werknemers op loonskale 25–28 wat voor 30 Junie 1990 in diens was en gekies het om nie by Pro Sano of die Bonitas Mediese Hulpfonds aan te sluit nie.

- 3.10.4 Alle werknemers kan op grond van gewetensbesware vrystelling van die bepalings van klousules 3.10.2 en 3.10.3 verkry.
- 3.10.5 Werknemers wat op grond van gewetensbesware van lidmaatskap van die Vereniging/vakbond vrygestel word, moet die ledegeld wat hulle normaalweg aan die Vereniging/vakbond sou moes betaal, of enige bedrag waarop die Nywerheidsraad besluit, by 'n geregistreerde liefdadigheidsorganisasie van hul keuse inbetaal.
- 3.10.6 Alle werknemers kom na goeë dunde van die Stadsraad en vir die tydperk wat die Stadsraad goeë dink, in aanmerking vir lidmaatskap van die Plan vir Groot Mediese Uitgawes, en lidmaatskap van dié fonds is verpligtend vir alle werknemers wat kwalifiseer vir lidmaatskap van die mediese skemas gemeld in klousule 3.10.3 en op of ná 1 Mei 1989 in die Raad se diens tree.

3.11. **Lidmaatskap van die Voorsorgfonds**

- 3.11.1 Vaste werknemers, behalwe werknemers wat kwalifiseer vir lidmaatskap van die Port Elizabethse Tweede Munisipale Pensioenfonds en die Port Elizabethse Munisipale Pensioenvoordeelfonds, wat nie geregtig is om by die Port Elizabethse Munisipale Pensioenfonds aan te sluit nie, moet lede word van die Voorsorgfonds en die reëls van dié fonds nakom.
- 3.11.2 Tydelike werknemers mag nie lede van die Voorsorgfonds word nie.

4. VERLOF

4.1. **Jaarlikse verlof**

- 4.1.1 'n Verlofrekord wat al die verskuldigde, reeds geneemde en opgelope verlof van alle werknemers in diens van die Stadsraad toon, moet gehou word volgens die Stadsraad se voorskrifte.
- 4.1.2 Behalwe waar in hierdie ooreenkoms anders bepaal word en behoudens enige tersaaklike wetgewing, word die Stadsraad se werknemers vir die doeleindes van verlofgeregtigheid soos volg gegroepeer:

Groep A: Hoofde en adjunkhoofde van departemente en alle ander werknemers wat ingevolge 'n Stadsraadsbesluit by hierdie groep ingesluit word.

Groep B: Ander werknemers wat nie onder groep A of C ressorteer nie.

Groep C: Leerlinge (behalwe leerlingambagsmanne) en vakleerlinge.

- 4.1.2.1 Werknemers is op die volgende verlof geregtig:

Aantal werkdae verlof elke diensjaar:

Werknemers wat 'n vyfdagweek werk			Werknemers wat 'n sesdagweek werk		
Groep	Groep	Groep	Groep	Groep	Groep
A	B	C	A	B	C
30	25	20	36	30	24

(Uniformdraende en beheerkamerpersoneel, Departement Brand- en Nooddienste:

Groep A—42 kalenderdae.

Groep B—35 kalenderdae.)

- 4.1.2.2 Van die jaarlikse verlof gemeld in klousule 4.1.2.1 moet minstens 10 werkdae (in die geval van werknemers met 'n vyfdagwerkweek), 12 werkdae (in die geval van werknemers met 'n sesdagwerkweek) en 14 agtereenvolgende kalenderdae (in die geval van uniformdraende brandweerpersoneel van die Departement Brand- en (Nooddienste) jaarliks, behoudens die bepalings van klousule 4.4, in een aaneenlopende tydperk geneem word gedurende die jaar wat onmiddellik op elke voltooide diensjaar volg.

- 4.1.2.3 Behoudens die bepalings van klousule 4.1.2.2 kan verlof met volle betaling, maandeliks op 'n *pro rata*-grondslag bereken, ook van tyd tot tyd gedurende 'n diensjaar, met inbegrip van die eerste diensjaar, geneem word: Met dien verstande dat—

- 4.1.2.3.1 Indien 'n werknemer voor of op die 15de van 'n maand diens aanvaar, daar vir verlofdoeleindes aangeneem word dat hy op die eerste dag van daardie maand diens aanvaar het, en indien 'n werknemer ná die 15de dag van 'n maand diens aanvaar, daar aangeneem word dat hy vir verlofdoeleindes op die eerste dag van die daaropvolgende maand diens aanvaar het;

- 4.1.2.3.2 indien 'n werknemer se diens voor of op die 15de van 'n maand beëindig word, daar vir verlofdoeleindes aangeneem word dat sy diens op die laaste dag van die vorige maand beëindig is, en indien 'n werknemer se diens ná die 15de van die maand beëindig word, daar vir verlofdoeleindes aangeneem word dat sy diens op die laaste dag van daardie maand beëindig is; en

- 4.1.2.3.3 indien dit vir enige doel nodig word om 'n werknemer se opgelope verlof te bereken, enige breukdeel van 'n dag in die totaal wat sodoende verkry word, buite rekening gelaat word.

- 4.1.3 Alle werknemers aan wie jaarlikse verlof toegestaan is, is geregtig om, voordat hul verlof begin, die salaris of loon te ontvang wat normaalweg gedurende die tydperk waarvoor verlof toegestaan is, betaalbaar is.

- 4.1.4 *By diensbeëindiging of aftrede:*

- 4.1.4.1 Die verlofregister word met 'n *pro rata*-deel van die jaarlikse verlof ten opsigte van 'n onvoltooide diensjaar, bereken ingevolge klousule 4.1.2.3, gekrediteer en dit word by enige opgelope verlof gevoeg.

- 4.1.4.2 Die waarde van die opgelope jaarlikse verlof word aan die werknemer betaal of, by die dood van 'n getroude lid, aan die oorlewende gade of, indien daar geen oorlewende gade is nie, in gelyke dele aan die kinders. Indien daar nie kinders is nie, word dit in die boedel gestort. By die dood van 'n ongetroude lid word die bedrag aan die wettige afhanklikes betaal. Indien daar geen wettige afhanklikes is nie word dit in die lid se boedel gestort. Dit word bereken volgens die lid se salaris- of loonskaal op die datum van die beëindiging van sy diens by die Stadsraad. Die werknemer kan skriftelik die opsie benut dat die verlofbetaling in sy boedel inbetaal word in plaas daarvan dat gemelde prosedure gevolg word.
- 4.1.4.3 Wanneer die diens van 'n werknemer om enige rede hoegenaamd beëindig word, word die waarde van die verlof tot sy krediet aan hom betaal.
- 4.1.5 Betaling vir verlof wat nie geneem is nie, bereken op die grondslag in klousule 4.1.6 voorgeskryf, word in enigeen van die volgende omstandighede gedoen:
- 4.1.5.1 Wanneer 'n werknemer met 'n minimum dienstermyn van twee jaar by die Stadsraad kies om die kontantwaarde te aanvaar van minstens 15 werkdade (18 werkdade vir 'n werknemer met 'n sesdagwerkweek) en hoogstens 40 werkdade (48 werkdade vir 'n werknemer met 'n sesdagwerkweek) van die opgelope verlof tot sy krediet: Met dien verstande dat verlofkommutasie op dié grondslag net toelaatbaar is wanneer die betrokke werknemer verlof neem om buitenland toe te gaan en 'n skriftelike aansoek om verlofkommutasie saam met die nodige verlof-aansoek vorms ingedien word;
- 4.1.5.2 wanneer 'n werknemer kies om binne vyf jaar voor die gewone pensioenouderdom wat in die aftree- of voorsorgfondsreëls omskryf word, een betaling (vóór aftrede) te ontvang wat die kontantekwivalent van alle opgelope verlof tot sy krediet op die datum an sy laaste voltooide diensjaar is, minus die aantal dae van dié opgelope verlof wat hy sedert die voltooiing van die diensjaar geneem het;
- 4.1.5.3 by beëindiging van diens.
- 4.1.6 Die kontantwaarde van opgelope verlof word vir die doeleindes van klousule 4.1.5 op die volgende grondslag bereken (vir werknemers met 'n sesdagwerkweek is die deler 300 en vir uniformdraende brandweerpersoneel, Departement Brand- en Nooddienste, 350):

Gesalarieerde werknemers:

$$\frac{\text{Aantal werkdade}}{250} \times \text{jaarlikse salaris}$$

Nie-gesalarieerde werknemers:

Aantal werkdade verlof $\times 9 \times$ uurlikse loonskaal (vir werknemers met 'n sesdagwerkweek is die faktor 7,5 in plaas van 9).

4.2 **Skriftelike aansoek om verlof**

Aansoeke om verlof moet skriftelik geskied met vermelding van die aantal dae verlof wat geneem gaan word. Die verlofaansoeke van departementshoofde moet vir goedkeuring aan die Stadsklerk voorgelê word.

4.3 **Wanneer diensvereistes nie toelaat dat verlof geneem word nie**

Jaarlikse verlof wat weens diensvereistes nie gedurende die voorgeskrewe tydperk geneem kan word nie, geld nie as opgelope verlof nie en die departementshoof moet eers die Stadsklerk se magtiging verkry voordat dié verlof na die volgende diensjaar oorgedra word en sodanige verlof so gou moontlik toestaan.

4.4 **Omskepping van jaarlikse verlof in siekteverlof**

Vakansieverlof kan in siekteverlof omgesit word op voorwaarde dat—

- 4.4.1 die werknemer nie na sy werk terugkeer tensy hy wel die volle tydperk vakansieverlof waarom hy oorspronklik aansoek gedoen het, geneem het nie;
- 4.4.2 'n mediese sertifikaat wat die tydperk siekteverlof tydens die jaarlikse verlof dek, aan die betrokke departementshoof voorgelê word voordat die werknemer sy diens hervat.

4.5 **Verlof vir deeltydse werknemers**

- 4.5.1 Jaarlikse verlof, soos in hierdie klousule bepaal, kan aan deeltydse werknemers toegestaan word.
- 4.5.2 Die verlofgeregtigdheid van 'n deeltydse werknemer is 'n *pro rata*-gedeelte van die verlofgeregtigdheid van 'n voltydse werknemer in dieselfde betrekking, bereken in dieselfde verhouding as die aantal ure wat die deeltydse werknemer werk tot die aantal ure wat die voltydse werknemer werk.
- 4.5.3 Vir die doel van die berekening in klousule 4.5.2 word enige tydperk gelyk aan of meer as 'n halwe dag as 'n volle dag beskou.
- 4.5.4 Klousules 4.1 tot 4.4 is *mutatis mutandis* van toepassing op deeltydse werknemers.

4.6 **Spesiale verlof**

4.6.1 **Sterfte in die gesin:**

Spesiale betaalde verlof van hoogstens twee dae word aan 'n werknemer toegestaan by die dood van sy ouer, pleegouer, skoonmoeder of -vader, gade, kind, broer, suster of grootouer en word nie van sy verlofgeregtigdheid afgetrek nie. Werknemers wat ingevolge 'n gewoonteverbintenis getroud is, word tot net een ouer-, pleegouer-, grootouer- en skoonouerpaar beperk.

4.6.2 Weermagopleiding:

Die Stadsraad staan verlop vir opleiding in enigeen van die Weermagdienste op die volgende grondslag toe, onderworpe aan die bepalings van klousule 4.6.2.4:

4.6.2.1 Werknemers wat voor 1 Januarie 1978 in die Stadsraad se diens getree het, ontvang verlop vir opleiding in enigeen van die Weermagdienste en gedurende sodanige verlop betaal die Stadsraad aan die werknemer sy volle salaris of loon, minus sy soldy en toelaes (uitgesonderd die daaglikse gebiedstoelae) ten opsigte van gewone munisipale werkdae: Met dien verstande dat die betrokke werknemers voordat hulle met hul Weermagopleiding begin, skriftelik onderneem om ná voltooiing van hul opleiding vir 'n tydperk gelyk aan hul opleidingstermyn by die Stadsraad te werk of, by versuim daarvan, om die volle *pro rata*-deel van hul munisipale salarisse/loon wat aldus gedurende hul opleiding betaal word, aan die Stadsraad terug te betaal.

4.6.2.2 Werknemers wat op of ná 1 Januarie 1978 in die Stadsraad se diens getree het, ontvang verlop vir opleiding in enigeen van die Weermagdienste en word vir hierdie doel in een van die volgende drie kategorieë ingedeel:

4.6.2.2.1 Getroude werknemers wie se aanvanklike aanstelling in die Stadsraad se diens nog nie bekragtig is nie en ongetroude werknemers met minder as twee jaar diens;

4.6.2.2.2 getroude werknemers wie se aanstelling bekragtig is en ongetroude werknemers met twee of meer jaar diens;

4.6.2.2.3 vakleerlinge wat kragtens die voorwaardes van die Vakleerlingopleidingsraad vir Plaaslike Owerhede (VOPO) aangestel is.

4.6.2.3 Werknemers wat in enigeen van die drie kategorieë in klousule 4.6.2.2 val, word betaal op die grondslag van hul munisipale salarisse/loon by die aanvang van hul Weermagopleiding, minus soldy en toelaes (uitgesonderd die daaglikse gebiedstoelae) ten opsigte van gewone munisipale werkdae: Met dien verstande dat die betrokke werknemers voordat hulle met hul Weermagopleiding begin—

4.6.2.3.1 skriftelik onderneem om ná voltooiing van hul opleiding vir 'n tydperk gelyk aan hul opleidingstermyn by die Stadsraad te werk of by versuim daarvan, die volle of *pro rata*-deel van hul munisipale salarisse/loon wat aldus gedurende hul opleiding betaal is, aan die Stadsraad terug te betaal; en

4.6.2.3.2 inwillig (waar van toepassing) dat die besoldiging ingevolge klousule 4.6.2.3 teruggehou word tot tyd en wyl hulle ná voltooiing van hul Weermagopleiding na die Stadsraad se diens terugkeer, soos in klousule 4.6.2.5 bepaal.

4.6.2.4 Behoudens die voorwaardes in klousules 4.6.2.1 en 4.6.2.2 vervat, word werknemers wat ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), **verpligte** militêre diens doen, uitsluitende hul aanvanklike basiese opleiding, met ingang van 1 April 1988 hul volle munisipale salarisse/loon teen die heersende koers gedurende die opleidingstermyn betaal, en geen aftrekking word gedoen vir geld wat die Suid-Afrikaanse Weermag aan hulle betaal nie.

4.6.2.5 Werknemers wat in die kategorie in klousule 4.6.2.2.1 val, word maandeliks die gelykstellingsbedrag (munisipaal) betaal oor 'n tydperk gelyk aan hul Weermagopleidingstermyn, beginnende wanneer hulle na die Raad se diens terugkeer ná voltooiing van hul aanvanklike dienspligtermyn.

4.6.2.6 Werknemers wat in die kategorie in klousule 4.6.2.2.2 val, word vanaf die begin van hul aanvanklike dienspligtermyn die gelykstellingsbedrag (munisipaal) betaal.

4.6.2.7 Ondanks enige strydige bepalings in dié Ooreenkoms val die oploepbare deel van werknemers se verlofgeregtigheid vir net een jaar, asook die jaarlikse bonus vir een jaar, hul toe ten opsigte van hul aanvanklike dienspligtermyn, en werknemers word gedurende hul eerste jaar in die Raad se diens ná voltooiing van hul aanvanklike dienspligtermyn op hierdie voordele geregtig.

4.6.2.8 Indien die toepassing van enigeen van die bepalings van klousules 4.6.2.2 tot en met 4.6.2.7 enige ontbering veroorsaak, moet besonderhede van die geval by die bestuurspan aangemeld word, wat met inagneming van die omstandighede daaroor beslis.

4.6.2.9 Werknemers wat gedurende hul proeftyd Weermagopleiding ondergaan, moet ná gemelde opleiding en voordat hul aanstellings bekragtig word, hul volle proeftyd by die Stadsraad uitdien.

4.6.3 Studie/Eksamens:

Werknemers wat studiekursusse volg wat deur die Beleids- en Middelkomitee goedgekeur is, kan met die goedkeuring van die betrokke departementshoof, op onderstaande grondslag spesiale verlop met volle betaling kry; die besluit oor die maksimum verlop wat gedurende 'n kalenderjaar aan enige spesifieke werknemer toegestaan kan word, berus by die stadsklerk:

Studieverlop:

Universiteitsgraad of ekwivalent soos deur die Raad vir Geesteswetenskaplike Navorsing bepaal: *drie dae* ten opsigte van elke eksamenvraestel wat geskryf word.

Diplomakursus by 'n technikon: twee dae ten opsigte van elke eksamen vraestel wat geskryf word.

Ander studierigtings: een dag ten opsigte van elke eksamen vraestel wat geskryf word.

Indien die studiekursusse nie in bogenoemde kategorieë val nie, bepaal die Stadsklerk die aantal dae spesiale verlof (hoogstens drie dae).

Geen studieverlof word vir die herskryf van eksamen vraestelle toegestaan nie.

Eksamenverlof:

Een dag ten opsigte van elke dag waarop die werknemer 'n eksamen vraestel of -vraestelle skryf.

4.6.4 *Verskyning as getuie:*

Spesiale verlof met volle betaling word aan 'n werknemer toegestaan ingeval hy gedagvaar word om as getuie in die hof te verskyn, vir die tydperk wat hy in die hof, hetsy 'n siviele of kriminele hof, teenwoordig moet wees en die minimum tyd wat vir die heen-en-terugreis vereis word: Met dien verstande dat die getuiegeld, behalwe vergoeding vir onkoste deur sodanige werknemer ontvang, aan die Stadsraad betaal word.

4.6.5 *Vir afsonderingsdoeleindes:*

Spesiale verlof met volle betaling word aan 'n werknemer toegestaan vir afsonderingsdoeleindes volgens die voorskrifte en sertifikaat van 'n mediese praktisyn in gevalle waar 'n gesinslid 'n besmetlike of aansteeklike siekte opgedoen het of indien die werknemer in aanraking was met iemand wat 'n besmetlike of aansteeklike siekte opgedoen het of as daar vermoed word dat hy aan so 'n siekte ly.

4.6.6 *Vergaderings:*

Spesiale verlof met volle betaling word aan 'n werknemer toegestaan —

4.6.6.1 om die vergaderings van 'n raad of uitvoerende komitee van enige instituut van munisipale amptenare by te woon;

4.6.6.2 wat lid is van die algemene uitvoerende raad van die Vereniging om die Vereniging se algemene uitvoerende raadsvergaderings by te woon: Met dien verstande dat verlof van meer as tien werkdade per jaar onderworpe is aan die goedkeuring van die betrokke departementshoof en van die Direkteur: Administrasie en kragtens die Delegasie van Bevoegdhede gehanteer word;

4.6.6.3 wat as werknemerafgevaardigde deur die plaaslike tak van die Vereniging aangewys word om nasionale konferensies van die Vereniging, wat elke drie jaar gehou word, by te woon: Met dien verstande dat —

4.6.6.3.1 die spesiale verlof vooraf deur die bestuurspan goedgekeur word en dit hoogstens vyf werkdade per konferensie behoort;

4.6.6.3.2 die spesiale verlof tot hoogstens drie werknemerafgevaardigdes per konferensie beperk word;

4.6.6.4 wat as werknemerafgevaardigde deur die plaaslike tak van die Vereniging aangewys word om die jaarlikse konferensie van munisipale vakbonde by te woon: Met dien verstande dat die spesiale verlof nie twee werkdade oorskry nie en tot hoogstens drie werknemerafgevaardigdes per konferensie beperk word: Met dien verstande voorts dat 'n verwysing in klousule 4.6.6 na spesifieke liggame in die SAVMW *mutatis mutandis* van toepassing is op soortgelyke liggame van enige ander instansie wat deur die omskrywing in klousule 1.1 gedek word.

4.6.7 Spesiale verlof met volle betaling kan vir die tydperk waartydens daar van 'n werknemer vereis word om 'n arbitrasiehof by te woon waarin die Stadsraad deel het, toegestaan word.

4.6.8 Spesiale verlof, met tye en voorwaardes deur 'n Stadsraadsbesluit bepaal, kan aan 'n werknemer toegestaan word vir doeleindes waarvoor daar nie elders voorsiening gemaak word nie.

4.7 *Onbetaalde verlof*

4.7.1 Onbetaalde afwesigheidsverlof van hoogstens dertig werkdade kan toegestaan word vir tydperke wat die betrokke departementshoof in oorleg met die stadsklerk goedkeur. Verlof van langer as dertig werkdade moet vooraf deur die bestuurspan goedgekeur word en is onderworpe aan die voorwaardes waarop dié span besluit.

4.7.2 By die berekening van die bedrag wat ten opsigte van onbetaalde verlof van vergoeding afgetrek moet word, word die eerste werkdag waarop die betrokke werknemer van die werk afwesig is, by die aantal dae ingesluit, en daarna alle dae, hetsy werkdade of nie, tot en met die laaste werkdag vóór die dag waarop hy diens hervat.

4.7.3 Onbetaalde kraamverlof word, onderworpe aan die goedkeuring van die betrokke departementshoof in oorleg met die stadsklerk, vir hoogstens drie maande toegestaan: Met dien verstande dat —

4.7.3.1 vier weke van dié verlof onmiddellik voor die verwagte bevallingsdatum en agt weke onmiddellik daarna geneem word;

4.7.3.2 die onbetaalde verloftydperk vir die doeleindes van die jaarlikse verhoging, verlofoploping en die jaarlikse diens-/bonusgeregtigheid as diens tyd beskou word.

4.7.4 Onbetaalde kraamverlof van meer as drie maande moet vooraf deur die bestuurspan goedgekeur word en is onderworpe aan die voorwaardes waarop dié span besluit.

4.8 Werk tydens verloftyd

'n Werknemer mag nie terwyl hy met verlof afwesig is, hetsy met volle betaling, halfbetaling of sonder betaling, enige ander werk of betrekking met besoldiging aanvaar nie, tensy hy vooraf toestemming van die stadsklerk gekry het.

4.9 Een rusdag elke sewe dae

Die beginsel van een rusdag elke sewe dae geld in gevalle waar daar van werknemers verlang word om in die loop van hul gewone pligte op Sondae te werk.

4.10 Siekteverlof

4.10.1 Behoudens enige tersaaklike bepaling in die Wet op Basiese Diensvoorwaardes, 1983 (Wet No. 3 van 1983), met betrekking tot werknemers op wie die wetgewing van toepassing is—

4.10.1.1 is gesalarieerde werknemers en nie-gesalarieerde werknemers op die volgende siekteverlof geregtig:

<i>Werknemergroep</i>	<i>Geregtigheid in driejaarsiklus</i>
Gesalarieerde werknemers met 'n vyfdagwerkweek:	100 werkdade met volle betaling en 100 werkdade met halfbetaling.
Gesalarieerde werknemers met 'n sesdagwerkweek:	120 werkdade met volle betaling en 120 werkdade met halfbetaling.
Nie-gesalarieerde werknemers met 'n vyfdagwerkweek:	45 werkdade met volle betaling.
Nie-gesalarieerde werknemers met 'n sesdagwerkweek:	54 werkdade met volle betaling.
Nie-gesalarieerde werknemers met 'n vyfdagwerkweek in loonskale vóór 1990-07-01, skale 20–24 uitgesluit:	75 werkdade met volle betaling en 75 werkdade met halfbetaling.
Nie-gesalarieerde werknemers met 'n sesdagwerkweek in loonskale vóór 1990-07-01, skale 20–24 uitgesluit:	90 werkdade met volle betaling en 90 werkdade met halfbetaling.

Met dien verstande dat werknemers wat die Raad se diens na die aanvang van 'n nuwe siklus betree, geregtig is op siekteverlof wa op 'n *pro rata*-grondslag volgens die onverstreke voltooide maande van die siklus bereken word.

LET WEL: Die driejaarsiklus ten tyde van die instelling van hierdie hersiene Diensvoorwaardes het op 1 Januarie 1971 begin.

4.10.1.2 is beheerkamer- en uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste in die driejaarsiklus op siekteverlof van 140 kalenderdae met volle betaling en 140 kalenderdae met halfbetaling geregtig.

4.10.2 Indien spesiale omstandighede 'n afwyking van die siekteverlofbepalings regverdig, kan die Stadsklerk in oorleg met die betrokke departementshoof langer siekteverlof toestaan.

4.10.3 Die werknemer moet so gou moontlik na die eerste dag waarop hy met siekteverlof afwesig is, 'n mediese sertifikaat aan die departementshoof voorleë, maar 'n departementshoof kan tot drie werkdade wag voordat hy op die voorlegging van dié sertifikaat aandring, behalwe wanneer siekteverlof kragtens klousule 4.6.5 aan 'n werknemer toegestaan word.

4.10.4 Ongebruikte siekteverlof verval aan die einde van 'n siklus.

4.10.5 Die betrokke departementshoof kan op enige tydstip eis dat 'n werknemer met siekteverlof hom deur twee geneeshere (waarvan een die Stadsgesondheidshoof is, of sy adjunk, of 'n ander mediese beampde deur hom gemagtig) laat ondersoek. Die werknemer het die reg om die ander geneesheer aan te wys. Die bestuursplan kan na oorweging van die gesamentlike aanbevelings van die geneeshere die betaling van enige besoldiging aan die betrokke werknemer ten opsigte van sodanige siekteverlof staak.

4.10.6 Betaalde siekteverlof kan op die volgende grondslag aan tydelike werknemers toegestaan word:

<i>Gesalarieerde werknemers</i>	<i>Vyfdagwerkweek</i>	<i>Sesdagwerkweek</i>
Gedurende die eerste diensjaar	10	12
Ná een jaar	20	24
<i>Nie-gesalarieerde werknemers</i>	<i>Vyfdagwerkweek</i>	<i>Sesdagwerkweek</i>
Gedurende die eerste diensjaar	10	12
Ná een jaar	12	14

Met dien verstande dat betaalde siekteverlof gedurende die eerste ses diensmaande toegestaan kan word op die grondslag van een werkdag vir elke voltooide tydperk van vyf weke diens in die geval van werknemers met 'n vyfdagwerkweek en een werkdag vir elke voltooide kalendermaand diens in die geval van alle ander werknemers.

4.10.7 In die geval van 'n aangestelde in 'n vaste betrekking aan wie die Stadsgesondheidshoof 'n gekwalifiseerde mediese sertifikaat uitreik of uitgereik het waarop aangedui word dat die betrokke persoon nie voldoen aan die vereistes van die voorgeskrewe mediese ondersoek vir toelating tot enigeen van die Stadsraad se munisipale pensioenfondse nie dog nietemin as geskik vir aanstelling in die munisipale diens beskou word, word siekteverlof—

4.10.7.1 beperk tot die siekteverlofgeregtigheid van toepassing op tydelike werknemers ten opsigte van alle afwesigheid as gevolg van die gezondheidstoestand wat daartoe aanleiding gegee het dat 'n gekwalifiseerde mediese sertifikaat uitgereik is; en

4.10.7.2 toegestaan op die grondslag van die gewone siekteverlofgeregtigheid vir afwesigheid weens enige ander siekte: Met dien verstande dat die totale aantal dae wat in 'n siklus toegestaan word, nie laasgenoemde geregtigheid oorskry nie.

4.10.8 Behalwe in die geval van uniformdraende verkeerspersoneel en beheerkamer- en uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste sluit die aantal dae aan die hand waarvan die aftrekking vir onbetaalde siekteverlof bereken word, die eerste werkdag in waarop die betrokke werknemer afwesig is, en daarna alle dae, hetsy werkdag al dan nie, tot en met die laaste werkdag voor die dag waarop diens hervat word.

4.10.9 Die salarisse van uniformdraende verkeerspersoneel wat skofte werk, word t.o.v. onbetaalde siekteverlof vir 'n *pro rata*-tydperk van 'n maand soos volg aangepas:

$$\frac{\text{Aantal werkdag onbetaalde siekteverlof}}{250} \times \text{jaarlikse salaris}$$

4.10.1 Die salarisse van beheerkamer- en uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste word t.o.v. onbetaalde siekteverlof soos volg aangepas:

$$\frac{\text{Aantal kalenderdae onbetaalde siekteverlof}}{365} \times \text{jaarlikse salaris}$$

4.11 Mediese sertifikaat

'n Mediese sertifikaat ten opsigte van siekteverlof moet die naam van die persoon wat ondersoek is, die aard van die siekte en die tydperk (of 'n skatting) van sy afwesigheid uit die werk aandui.

4.12 Siekteverlof as gevolg van militêre diens

'n Werknemer wat weens die gevolge van aktiewe militêre opleiding of diens langer siekteverlof moet neem as die siekteverloftermyn met volle betaling waarop hy normaalweg geregtig is, ontvang sy volle besoldiging vir sodanige tydperk, onderworpe daaraan dat die nodige mediese sertifikaat ingedien word, maar hoogstens vir ses maande. Indien die siekteverlof langer as ses maande duur, moet die aangeleentheid vir oorweging en verdere opdragte aan die stadsklerk voorgelê word.

4.13 Siekteverlof vir deeltydse werknemers

4.13.1 Siekteverlof soos in dié klousule bepaal, kan aan deeltydse werknemers toegestaan word.

4.13.2 Die siekteverlofgeregtigheid van 'n deeltydse werknemer is 'n *pro rata*-gedeelte van die siekteverlofgeregtigheid van 'n voltydse werknemer in dieselfde betrekking, bereken volgens die verhouding tussen die aantal ure wat die deeltydse werknemer moet werk en die aantal ure wat die voltydse werknemer moet werk.

4.13.3 Klousules 4.10.1 tot 4.10.10 is *mutatis mutandis* op deeltydse werknemers van toepassing.

4.14 Indiensbesering

4.14.1 Ingeval 'n werknemer as gevolg van en in die loop van sy werk 'n besering opdoen wat hom ongeskik vir werk maak, word, mits die stadsklerk oortuig is dat die ongeluk nie aan die nalatigheid van die werknemer te wyte is nie en mits laasgenoemde se geneesheer die vereiste mediese sertifikaat uitreik, sy volle salaris of loon uitbetaal vir die tydperk waartydens hy ongeskik vir werk is, maar hoogstens vir ses maande. Met dien verstande egter dat indien dié ongeskiktheid langer as ses maande duur, die aangeleentheid vir oorweging en verdere opdragte aan die Komitee voorgelê word, welke oorweging en opdragte aan die bepalings van die Ongevallewet moet voldoen. Spesiale verlof wat as gevolg van 'n indiensbesering toegestaan word, maak nie deel uit nie van of verminder nie die gewone siekteverlof wat ingevolge die voorafgaande bepalings beskikbaar is nie.

4.14.2 In gevalle kragtens klousule 4.14.1 waar 'n derde party (nie die Stadsraad of enigeen van sy werknemers nie) strafregtelik aanspreeklik is vir 'n werknemer se beserings of ongeskiktheid, moet die werknemer sy reg om 'n eis vir salaris- of loonverlies in te stel, aan die Stadsraad afstaan, of anders, indien die werknemer die derde party dagvaar, moet hy by sy eis 'n bedrag insluit wat verteenwoordigend van salarisse en lone is wat ingevolge klousule 4.14.1 betaal word en indien sy aksie slaag, is hy verplig om die bedrag wat hy vir dié deel van sy eis ontvang, aan die Stadsraad te betaal.

4.14.3 Die bepalings van klousule 4.14.2 is *mutatis mutandis* van toepassing op werknemers wat buite diens tyd beserings opdoen wat aanleiding gee tot afwesigheid van die werk. Indien siekteverlof met betaling aan die werknemers toegestaan word en laasgenoemde bedrag of 'n deel daarvan aan die Stadsraad terugbetaal word, word die werknemers se siekteverlofgeregtigheid na verhouding herstel.

4.15 Wysiging van indiensnemingsgrondslag

Indien 'n werknemer in 'n tydelike of los hoedanigheid in diens geneem word en later in die vaste personeelkorps aangestel word of wanneer die bevordering of oorpasing van 'n werknemer hom in 'n ander verlofkategorie plaas, word alle verlof ingevolge hierdie voorwaardes bereken vanaf die datum waarop hy sy nuwe betrekking aanvaar en word hy gekrediteer met alle orige verlof waarop hy in sy vorige betrekking geregtig was.

5. WERKURE EN OORTYD

5.1 Werkure

5.1.1 Behalwe waar daar in wetgewing spesiale voorsiening vir sekere werknemers gemaak word, is die werkure dié wat van tyd tot tyd deur die Munisipale Onderneming vasgestel word.

5.1.2 'n Lys gesalarieerde betrekkings waarin werknemers op die grondslag van 'n 45-uurwerkweek in diens geneem word, verskyn in Bylae A.

5.2 Oortyd (alle werknemers)

- 5.2.1 Werknemers, uitgesonderd dié wat betrekings in graad 14 of hoër van die Stadsraad se graderingskema beklee, word vir oortydwerk betaal teen een en 'n derde maal hul gewone loontarief: Met dien verstande dat departementshoofde na goeë dunke vrye tyd in plaas van besoldiging vir oortydwerk kan toestaan wanneer daar nie dringende werk is nie.
- 5.2.2 'n Werknemer, uitgesonderd 'n skofwerker, wat meer as tien uur per week oortyd werk, se besoldiging vir die ekstra oortyd word bereken teen 'n koers van minstens een en 'n half maal sy salaris per uur of gedeelte van 'n uur.
- 5.2.3 Die koers vir oortydwerk deur gesalarieerde werknemers op Sondae en openbare vakansiedae, uitgesonderd werknemers in 'n betrekking waarin ononderbroke diens, ingedeel in drie skofte per dag, nodig is en uitgesonderd dié wat betrekings in graad 14 of hoër beklee, word op die volgende grondslag bereken:
- 5.2.3.1 Wanneer 'n werknemer op 'n Sondag werk, moet die Stadsraad óf—
- 5.2.3.1.1 die volgende aan die werknemer betaal—
- 5.2.3.1.1.1 indien hy hoogstens vier uur werk, minstens die gewone besoldiging betaalbaar ten opsigte van die tydperk wat hy gewoonlik op 'n weekdag werk;
- 5.2.3.1.1.2 indien hy langer as vier uur werk, besoldiging teen minstens dubbel sy gewone koers ten opsigte van die totale werktyd op die betrokke Sondag, of besoldiging van minstens dubbel die gewone koers betaalbaar ten opsigte van die tydperk wat hy gewoonlik op 'n weekdag werk, wat ook al die meeste is; óf
- 5.2.3.1.2 Die werknemer teen 'n koers van minstens een en 'n derde maal sy gewone koers besoldig vir die totale tyd wat hy dié Sondag gewerk het, en binne sewe dae vanaf dié Sondag een dag verlof aan hom toestaan en hom daarvoor teen minstens sy gewone besoldigingskoers besoldig asof hy dié dag sy gemiddelde aantal gewone werkure vir daardie dag van die week gewerk het (die bepaling van klousule 4.9 geld nie in hierdie geval nie).
- 5.2.3.2 Wanneer 'n werknemer op 'n openbare vakansiedag werk, moet hy teen sy gewone koers besoldig word vir die werk wat hy dié dag in sy gewone werkure verrig en teen dubbel sy gewone koers vir die tyd wat hy buite sy gewone diensure werk, bo en behalwe die besoldiging waarop hy geregtig sou gewees het indien hy nie dié dag gewerk het nie: Met dien verstande dat die departementshoof hom na goeë dunke tyd kan vrygee vir die oortyd wat hy gewerk het.
- 5.2.3.3 Wanneer daar ook al van 'n werknemer wat op die grondslag van 'n vyfdagwerkweek, naamlik Maandag tot Vrydag, aangestel is, verwag word om op 'n Saterdag wat 'n openbare vakansiedag is, oortyd te werk, moet hy teen dubbel sy gewone koers vergoed word vir die werklike aantal ure wat hy dié dag oortyd gewerk het.
- 5.2.4 Werknemers op salarisgraad 14 of hoër kan tyd vry ontvang vir oortyd gewerk: Met dien verstande dat indien enigeen van dié werknemers gereeld oortyd moet werk, die departementshoof hierdie feit aan die bestuursspan moet oordra vir enige instruksies wat die span nodig ag ten opsigte van die betrokke werknemer.
- 5.2.5 Geen werknemer in 'n betrekking op graad 13 of laer is geregtig op oortydbetaling wanneer hy in 'n betrekking op graad 14 of hoër waarneem en 'n waarnemingstoelae soos klousule 6.3 bepaal, ontvang nie.
- 5.2.6 In gevalle waar die oortydbepalings in enige tersaaklike wetgewing wat werknemers raak, gunstiger as die diensvoorwaardes is, word eersgenoemde toegepas.
- 5.2.7 Oortyd wat vooruit gemagtig word (voorafbeplande of gereëide oortyd), moet deur die departementshoof of sy verteenwoordiger, wat 'n betrekking op graad 14 of hoër beklee, gemagtig word. Oortyd in noodgevalle moet ook deur die departementshoof of sy verteenwoordiger in 'n betrekking op graad 14 of hoër goedgekeur word.
- 5.2.8 Wanneer 'n skofwerker versoek word om die skof net vóór sy gewone skof te werk, word hy teen dubbel sy gewone koers vergoed vir die ure wat hy gedurende dié voorafgaande skof gewerk het.
- 5.2.9 Alle werknemers by die Churchill-waterwerke kry een Saterdagoggend per maand vry met betaling, onderworpe daaraan dat die nodige reëlins getref word om te verhoed dat oortyd as gevolg daarvan betaal word.
- 5.2.10 Alle departemente moet 'n register hou van alle oortyd wat gewerk word.

5.3 Werk op betaalde vakansiedae

- 5.3.1 Die tweede dag van Januarie en Paassaterdag is betaalde vakansiedae vir alle werknemers, mits diensvereistes dit toelaat. Indien nie, moet 'n ander dag in die plek daarvan aan die betrokke werknemers toegestaan word: Met dien verstande dat—
- 5.3.1.1 wanneer Nuwejaarsdag op 'n Sondag val, die daaropvolgende Maandag; en
- 5.3.1.2 wanneer Stigtingsdag op Goeie Vrydag val, die daaropvolgende Saterdag, vir die doel van hierdie klousule as die vakansiedag beskou word.

5.4 Gereedheidsdiens

- 5.4.1 Gesalarieerde werknemers wat dwarsdeur die jaar volgens 'n amptelike rooster gereedheidsdiens verrig, ontvang na goeëddunke van die betrokke departementshoof vyf ekstra dae nie-oplooptbare verlof per jaar of word 'n toelae vir dié gereedheidsdiens betaal soos wat van tyd tot tyd deur die Munisipale Onderneming goedgekeur word.

Nie-gesalarieerde werknemers wat amptelike gereedheidsdiens moet verrig, word die daaglikse toelae soos wat van tyd tot tyd deur die Munisipale Onderneming voorgeskryf word, daarvoor betaal.

- 5.4.2 Wanneer 'n werknemer op gereedheidsdiens vir werk uitgeroep word, moet hy net soveel tyd vrykry of teen die toepaslike oortydkoers of soos in tersaaklike wetgewing bepaal, betaal word.

5.5 Gewone en oortydvergoeding vir gesalarieerde werknemers en nie-gesalarieerde werknemers op 'n variërendeweekgrondslag (uitgesonderd verkeerspersoneel en operasionele personeel van die Departement Brand- en Nooddienste)

- 5.5.1 Wanneer 'n werknemer op 'n Sondag werk en dié dag deel van die weeklikse "enige vyf of ses dae uit sewe"-skof uitmaak, word hy teen een en 'n half maal sy gewone koers besoldig vir die gewone en oortydure wat hy dié Sondag gewerk het.

- 5.5.2 Wanneer die werknemer oortyd op enigeen van sy werkdae (uitgesonderd Sondae) Werk, word hy teen een en 'n derde maal sy gewone koers besoldig vir die werklike oortyd gewerk.

- 5.5.3 Wanneer 'n werknemer wat op 'n "enige vyf dae uit sewe dae"-grondslag aangestel is, op sy twee vry dae moet werk, word hy teen een en 'n derde maal sy gewone koers vir die werklike tyd wat hy op sy eerste vry dag gewerk het, besoldig, en teen dubbel sy gewone koers vir die werklike tyd wat hy op sy tweede vry dag gewerk het.

- 5.5.4 Wanneer 'n werknemer wat op 'n "enige vyf dae uit sewe"-grondslag aangestel is, op sy vry dag moet werk, word hy teen dubbel sy gewone koers besoldig vir die werklike tyd wat hy op die dag gewerk het.

- 5.5.5 Wanneer 'n werknemer wat op 'n "enige vyf dae uit sewe dae"-grondslag aangestel is, op enigeen van sy twee vry dae moet werk of 'n werknemer wat op 'n "enige ses dae uit sewe dae"-grondslag aangestel is, op sy vry dag moet werk en dié dag 'n openbare vakansiedag is, word hy teen sy gewone koers besoldig vir die werklike tyd wat hy op dié dag gewerk het, bo en behalwe die besoldiging waarop hy geregtig sou gewees het indien hy nie aldus gewerk het nie. Daarbenewens word hy teen dubbel (in plaas van een en 'n half maal) sy gewone koers besoldig, vir die skof wat hy die vorige Sondag gewerk het.

- 5.5.6 Wanneer 'n werknemer wat op 'n "enige vyf dae of ses dae uit sewe dae"-grondslag aangestel is, op 'n openbare vakansiedag werk, word hy teen sy gewone koers besoldig vir die tyd wat hy tydens sy gewone werkure op dié dag gewerk het en dubbel sy gewone koers vir die tyd wat hy buite sy gewone werkure gewerk het, bo en behalwe die besoldiging waarop hy geregtig sou gewees het indien hy nie aldus gewerk het nie: Met dien verstande dat betrokke departementshoof hom na goeëddunke tyd kan vrygee vir die oortyd gewerk.

- 5.5.7 Oortyd wat vooruit gemagtig word (voorafbeplande of gereëld oortyd), moet deur die departementshoof of sy verteenwoordiger, wat 'n betrekking op graad 14 of hoër beklee, gemagtig word. Oortyd in noodgevalle moet ook deur die departementshoof of sy verteenwoordiger in 'n betrekking op graad 14 of hoër goedgekeur word.

5.6 Oortydbesoldiging vir gesalarieerde uniformdraende verkeerspersoneel van die Verkeersdepartement in diens op 'n skofgrondslag, wat diens op Saterdag en Sondae insluit, asook sentrale beheerkamerpersoneel van die Departement Brand- en Nooddienste

- 5.6.1 Wanneer 'n werknemer op enigeen van sy vry dae (skofdae) oortyd werk, word hy teen een en 'n derde maal sy gewone koers besoldig vir die werklike tyd wat hy oortyd gewerk het: Met dien verstande dat die departementshoof die werknemer in plaas van voornoemde binne die daaropvolgende tien werkdae tyd kan vrygee vir die oortyd gewerk.

- 5.6.2 Wanneer 'n werknemer op 'n dag waarop hy normaalweg van diens af sou wees, moet werk, word hy teen een en 'n derde maal sy gewone koers ten opsigte van die werklike tyd wat hy op die dag gewerk het, besoldig, behalwe indien dié vry dag 'n Sondag of 'n Saterdag is en die Sondag van daardie bepaalde week deel van die weeklikse skof uitmaak, in welke geval hy teen dubbel sy gewone koers besoldig word.

- 5.6.3 Wanneer 'n werknemer op 'n dag waarop hy normaalweg van diens af sou wees, moet werk en dié dag 'n openbare vakansiedag is, word hy teen dubbel sy gewone koers besoldig vir die werklike tyd wat hy op dié dag gewerk het.

- 5.6.4 Wanneer 'n werknemer op 'n openbare vakansiedag moet werk, word hy teen sy gewone koers besoldig vir die tyd wat hy tydens sy gewone skofure op sodanige dag (vir daardie besondere skofweek) gewerk het, en teen dubbel sy gewone koers vir die tyd wat hy dié dag buite sy gewone skofure gewerk het, bo en behalwe die besoldiging waarop hy geregtig sou gewees het indien hy nie aldus gewerk het nie: Met dien verstande dat die departementshoof die werknemer na goeëddunke tyd kan vrygee vir oortyd gewerk.

- 5.6.5 Oortyd wat vooruit gemagtig word (voorafbeplande of gereëld oortyd), moet deur die departementshoof of sy verteenwoordiger in 'n betrekking op graad 14 of hoër goedgekeur word.

6. TOELAES**6.1 Jaarlikse bonus**

Alle voltydse werknemers, gereelde deeltydse werknemers en deels geskikte werknemers wie se besoldiging deur die Departement van Mannekrag gesubsidieer word, word 'n nie-pensioendraende bonus gelyk aan 'n twaalfde van hul basiese jaarlikse besoldiging betaal op die laaste werkdag van die maand waarin hulle verjaar. Met dien verstande dat—

- 6.1.1 'n werknemer, hetsy 'n vaste werknemer al dan nie, wat vir 'n bonus kwalifiseer en oor minder as een jaar ononderbroke diens by dié munisipaliteit beskik, se bonus bereken word volgens die verhouding tussen die voltooide diensmaande en 12 maande en aan die einde van die verjaringsmaand van die werknemer se aanstelling betaalbaar is, waarna die bonus op die gewone tyd soos vroeër in die Diensvoorwaardes gemeld, betaalbaar is;
- 6.1.2 'n werknemer wat vir 'n bonus kwalifiseer en wat ingevolge die pensioen- of voorsorgfondsreëls aftree of afgetree het, of 'n kwalifiserende werknemer wat gedurende sy dienstermyn sterf, se bonus bereken word volgens die verhouding tussen die voltooide diensmaande sedert die werknemer se laaste kwalifiserende datum en 12 maande, welke bedrag op die laaste dag in diens betaal moet word.

6.2 Langdiensbonus

- 6.2.1 By voltooiing van 10 jaar ononderbroke diens ontvang werknemers 'n langdiensbonus (arbitrasiebeslissing van 26 Februarie 1979) gelyk aan 2% van hul basiese vergoeding, welke bonus jaarliks by voltooiing van elke ononderbroke diensjaar betaal word en tot onderskeidelik 3%, 4% en 5% by voltooiing van 15, 20 en 25 ononderbroke diensjare verhoog word.
- 6.2.2 By voltooiing van die vereiste aantal ononderbroke diensjare is die werknemer op die laaste kalenderdag voor die datum waarop hy op die bonus geregtig is, geregtig op die betaling van die bonus, bereken teen die toepaslike persentasie van sy jaarlikse vergoeding.
- 6.2.3 'n *Pro rata*-gedeelte van die langdiensbonus, indien van toepassing, is aan afgetrede werknemers betaalbaar of, in geval van die dood van 'n getroude lid, aan die oorlewende gade of, indien daar geen oorlewende gade is nie, in gelyke dele aan die kinders. Indien daar geen kinders is nie, word die bedrag in die boedel gestort. By die dood van 'n ongetroude lid moet betaling aan wettige afhanklikes gedoen word. Indien daar geen wettige afhanklikes is nie, moet die bedrag in die lid se boedel gestort word. Die bedrag word bereken volgens die aantal voltooide diensmaande sedert die laaste datum waarop die werknemer vir 'n langdiensbonus gekwalifiseer het.

6.3 Waarnemingstoelae

- 6.3.1 Wanneer 'n gesalarieerde werknemer of nie-gesalarieerde werknemer wat 'n pos in 'n salarisgraad beklee, minstens 10 opeenvolgende werkdae in 'n meer senior betrekking waarneem, of 14 opeenvolgende kalenderdae in die geval van uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste, word 'n toelae aan hom betaal teen 'n jaarlikse koers gelyk aan die helfte van die verskil tussen die maksimum jaarlikse besoldiging wat op die twee betrekkinge van toepassing is: Met dien verstande dat by die bepaling van genoemde tydperk enige onderbreking korter as drie dae as deel van genoemde tydperk beskou moet word indien dit deur enigeen van die volgende omstandighede veroorsaak is:
 - 6.3.1.1 Siekte;
 - 6.3.1.2 sterfte in gesin;
 - 6.3.1.3 verpligte Suid-Afrikaanse militêre diens; of
 - 6.3.1.4 dagvaarding om as getuie in die hof te verskyn.
- 6.3.2 Wanneer daar van 'n uurtariefwerknemer wat 'n pos in die loonskale beklee, verlang word om—
 - 6.3.2.1 in 'n betrekking hoër op in die loonskale waar te neem, moet 'n toelae aan hom betaal word soos wat van tyd tot tyd deur die Nywerheidsraad bepaal word en in die Raad se graderingskema aangedui word;
 - 6.3.2.2 in 'n betrekking in 'n salarisgraad waar te neem, geld die bepalinge in klousule 6.3.1.
- 6.3.3 'n Werknemer wat in 'n meer senior betrekking waarneem, moet al die werk en verantwoordelikhede van dié betrekking, of die grootste gedeelte daarvan, verrig en aanvaar.
- 6.3.4 Wanneer iemand in 'n meer senior betrekking moet waarneem, ongeag hoe lank, moet die departementshoof dié persoon skriftelik met ingang van 'n bepaalde datum aanstel en moet 'n afskrif van die aanstellingsbrief aan die stadsklerk en stadstesourier gestuur word. Die departementshoof moet die stadsklerk en stadstesourier in kennis stel sodra die waarnemingsaanstelling beëindig word.
- 6.3.5 Vir die doel van klousule 6.3.1 word waarnemingstoelae op die volgende grondslag bereken:

	<i>Faktor</i>
Vyfdagwerkweek.....	250
Sesdagwerkweek.....	300
Uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste	365

6.4 Studiehulp

Finansiële bystand met die verwerwing van opvoedkundige, beroeps- en akademiese kwalifikasies kan ingevolge die Stadsraad se studiehulpskema aan werknemers verleen word. Besonderhede kan van die departementshoofde of die stadsklerk verkry word.

6.5 Vervoertoelae

Vervoertoelae kan van tyd tot tyd na die Stadsraad se goeddunke aan werknemers toegestaan word indien hul werk vereis dat hulle van ander vervoer as munisipale voertuie gebruik maak. Vervoertoelae word nie as byverdienste beskou nie. Die grondslag van dié toelae is soos wat die Stadsraad van tyd tot tyd bepaal.

6.6 Voertuigversekering

Wanneer 'n gereelde maandelikse vervoertoelae of 'n geleentheidsvervoertoelae toegestaan word, is dit 'n voorwaarde dat die betrokke werknemers versekeringsdekking ten opsigte van sy voertuig voorsien wat minstens die balans van die derde party dek. Dit is die plig van alle departementshoofde om toe te sien dat 'n werknemer wat nie 'n gereelde vervoertoelae ontvang nie en sy eie motor vir munisipale sake moet gebruik, teen derde party risiko gedek is en dat die Stadsraad deur die werknemer se vrywaringsendossing van die versekerde se polis gedek word. Indien 'n werknemer sy privaat motor vir munisipale sake gebruik sonder dat hy aldus gedek is, sal hy nie daarvoor vergoed word nie, tensy die omstandighede deur die Stadsraad se gebeurlikheidspolis gedek word.

7. DISSIPLINE EN WANGEDRAG**7.1 Summiere ontslag van werknemers**

7.1.1 'n Werknemer van die Stadsraad word summier ontslaan indien—

7.1.1.1 hy van enigiemand vir homself of vir enigiemand anders omkoopgeskenke of -geld (uitgesonderd die byverdienste en toelae wat die Stadsraad betaal) aanvaar of verkry of instem om dit te aanvaar of dit probeer verkry as aanmoediging tot of beloning vir 'n handeling of versuim in verband met die Stadsraad se sake of werksaamhede of die toon of nalaat om te toon van begunstiging of onguns in verband met die Stadsraad se sake of werksaamhede;

7.1.1.2 hy self of deur sy gade, vennoot of sakegenoot, sonder die vooraf verkreeë toestemming van die Stadsraad en die Administrateur, 'n regstreekse of onregstreekse geldelike belang het in of regstreeks of onregstreeks betrokke is by of deel in die winste of voordele van enige kontrak met of werk wat vir die Stadsraad gedoen word: Met dien verstande dat die voorafgaande bepalings van hierdie paragraaf nie van toepassing is nie op—

7.1.1.2.1 'n kontrak aangegaan of werk onderneem deur 'n maatskappy wat kragtens wetgewing as 'n maatskappy geïnkorporeer of geregistreer is, bloot op grond van die feit dat die betrokke werknemer of sy gade, vennoot of sakegenoot 'n direkteur, aandeelhouer, effekthouer, werknemer of agent van die maatskappy is, uitgesonderd 'n private maatskappy soos in artikel 104 van die Maatskappywet, 1926, omskryf, waar die voordele en winste wat daaruit verkry word, normaalweg in belang van die maatskappy aangewend word;

7.1.1.2.2 die koop van enigiets wat deur openbare mededinging deur die Stadsraad verkoop word;

7.1.1.2.3 die koop van enigiets deur die Stadsraad op 'n veiling;

7.1.1.2.4 die lewering van goedere of dienste wat gewoonlik deur die Stadsraad aan die publiek voorsien of gelewer word teen 'n tarief wat deur wetgewing of 'n Stadsraadsbesluit vasgestel is;

7.1.1.2.5 die koop of besit van munisipale effekte; of

7.1.1.2.6 'n kontrak of werk ten opsigte waarvan die Administrateur, nadat hy hom daarvan vergewis het dat dit openlik en sonder voorwendsels of bedrieglike opset aangegaan of onderneem is en dat die belange van die Stadsraad nie daardeur benadeel word nie, die Stadsraad onthef van die verpligting om die betrokke werknemer te ontslaan.

7.1.2 'n Werknemer van die Stadsraad kan summier ontslaan word indien hy, terwyl hy voltyds in diens is, sonder die Stadsraad se toestemming regstreeks of onregstreeks by enige besigheid, professie, bedryf of beroep betrokke is of sonder die Stadsraad se toestemming werk teen besoldiging onderneem, behalwe in sy hoedanigheid van werknemer van die Stadsraad of kiesbeampte: Met dien verstande dat indien 'n werknemer se diens opgeskort word hangende 'n ondersoek en opklaring van 'n klag van wangedrag, hy met die vooraf verkreeë toestemming van die bestuursplan ander werk teen besoldiging kan doen tot tyd en wyl sy saak beslis is.

7.1.3 Niks wat hierin vervat word, moet vertolk word as sou dit die Stadsraad verhinder om 'n werknemer summier te ontslaan indien hy hom aan enige ander wangedrag wat ontslag regverdig, skuldig maak nie.

7.2 Wangedrag

7.2.1 'n Werknemer maak hom skuldig aan wangedrag indien hy—

7.2.1.1 enige bepaling van hierdie Diensvoorwaardes willens en wetens oortree;

7.2.1.2 nie 'n wettige opdrag van 'n persoon wat die gesag het om dit te gee, gehoorsaam nie, of dié opdrag verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of daad verset toon;

7.2.1.3 sy pligte nalatig of stadig uitvoer;

7.2.1.4 hom aan skandeliké, onwettige of onbehoorlike gedrag skuldig maak;

7.2.1.5 behalwe in die uitvoering van sy pligte, inligting wat hy in die loop van sy werk verkry, bekend maak of gebruik vir 'n ander doel as die uitvoering van sy amptelike pligte of inligting gebruik wat hy uit hoofde van sy posisie in die Stadsraad se diens verkry of meegedeel word, al het hy dié inligting nie rugbaar gemaak nie;

- 7.2.1.6 hom skuldig maak aan korrupsie, of omkoopgeld of -geskenke aanvaar;
- 7.2.1.7 nadat 'n administrasiebevel kragtens artikel 74 van die Wet op Landdroshowe, 1944, teen hom uitgereik is, verdere skuld van meer as R25 aangaan;
- 7.2.1.8 willens en wetens en met voorbedagte rade 'n onjuiste of onwaar stelling maak met die doel om 'n voorreg of voordeel ten opsigte van sy amptelike posisie of sy pligte te verkry of die Stadsraad te benadeel of te skaad;
- 7.2.1.9 sonder verlof of genoegsame rede langer as vyf werkdade of, in die geval van uniformdraende brandweerpersoneel van die Departement Brand- en Nooddienste, sewe opeenvolgende kalenderdade van diens afwesig is;
- 7.2.1.10 terwyl hy aan diens is of wanneer hy vir diens aanmeld of behoort aan te meld, onder die invloed van drank is; of
- 7.2.1.11 verslaaf is aan die oormatige gebruik van sterk drank of verdowingsmiddels, wat nadelig inwerk op die uitvoering van sy pligte,

en daar moet ooreenkomstig klousule 7.1.3 of 7.2.2 of 7.3 of 7.4 teen hom opgetree word.

7.2.2 Wanneer 'n werknemer hom aan wangedrag skuldig gemaak het maar nie ontslaan word nie, kan die Stadsraad—

- 7.2.2.1 hom waarsku en berispe;
- 7.2.2.2 een of meer van sy salarisverhogings kanselleer; of
- 7.2.2.3 sy vergoeding of graad, of albei, verlaag.

7.3 Skorsing van werknemers

- 7.3.1 Die departementshoof kan in oorleg met die stadsklerk, hangende 'n ondersoek of afhandeling van enige klagte, aantyging of klag van wangedrag wat na hul/sy mening moontlik ontslag kan regverdig, 'n werknemer wat redelikerwys van wangedrag verdink word, uit sy diens skors en 'n ander persoon tydelik in sy plek aanstel.
- 7.3.2 Die stadsklerk kan in oorleg met die burgemeester, hangende 'n ondersoek of afhandeling van enige klagte, aantyging of klag van wangedrag wat na hul/sy mening moontlik ontslag kan regverdig, enige departementshoof wat redelikerwys van wangedrag verdink word, uit sy diens skors en 'n ander persoon tydelik in sy plek aanstel. Die Raad kan die stadsklerk in soortgelyke omstandighede skors.
- 7.3.3 Wanneer 'n werknemer deur die stadsklerk uit sy amp geskors word, moet dit aan die eerste vergadering van die bestuursplan ná die skorsing gerapporteer word.
- 7.3.4 Geen werknemer is vir en gedurende die tydperk van sy skorsing uit diens op enige besoldiging of toelaes van die Stadsraad geregtig nie: Met dien verstande dat die Stadsraad, nadat die klagte, bewering of klag van wangedrag afgehandel is—
 - 7.3.4.1 aan 'n werknemer wat skuldig bevind is aan wangedrag, die volle of enige deel van sy besoldiging of toelaes vir die tydperk van skorsing kan betaal; en
 - 7.3.4.2 aan 'n werknemer wat nie aan wangedrag skuldig bevind is nie, sy volle besoldiging en toelaes vir die tydperk van skorsing moet betaal.
- 7.3.5 Wanneer 'n werknemer uit sy diens geskors word hangende 'n ondersoek en opklaring van 'n klag van wangedrag, kan hy met die vooraf verkreeë toestemming van die bestuursplan ander werk as in sy hoedanigheid van 'n werknemer van die Stadsraad teen besoldiging doen tot tyd en wyl sy saak beslis is.

7.4 Onderzoekverhore

- 7.4.1 'n Onderzoek na 'n klag van wangedrag teen 'n werknemer van die Stadsraad moet op versoek van die departementshoof of die stadsklerk gehou word deur die Direkteur: Administrasie of deur 'n persoon of persone wat hy hetsy in die algemeen of spesifiek aanwys, welke persoon/persone die stappe wat deur elke spesifieke geval vereis word, moet doen.
- 7.4.2 Die werknemer wat aangekla word, is geregtig om die ondersoek by te woon en getuienis te lewer en, hetsy persoonlik of deur 'n verteenwoordiger, aangehoor te word, en om 'n persoon wie se getuienis aangevoer word of wie se verklaring of klagte in die klag teen hom gebruik word, as getuie op te roep en onder kruisverhoor te neem.

7.5 Griewe en klagtes

- 7.5.1 'n Werknemer met 'n grief of klagte wat met sy werk verband hou, moet die aangeleentheid hoogstens sewe dae vanaf die datum waarop dit onder sy aandag gekom het, skriftelik aan sy departementshoof voorlê, waarop laasgenoemde die stappe moet doen wat hy nodig ag: Met dien verstande dat indien die betrokke werknemer ontevrede met die departementshoof se besluit is (welke besluit skriftelik verstrekk moet word), hy kan versoek dat die aangeleentheid by die Personeeladvieskomitee aangehangig gemaak word, en indien die departementshoof dit weier, hy regstreeks met die stadsklerk in verbinding kan tree, wat die aangeleentheid vervolgens aan die Personeeladvieskomitee vir oorweging moet voorlê.
- 7.5.2 'n Werknemer wat aandag wil vestig op enige aangeleentheid wat die Stadsraad se administrasie raak, hetsy in sy eie departement of nie, kan dit skriftelik aan sy departementshoof voorlê, wat die stappe wat hy nodig ag, doen en die betrokke werknemer van laasgenoemde in kennis stel. Indien die werknemer ontevrede met dié stappe van die departementshoof is, kan hy regstreeks met die stadsklerk in verbinding tree.

8. DIVERSE

8.1 *Waarnemende hoofde*

Wanneer 'n departementshoof uitstедig met Stadsraadsake is of met verlof of siek is, moet die persoon wat as adjunkhoof aangestel is, as departementshoof waarneem en moet laasgenoemde op dieselfde wyse as die betrokke departementshoof sy pligte uitvoer en beskik hy oor dieselfde bevoegdhede. Indien daar nie 'n betrekking van adjunkhoof op die departementele diensstaat is nie, is die volgende senior beampste in die betrokke departement verantwoordelik vir die uitvoering van sodanige pligte.

8.2 *Aftree-ouderdom*

8.2.1 Die aftree-ouderdom van werknemers word bepaal in die reëls van die aftreefonds waarvan die werknemer 'n lid is, uitgesonderd die stadsklerk, wie se aftree-ouderdom 65 jaar is.

8.2.2 Die Raad kan enige werknemer se diens met laasgenoemde se toestemming op die volgende grondslag verleng (behalwe die stadsklerk):

8.2.2.1 Werknemers wat lid is van die Port Elizabethse Munisipale Pensioenfonds, die Port Elizabethse Tweede Munisipale Pensioenfonds of die Port Elizabethse Munisipale Voorsorgfonds, vir 'n tydperk van hoogstens twee jaar na hul normale aftreedatum.

8.2.2.2 Werknemers wat lid is van die Port Elizabethse Munisipale Pensioenvoordeelfonds, op 'n tydelike grondslag vir 'n tydperk van hoogstens vyf jaar na hul normale aftree-ouderdom van 65 jaar.

8.3 *Diensbeëindiging*

8.3.1 Vaste gesalarieerde werknemers is onderworpe aan een kalendermaand skriftelike kennisgewing van diensbeëindiging (deur enigeen van die partye) tensy die Raad anders bepaal. Werknemers wat nog in hul proeftyd is, is onderworpe aan een week skriftelike kennisgewing van diensbeëindiging deur enigeen van die partye in die eerste vier weke diens, en twee weke kennisgewing daarna.

8.3.2 Tensy anders gemeld, is nie-gesalarieerde werknemers onderworpe aan twee weke kennisgewing van diensbeëindiging deur enigeen van die partye. Werknemers wat nog in hul proeftyd is, is onderworpe aan een week skriftelike kennisgewing van diensbeëindiging deur enigeen van die partye in die eerste vier weke diens.

8.3.3 Die diens van 'n vaste werknemer wat nog nie pensioenouderdom bereik het nie, kan beëindig word indien hy na die mediese raad se mening weens 'n liggaamlike of geestelike ongesteldheid wat nie deur sy eie toedoen veroorsaak is nie, onbevoeg of onbekwaam geword het om sy pligte uit te voer.

8.3.4 Die departementshoof kan, in oorleg met die Direkteur: Administrasie, na goeddunke bepaal dat werknemers wat met kennisgewing uit die Stadsraad se diens ontslaan word, salarisse in plaas van kennis ontvang sodat hulle nie kennistyd hoef uit te dien nie.

8.4 *Kommunikasie deur of met 'n werknemer*

8.4.1 Geen werknemer, behalwe 'n departementshoof of werknemer wat deur 'n departementshoof daartoe gemagtig word, mag 'n aangeleentheid wat op die beleid van die Stadsraad betrekking het met 'n Stadsraadslid of lid van die Bestuurskomitee van die Noordelike gebiede of die Malabar-bestuurskomitee bespreek nie.

8.4.2 Geen werknemer mag 'n Stadsraadslid of lid van die Bestuurskomitee van die Noordelike Gebiede of die Malabar-bestuurskomitee oor 'n aangeleentheid wat hom in sy hoedanigheid van werknemer raak, nader nie, behalwe deur sy departementshoof.

8.4.3 Geen werknemer, behalwe 'n departementshoof of die skakelbeampste, mag met die pers kommunikeer oor aangeleenthede wat die administrasie van die Stadsraad raak nie, tensy hy deur sy departementshoof daartoe gemagtig is.

8.4.4 Geen werknemer mag belastingbetalersverenigings of ander openbare liggame toespraak oor 'n aangeleentheid wat regstreeks of onregstreeks op die sake, besigheid of projekte van die Stadsraad betrekking het nie, behalwe as hy vooraf die stadsklerk se toestemming verkry het.

8.5 *Betaling van tydelike werknemers*

Werknemers in 'n tydelike hoedanigheid, behalwe diegene wat op 'n kontrakgrondslag aangestel is, ontvang salarisse of lone binne die graad of skaal wat op vaste werknemers van toepassing is, asook, behoudens die voorwaardes van klousule 2.2, jaarlikse verhogings binne die graad of skaal.

8.6 *Departementshoofde—bevoegdhede en pligte*

8.6.1 Elke departementshoof is verantwoordelik vir die doeltreffende en ekonomiese administrasie en bestuur van sy departement. Dit is die plig van elke werknemer wat verantwoordelik is vir die werk van ander werknemers om orde en dissipline te handhaaf en om toe te sien dat diegene wat onder hom werk, die diensure eerbiedig. Hy moet besondere aandag skenk aan doeltreffende werkreëling en aan die organisering van werknemers onder hom en moet kostefaktore in gedagte hou in sy keuse van werkmetodes en die aantal werknemers wat in diens geneem word.

8.6.2 'n Departementshoof moet inligting wat oor 'n werknemer in sy departement aangevra word, aan die stadsklerk of die komitee of die bestuurspan verskaf.

8.7 Verpligtinge van werknemers

8.7.1 'n Werknemer moet hom gedurende sy werkure ten volle aan sy diens in die Munisipaliteit en aan die nakoming van sy amptelike pligte wyl. Hy mag nie sonder die magtiging van die hoof of adjunkhoof (of aangewese hoof) van sy departement tydens werkure afwesig wees of sy vasgestelde bywoningsure verander of pligte omruil nie. In geval van siekte of 'n ongeluk moet hy die verantwoordelike beampte in sy departement onmiddellik in kennis stel of in kennis laat stel.

8.7.2 'n Werknemer is verantwoordelik vir die behoorlike en doeltreffende uitvoering van alle werk wat die hoof of adjunkhoof van sy departement aan hom toewys.

8.7.3 'n Werknemer kan opdrag ontvang om vir 'n tydperk buite sy gewone werkure te werk solank diensvereistes dit noodsaak, maar indien hy om goeie en genoegsame rede dit onmoontlik vind om dié diens te verrig, word dit nie beskou as 'n oortreding van die bepalings van hierdie paragraaf nie. Indien nodig, kan 'n departementshoof 'n werknemer opdrag gee om tydelik by enige plek en in 'n hoedanigheid wat redelik met sy normale status en beroep ooreenstem, behulpsaam te wees.

8.7.4 'n Werknemer moet hom beleefd en tegemoetkomend gedra en hoflike taal in alle amptelike stukke gebruik. Hy moet versoeke om inligting noukeurig beantwoord en moet, wanneer omstandighede dit regverdig, sy naam en amp verstrek wanneer hy daarom gevra word.

8.8 Gelde en verdienste gedurende werkure

'n Werknemer moet enige gelde of betaling wat hy ontvang wanneer hy gedurende werkure in enige hoedanigheid behalwe as kiesbeampte namens die Stadsraad optree of dienste lewer, aan die Stadsraad betaal.

8.9 Voordelige belang by die Stadsraad se kontrakte

'n Werknemer mag hom geensins met 'n winsoogmerk bemoei met of 'n belang verkry in enige ooreenkoms, kontrak of skikking hoegenaamd wat deur of met die Stadsraad aangegaan word nie. Met dien verstande egter dat hierdie verbod nie betrekking het op kontrakte wat hy met die Stadsraad aangaan ten opsigte van indiensneming en openbare dienste soos elektrisiteitsvoorsiening of aangeleenthede wat kragtens klousule 7.1 toegelaat word nie.

8.10 Gebruik van ander werknemers

'n Werknemer van die Stadsraad mag nie sonder die uitdruklike toestemming van die departementshoof ander werknemers van die Stadsraad vir persoonlike doeleindes gebruik nie.

8.11 Voorraad en goedere

8.11.1 Wanneer magasynvoorraad of goedere aan 'n werknemer uitgereik word, is hy verantwoordelik vir die veilige bewaring en ekonomiese en doeltreffende gebruik daarvan en die teruggêe van alle oorskietmateriaal, en moet hy vooraf die skriftelike toestemming van sy hoof verkry voor hy enige oorskietmateriaal gebruik vir 'n ander doel as waarvoor dit uitgereik is.

8.11.2 'n Werknemer mag geen eiendom of goedere van die Stadsraad gebruik of laat gebruik of van die Stadsraadsperseel verwyder of laat verwyder vir 'n ander doel as die uitvoering van sy amptelike pligte nie.

8.11.3 'n Werknemer moet met die uniforms en ander persoonlike toerusting uitgerus word wat vir die behoorlike verrigting van sy pligte vereis word, soos van tyd tot tyd bepaal. Met dien verstande dat alle sodanige uniforms en toerusting die Stadsraad se eiendom bly en voor 'n nuwe uitreiking of by diensbeëindiging teruggegee word, behalwe in gevalle waar die bestuursplan 'n werknemer as 'n spesiale vergunning toelaat om sy uniform na afrede te hou.

8.12 Persoonlike aangeleenthede

8.12.1 'n Werknemer moet sy departementshoof onmiddellik van 'n verandering van sy woonadres in kennis stel.

8.12.2 'n Werknemer mag nie, behalwe met die skriftelike toestemming van die stadsklerk, sy reg of aanspraak op salaris, loon of gelde wat die Stadsraad aan hom verskuldig is, sedeer of oordra nie.

8.12.3 Wanneer die stadstesourier van mening is dat die betekening van een of meer skuldbeslagorders ten opsigte van 'n werknemer se skuld 'n nadelige uitwerking op die Stadsraad se administrasie (uitgesonderd die blote betalings in verband met die skuldbeslagorders) en sodanige werknemer se werk kan hê, moet die stadstesourier dit aanmeld by die bestuursplan, wat dit as wangedrag kan beskou en ingevolge die bepalings van klousule 7 teen die werknemer kan optree.

8.13 Woonkwartiere

8.13.1 'n Werknemer mag nie sonder die magtiging van die Komitee die kwartiere wat die Stadsraad aan hom toegewys het, vir ander kwartiere verruil of die hele woonkwartiere of 'n deel daarvan onderverhuur nie.

8.13.2 Indien 'n werknemer wat in amptelike kwartiere of 'n Raadshuis woon, sterf, kan sy huisgesin op dieselfde voorwaardes vir 'n redelike tydperk van tot drie maande daarna in die betrokke woonplek aanbly, waarna die gesin toegelaat sal word om vir 'n verdere redelike tydperk aan te bly maar 'n lae huur, soos deur die stadstesourier bepaal, moet betaal word.

8.14 Gunswerwing

Persoonlike gunswerwing by Stadsraadslede of lede van die Bestuurskomitee van die Noordelike Gebiede of die Malabar-bestuurskomitee vir bevordering of begunstiging deur die Stadsraad is streng verbode en bewys daarvan sal 'n aansoeker vir aanstelling of bevordering diskwalifiseer en indien die aansoeker in die Stadsraad se diens is, word sy gedrag as wangedrag beskou.

8.15 Diens in openbare liggame

- 8.15.1 'n Werknemer mag 'n vergadering van 'n openbare liggaam gedurende werkure namens die Stadsraad bywoon net indien die goedkeuring van die betrokke departementshoof verkry is, die werkklas dit toelaat of in opdrag van die Stadsraad. Wanneer 'n werknemer 'n vergadering nie in opdrag van die Stadsraad bywoon nie, moet hy om verlof aansoek doen en is hy geregtig om enige gelde wat die betrokke liggaam aan hom betaal, te hou.
- 8.15.2 Indien dit as in belang van die munisipale diens beskou word, kan die Stadsraad eis dat 'n werknemer wat lid van 'n openbare liggaam is, daaruit bedank.

8.16 Bywoningsregisters

'n Departementshoof moet 'n bywoningsregister van alle werknemers in sy departement hou.

8.17 Regshulp

Wanneer ook al 'n eis of 'n regsgeeding teen 'n werknemer van die Stadsraad ingestel word na aanleiding van 'n daad wat die werknemer in die uitvoering van sy pligte of in die uitoefening van sy bevoegdhede gedoen of nagelaat het, moet die Stadsraad—

- 8.17.1 in die geval van 'n siviele eis of siviele saak, indien die Raad van mening is dat die werknemer te goeder trou en sonder nalatigheid opgetree het, laasgenoemde ten opsigte van sodanige eis of saak vrywaar, en—
- 8.17.1.1 reël vir die regsverteenvoordiging van sodanige werknemer op die Raad se koste of onderneem om sy getakseerde party-en-partykoste te betaal, en
 - 8.17.1.2 die eis skik en die bedrag wat ingevolge die skikking verskuldig is, betaal, of
 - 8.17.1.3 enige bedrag wat 'n hof teen hom toeken, betaal;
- 8.17.2 in die geval van 'n kriminele saak, indien die Raad van mening is dat die werknemer te goeder trou en sonder nalatigheid opgetree het, laasgenoemde teen aanspreeklikheid vir die gepaardgaande regskoste vrywaar of reël vir sy regsverteenvoordiging op die Raad se koste, en
- 8.17.3 indien die Raad by 'n kriminele saak van mening is dat dit in sy belang is, die werknemer teen aanspreeklikheid vir die gepaardgaande regskoste vrywaar of reël vir laasgenoemde se regsverteenvoordiger op die Stadsraad se koste: Met dien verstande dat die Stadsraad kan weier om ooreenkomstig die voorafgaande bepalings op te tree of stappe wat hy reeds gedoen het, kan staak en enige koste wat die Raad reeds namens die werknemer aangegaan het, van die werknemer kan terugeis indien die werknemer—
- 8.17.3.1 'n erkenning of verklaring doen wat na die Stadsraad se mening die verdediging van die saak bemoeilik, of
 - 8.17.3.2 'n betalings- of skikkingsaanbod gedoen het, of
 - 8.17.3.3 weier om die dienste van die regsverteenvoordiger wat die Stadsraad aanwys, te aanvaar, of
 - 8.17.3.4 versuim of weier om die inligting wat die Stadsraad verlang, te verstrek, of verkeerde of misleidende inligting verstrek, of
 - 8.17.3.5 versuim of weier om met die Stadsraad saam te werk of hulp wat die Stadsraad verlang, te verskaf.

8.18 Personeellêers

Die Personeelafdeling (Departement Stadsadministrasie) hou 'n volledige personeellêer van elke werknemer en die stadstesourier hou vir die berekening van salarisse en lone finansiële rekords van werknemers.

8.19 Diensvoorwaardes

- 8.19.1 By aanstelling in die diens van die Munisipaliteit word 'n werknemer op versoek voorsien van 'n eksemplaar van hierdie Diensvoorwaardes, asook die opdragte waarop die betrokke departementshoof besluit, indien dit nie strydig met dié voorwaardes is nie.
- 8.19.2 Dié Diensvoorwaardes vervang die voorwaardes wat voor 1 Oktober 1987 van krag was en word geag deel te wees van die dienskontrak tussen die Stadsraad en sy werknemers en word as daarby ingelyf beskou.

8.20 Betaling van rente

Enige geld wat 'n werknemer die Stadsraad kragtens 'n skriftelike ooreenkoms skuld, dra vanaf die vervaldatum tot die betaaldatum, albei datums ingesluit, rente teen die standaardrentekoers soos in die Munisipale Ordonnansie, 1974, omskryf en van tyd tot tyd vasgestel.

9. REIS- EN VERBLYFKOSTE**9.1 Uitgawes tydens afwesigheid met munisipale sake**

- 9.1.1 Werknemers wat die stad in opdrag van die Stadsraad vir munisipale sake verlaat om kongresse by te woon of afvaardigings of amptelike besoeke mee te maak, uitgesonderd na munisipale werke of installasies in Port Elizabeth, ontvang 'n toelae ten opsigte van reis- en verblyfkoste, soos wat van tyd tot tyd deur die Raad bepaal word.
- 9.1.2 Werknemers wat die stad in opdrag van die Stadsraad of departementshoof vir Raadsake verlaat maar nie oornagverblyf daarvoor nodig het nie, ontvang 'n toelae vir persoonlike uitgawes.

10. VAKLEERLINGE, LEERLINGE, TEGNICI EN VERPLEEGPERSONEEL**10.1 Vakleerlinge, leerlinge en tegnici**

Salarisse en lone: Die lone van vakleerlinge word van tyd tot tyd deur wetgewing of ooreenkomste bepaal en die salarisse van leerlinge en tegnici word in die Raad se graderingskema neergelê.

Wat as vaste werknemers beskou word: Leerlinge en leerlingtegnici word vir pensioenfondsdoeleindes as vaste werknemers beskou en is aan alle tersaaklike diensvoorwaardes onderworpe.

Indiensneming van vakleerlinge en leerlingambagsmanne op 'n kontrakgrondslag: Vakleerlinge en leerlingambagsmanne word op 'n kontrakgrondslag in diens geneem vir 'n tydperk gelyk aan die opleidingstermyn wat deur tersaaklike wetgewing voorgeskryf word en by voltooiing daarvan word hul dienste vir pensioenfondsdoeleindes geag beëindig te wees om ander redes as dié wat in die toepaslike reëls van die pensioenfondse vervat word, tensy die Stadsraad hul dienste ná verstryking van die vakleerlingkontrak behou.

Studie: Vakleerlinge, leerlinge en leerlingtegnici word toegelaat om groepvrystellingskursusse of ander kursusse by die Port Elizabethse Tegniëse Kollege of the Port Elizabethse Technikon by te woon indien die departementshoof van mening is dat dit die leerlinge met hul opleiding sal help.

Leerlinge in tuinboukunde: Ondanks die feit dat dié werknemers as leerlinge beskou word, moet hulle aan al die vereistes van die Wet op Mannekragopleiding, 1981 (Wet No. 56 van 1981), voldoen en alle ooreenkomste wat vereis word, aangaan.

10.2 Verpleegpersoneel

10.2.1 Voltydse verpleegpersoneel wat op 31 Desember 1975 in die Stadsraad se diens was en op die vaste diensstaat is, moet, afgesien van die bepalings in hierdie ooreenkoms, aan die volgende voorwaardes voldoen:

10.2.1.1 'n Werknemer in die verpleegpersoneel wat in die loop van sy werk 'n besering of siekte opdoen, kan spesiale siekteverlof van hoogstens ses maande met volle betaling vir die tydperk van ongeskiktheid vir werk ontvang: Met dien verstande dat indien dié ongeskiktheid langer as ses maande duur, die aangeleentheid egter vir oorweging en verdere opdragte aan die Komitee gerapporteer moet word, welke oorweging en opdragte ooreenkomstig die bepalings van die Ongevallewet, 1941, moet wees: Met dien verstande voorts dat waar die besering of siekte van so 'n aard is dat dit vergoeding ingevolge die Ongevallewet, 1941, regverdig, verlof met volle betaling, minus die vergoeding wat ingevolge die Ongevallewet betaalbaar is, vir die tydperk van onbevoegdheid toegestaan kan word.

10.2.1.2 Die spesiale voorwaardes wat die Departement van Gesondheid en Welsyn gestel het vir toelaes, uitgesonderd vervoertoelaes, jaarlikse bonusse en die waarde van voorregte, word beskou as spesiale diensvoorwaardes wat binne die betekenis van hierdie hoofstuk op verpleegpersoneel van toepassing is, en is onderworpe aan enige veranderinge of wysigings wat van tyd tot tyd deur die Departement van Gesondheid en Welsyn aangebring word.

11. PERSONEELADVIESKOMITEE

Die Personeeladvieskomitee is ingestel vir oorlegpleging tussen die Stadsraad en sy werknemers oor alle aangeleenthede wat die werknemers raak.

11.1 Samestelling

11.1.1 Die Personeeladvieskomitee bestaan vir die doel van die oorweging van sake wat net op die Suid-Afrikaanse Vereniging van Munisipale Werknemers betrekking het, uit vier lede van die Stadsraad en vier lede van die Port Elizabethse tak van die Vereniging, wat ingevolge klousule 11.1.2 werknemers van die Stadsraad moet wees. Die lede van die Stadsraad moet jaarliks deur die Stadsraad aangestel word en die lede van die Vereniging moet jaarliks binne 30 dae na die algemene jaarvergadering van die tak aangestel word op 'n wyse wat deur die Vereniging bepaal word. Lede van die Personeeladvieskomitee tree jaarliks uit, maar is herkiesbaar. 'n Sekundus moet vir elke lid aangestel word.

11.1.2 Die Vereniging kan die diensdoende sekretaris en/of assistentsekretaris van sy plaaslike tak as een van sy vier lede in die Personeeladvieskomitee aanstel, selfs al is hulle nie werknemers van die Stadsraad nie.

11.1.3 Die lede van die Personeeladvieskomitee stel uit eie geledere 'n voorsitter en adjunkvoorsitter aan wat elk sy amp 'n jaar lank beklee vanaf die eerste vergadering na die jaarlikse verkiesing van komitees van die Stadsraad, maar wat nie een 'n beslissende stem het nie.

11.2 Funksies

Die funksies van die Personeeladvieskomitee is om oorweging te skenk aan en daarna aan die vaste komitee verslag te doen oor alle voorstelle insake of betreffende—

11.2.1 die hergradering of -betiteling van betrekkings of persone;

11.2.2 die verandering of wysiging van dié Diensvoorwaardes;

11.2.3 enige ander aangeleentheid wat na die Komitee se mening die verhouding tussen die Stadsraad en sy personeel sal verbeter (insluitende enige versoek wat deur enige personeellid ingedien word) of die belange van die Stadsraad en sy werknemers sal bevorder; en ter bevordering van hierdie funksies, maar net ter inligting, word afskrifte van die sakelyste en notules van Komiteevergaderings aan die plaaslike taksekretaris van die Suid-Afrikaanse Vereniging van Munisipale Werknemers beskikbaar gestel.

11.3 Vergaderings

- 11.3.1 Die Personeeladvieskomitee vergader vanaf Oktober elke jaar minstens een keer elke twee maande, tensy daar onvoldoende sake vir bespreking is, en die datum van die vergaderings moet in die lys van vergaderings van die vaste komitees verskyn. Buitengewone vergaderings kan belê word, soos en wanneer nodig.
- 11.3.2 Departementshoofde of ander persone kan die vergaderings in 'n adviserende hoedanigheid bywoon wanneer die Komitee dit verlang.
- 11.3.3 Die Stadsklerk is verantwoordelik vir die sakelyste van dié vergaderings en die notule asook vir alle korrespondensie wat uit die vergaderings voortspruit.
- 11.4 Op dieselfde wyse en vir die oorweging van sake wat net op die Amalgamated Municipal Employees Association betrekking het, moet die Stadsraadslede in die Personeeladvieskomitee saam met vier werknemersverteenvoordigers van gemelde vereniging vergader ten einde deel te hê aan die funksies van die Personeeladvieskomitee soos uiteengesit in klousules 11.2 en 11.3 van dié voorwaardes.
- 11.5 Vir die oorweging van sake wat betrekking het op beide die Suid-Afrikaanse Vereniging van Munisipale Werknemers en die Amalgamated Municipal Employees Association moet die Stadsraadslede in die Personeeladvieskomitee saam met twee werknemersverteenvoordigers van die Suid-Afrikaanse Vereniging van Munisipale Werknemers en twee werknemersverteenvoordigers van die Amalgamated Municipal Employees Association vergader ten einde deel te hê aan die funksies van die Personeeladvieskomitee soos uiteengesit in klousules 11.2 en 11.3 van dié voorwaardes.

CHAPTER I**1. SCOPE OF APPLICATION**

The terms of this Agreement shall be observed in the Municipal Undertaking in the municipal area of Port Elizabeth by the City Council and by all employees of the City Council.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be specified by the Minister of Manpower in terms of section 48 of the Act, and shall remain in force until 30 June 1996 or for such period as may be determined by him.

CHAPTER II**CONDITIONS OF SERVICE****1. DEFINITIONS**

Unless otherwise provided by law, or the context indicates otherwise, the words and expressions used in these Conditions of Service shall have their normal meanings. Provided that those importing the masculine gender shall include the feminine and provided further that any term or expression used in this Agreement which is defined in the Labour Relations Act, 1956 (hereinafter referred to as "the Act"), shall have the same meaning as in that Act and any reference to an Act shall include any amendment thereof; further—

- 1.1 "**Association**" means the South African Association of Municipal Employees (non-political), the Port Elizabeth branch thereof the Amalgamated Municipal Employees' Association, and any other trade union (including the South African Municipal Workers' Union) with which the Council has entered into a recognition agreement, as the context may require; (1.24)
- 1.2 "**Assurer**" means the South African Mutual Life Assurance Society; (1.25)
- 1.3 "**casual employee**" means a person engaged for employment for a period not exceeding three days per week; (1.11)
- 1.4 "**City Council**" means the Council of the municipality of the city of Port Elizabeth or a committee or head of department duly delegated to act on behalf of the City Council; (1.21)
- 1.5 "**Committee**" means the standing committee which normally deals with staff matters, unless the context indicates otherwise; (1.10)
- 1.6 "**conditions of service**" means the conditions of service contained herein, as amended from time to time; (1.7)
- 1.7 "**continuous service**" means the period from the date of commencement of service to the date of the final termination of service and includes any period during which an employee is absent on duly authorised leave, and any period of suspension from duty when this is followed by reinstatement to the same or another position; (1.16)
- 1.8 "**deputy head**" means any employee who is designated as such and who acts for a head of department when the latter is absent in terms of these conditions of service; (1.1)
- 1.9 "**employee**" means any person employed in a permanent capacity in an approved post in the permanent establishment of the City Council and who is a contributor to one of the City Council's retirement funds and may include any person who is accepted by the City Council by resolution as a permanent employee, whether or not he becomes a contributor to one of the retirement funds; (1.27)
- 1.10 "**head of department**" means the executive official who is appointed as such and who is directly responsible to the City Council or the Town Clerk for the administration of a department or any employee who for the time being acts in that capacity; (1.6)
- 1.11 "**management team**" means the committee of officials appointed by the City Council; (1.3)

- 1.12 **"Medical Board"**— (1.12)
- (i) the City Council's Medical Officer of Health;
 - (ii) a specialist medical practitioner nominated by the retirement funds; and
 - (iii) a medical practitioner nominated by the employee;
- 1.13 **"medical certificate"** means a certificate signed by a medical or dental practitioner; (1.13)
- 1.14 **"municipal area"** means the area under the control of and any other area under the jurisdiction of the City Council, and **"Municipality"** means the body corporate as prescribed in section 3 of Municipal Ordinance No. 20 of 1974; (1.14)
- 1.15 **"Municipal Undertaking"** means the Industrial Council for the municipal undertaking of Port Elizabeth; (1.15)
- 1.16 **"Ordinance"** the Cape Municipal Ordinance No. 20 of 1974, or any law in substitution thereof; (1.18)
- 1.17 **"part-time employee"** means an employee who works fewer hours each day or week than normally prescribed for a full-time employee in this Agreement; (1.5)
- 1.18 **"public holiday"** means any holiday declared in terms of Act No. 5 of 1952 to be such, namely New Year's Day, Founder's Day, Good Friday, Family Day, Republic Day, Kruger Day, Day of the Vow, Christmas Day, Day of Goodwill and 1 May and such others as may from time to time be established by law, and includes any day declared by resolution of the City Council to be a public holiday; (1.17)
- 1.19 **"retirement fund"** means the Port Elizabeth Municipal Pension Fund, the Port Elizabeth Second Municipal Pension Fund, the Port Elizabeth Municipal Provident Fund or the Port Elizabeth Municipal Pension Benefit Fund as they are constituted and administered in terms of the rules in operation from time to time (1.2)
- 1.20 **"semi-fit employee"** means an employee whose remuneration is subsidised by the Department of Manpower; (1.4)
- 1.21 **"Staff Advisory Committee"** means the committee constituted in terms of clause 11; (1.19)
- 1.22 **"stand-by duty"** means the duty undertaken by employees according to a roster compiled by the head of department in terms of which they are required to stand by as and when required, either at home or at another appointed venue, for specified periods after normal working hours; (1.8)
- 1.23 **"temporary employee"** means any person engaged for specific short-term work by authority of the City Council for a fixed period not exceeding two years or any employee whose remuneration is subsidised by the Department of Manpower, but excludes employees who are remunerated in terms of the City Council's operative wage scales; (1.22)
- 1.24 **"trade union"**, means any organisation registered in terms of the Act as a trade union, or organisation recognised as such by the City Council; (1.23)
- 1.25 **"Town Clerk"** means Chief Executive/Town Clerk; (1.20)
- 1.26 **"working day"** means any day of the week except an employee's weekly day of rest and any public holiday to which an employee may be entitled; (1.26)
- 1.27 **"year of service" or "service year"**—
- 1.27.1 in respect of an employee who joined the service of the City Council prior to 1 January 1966, means a calendar year; (1.9.1)
 - 1.27.2 in respect of an employee who joined the service on or after 1 January 1966, means the period of 12 months following the first or any subsequent anniversary of his joining the service; (1.9.2)

2. GENERAL

2.1 *Grades and scales*

The grades and scales of remuneration of employees shall be as set out in the grading scheme in operation from time to time as adopted by the Municipal Undertaking or determined in terms of the Act or any substitutionary legislation.

2.2 *Annual increments*

2.2.1 The incremental date of all employees shall be 1 July in respect of all appointments or promotions: Provided that an employee's incremental date may be changed in terms of any general regarding scheme, agreement or award: Provided further that the annual increment due to an employee in the first year of service shall be calculated on a *pro rata* basis in the same ratio as the completed months of service has to 12 months: Provided further that—

- 2.2.1.1 prior to the due date of the annual increment of any employee, the head of department shall report to the Town Clerk that the employee concerned has satisfactorily carried out the duties assigned to him;
- 2.2.1.2 where the head of department is of the opinion that an employee has not satisfactorily carried out the duties assigned to him, he shall inform the latter in writing that his annual increment will be withheld, having first obtained approval from the committee that no annual increment shall be paid, and that the employee concerned shall be entitled to appeal to the management team and may be represented by the Association;
- 2.2.1.3 any period of leave without pay shall be deemed to be service for the purpose of leave under these Conditions of Service, unless otherwise determined by the management team;
- 2.2.1.4 absence on leave with pay shall not prevent an employee from receiving any duly approved increase in emoluments which may fall due during such absence, and that where leave without pay is granted for a period exceeding 30 days, the management team shall determine the incremental date.

2.3 Acceleration within grades/scales

In special circumstances heads of department may submit a request to the management team that the remuneration of any employee be increased, within the limits of the relevant grade/scale.

2.4 Payment of remuneration

2.4.1 All salaries, wages and other amounts due and payable to employees shall be paid on such dates and in such manner as agreed by the City Council and the Association after considering the views of the City Treasurer.

2.4.1.1 All hourly-rated employees appointed on or after 1 July 1978 shall be paid on a monthly basis, with the exception of—

(a) all employees on wage scales 20–24;

(b) employees on wage scales 25–28 prior to 1 July 1990 who opted not to be paid on a monthly basis.

2.4.1.2 The monthly cheques for all hourly-rated and all salaried employees appointed on or after 1 July 1978 [with the exception of employees as per clause 2.4.1.1 (a) and (b)] shall be deposited by the City Council directly into recognised financial institutions of the employees' choice, the City Council to bear the cost of any fee imposed by such institutions for such deposits.

2.4.2 The proportion of annual salary payable to an employee who enters or leaves the service during a calendar month shall be calculated on the following basis:

$$\frac{\text{Number of working days}}{250} \times \text{annual salary}$$

(For employees working a six-day week, the denominator shall be 300 and for uniformed fire service staff of the Fire and Emergency Services Department, the denominator shall be 365. All consecutive calendar days, including public holidays, shall be included.)

3. CONDITIONS OF EMPLOYMENT**3.1 Advertising of positions**

All vacant positions on the permanent staff establishment of the City Council shall be advertised in the press or by means of a departmental circular. This requirement may, however, be waived in the case of an incumbent who, prior to reaching retirement age, has been granted an extension of service by the City Council.

3.2 Removal expenses

Any assistance the City Council may render with the removal expenses incurred by successful applicants shall be on the terms and conditions determined by the Council itself.

3.3 Medical and X-ray examinations and expenses

3.3.1 All new appointees to the service, whether engaged on a temporary or permanent basis, shall undergo a medical and X-ray examination prior to employment: Provided that where an appointee is in the service of another local authority, a medical certificate and X-ray report from that authority's medical officer of health or another approved medical practitioner may be accepted, subject always to the approval of the City Council's Medical Officer of Health.

3.3.2 The Medical Officer of Health shall be authorised to conduct X-ray and any other examinations of candidates for permanent positions in the service.

3.3.3 If the Medical Officer of Health is in doubt as to the fitness of an applicant for entry into the service and for membership of any of the Council's retirement funds, he shall refuse to pass him, but he may, however, issue a qualified medical certificate if the applicant is nevertheless considered employable. If the pre-employment medical examination indicates that a prospective employee has medical problems, he may be referred to a medical specialist by the Medical Officer of Health. The costs involved shall be borne by the individual concerned. An applicant who is not satisfied with the specialist's report may request a further examination by the Medical Officer of Health in consultation with his private medical practitioner, the cost of which shall be borne by the applicant. In the event of disagreement between such practitioners, the management team shall decide whether the applicant should be employed.

3.3.4 The costs of medical examinations in respect of proposed medical boards shall be settled as follows:

3.3.4.1 The member shall be responsible for settling the account of his own medical practitioner;

3.3.4.2 the relevant retirement fund shall be responsible for the fees charged by its nominated medical specialist; and

3.3.4.3 the City Council shall settle all charges in respect of the services rendered by the Medical Officer of Health.

3.4 Minimum age on appointment

Appointees to permanent positions shall be over the age of 16 years.

3.5 Proof of age and qualifications

- 3.5.1 Entrants to the City Council's service shall produce proof of age by submitting a birth of baptismal certificate to the Medical Officer of Health at the medical examination, and the latter shall submit such certificate to the secretary of the relevant retirement fund.
- 3.5.2 Proof of qualifications claimed shall be submitted to the Personnel Division within one month of commencement of employment.

3.6 Probationary period

Entrants to the service shall, before being confirmed in a permanent appointment, serve a probationary period of six months, which may be extended at the discretion of the appointing authority. Permanent employees who are promoted or transferred to another department shall serve a probationary period of three to six months at the discretion of the appointing authority, which period may likewise be extended. When the extension of the probationary period of any employee is recommended, the head of department shall furnish the reasons, either in writing or verbally, to the Town Clerk.

3.7 Appointments, promotions or transfers

- 3.7.1 Any appointment, promotion or transfer to another department, whether temporary, permanent or in an acting capacity, shall be made by the City Council. The City Council may by resolution and subject to the provisions of the Municipal Ordinance, 1974, except in the case of heads or deputy heads of department, delegate this power to any of its standing committees or to the head of the department in which the appointment, promotion or transfer is to take place.
- 3.7.2 An employee may be promoted only if a more senior position is vacant and if the work of the department concerned requires such vacancy to be filled.
- 3.7.3 When an employee is promoted to a more senior position, he shall receive a salary commensurate with the increased responsibility of the new position, as laid down in the Council's grading scheme.

3.8 Temporary appointments

- 3.8.1 Temporary employees shall be appointed in terms of delegated powers for a period to be stated in each case. Where the stated period or aggregate of such periods exceeds six months, the appointment shall be reported to the management team.
- 3.8.2 Where an extension of any period stated in terms of clause 3.8.1 is required, the question whether circumstances warrant a permanent appointment shall be considered, but in no circumstances shall a period of temporary service in any one post exceed two years without the permission of the management team.

3.9 Membership of retirement funds

- 3.9.1 Subject to the passing of the City Council's compulsory medical examination, all employees appointed to the permanent staff establishment shall contribute to either the Port Elizabeth Municipal Pension Fund or the Port Elizabeth Second Municipal Pension Fund or the Port Elizabeth Municipal Pension Benefit Fund, and shall observe the rules of whichever fund they are members of: Provided that, in the case of the Port Elizabeth Municipal Pension Fund, this clause shall not apply to persons under the age of 17 years or over the age of 50 years and, in the case of the Port Elizabeth Second Municipal Pension Fund and the Port Elizabeth Municipal Pension Benefit Fund, under the age of 17 years and not over the pension age stipulated in the rules of the respective funds on the date of commencement of duty, unless such persons have retirement fund benefits which are transferable to the said fund.
- 3.9.2 Any employee, with the exception of employees belonging to the Port Elizabeth Municipal Pension Benefit Fund, who re-enters the City Council's service within 12 months from the date of termination of service and, in the case of the Port Elizabeth Municipal Provident Fund, within the same calendar year, shall repay to the relevant fund all amounts received from the fund together with interest thereon, as stipulated in the rules of the relevant fund.
- 3.9.3 Any employee, with the exception of employees belonging to the Port Elizabeth Municipal Pension Benefit Fund, who enters the service of the Port Elizabeth Municipality within 12 months of leaving the service of another local authority that has a pension/retirement fund or is associated with a joint pension/retirement fund, shall be required to pay to one of the Port Elizabeth municipal retirement funds the amount of any gratuity received from that local authority, together with interest thereon, as stipulated in the rules of the relevant fund.

3.10 Membership of Association/trade union, the Local Authorities Medical Aid Fund (Cape) and the Provident Fund (Old Mutual)

- 3.10.1 All employees, except those appointed prior to 1 January 1967 or employees whose remuneration is subsidised by the Department of Manpower or temporary employees whose employment will not exceed three months, shall, as from the date of entering the service of the City Council, become and thereafter during the whole of their employment by the Council remain members of an association or a union with which the Council has entered into a recognition agreement.

3.10.2 Membership of the Provident Fund (Old Mutual)

3.10.2.1 All employees who become members of the Port Elizabeth Municipal Pension Fund or of the Second Municipal Pension Fund on or after 1 January 1987 shall, subject to proof of good health to the satisfaction of the City Council and of the Assurer, become a member of and contribute to the Provident Fund (Old Mutual) arranged by the Port Elizabeth branch of the South African Association of Municipal Employees [the Provident Fund (Old Mutual)] subject to and in terms of the rules thereof, with the exception of—

- (a) female employees on salary grade 12 or lower without any dependants;
- (b) single female employees on salary grade 13 and higher who were in the service prior to 1 January 1986 and who did not exercise their option to become members of the Provident Fund (Old Mutual);
- (c) all married female employees;
- (d) employees appointed prior to 1 January 1967 or appointed on or after 1 May 1977 who do not contribute to the Port Elizabeth Municipal Pension Fund;
- (e) employees who are 50 years or older (Second Municipal Pension Fund).

3.10.2.2 Every employee who had not reached the age of 50 years on or before 31 May 1987 and who is not a female employee on salary grade 12 or lower without dependants or a married female employee and who has been a member of the Second Municipal Pension Fund continuously since a date prior to 1 January 1987 and who notified the Council in writing on or before 31 May 1987 of his decision to join the Provident Fund (Old Mutual) shall, however, subject to proof of good health to the satisfaction of the Council and of the Assurer, become a member of and contribute to the said fund subject to and in terms of the rules thereof from the first day of the month following that in which proof of good health is provided.

3.10.3 All employees shall in terms of Ordinance No. 25 of 1967 and the regulations made thereunder become members of the Local Authority Medical Aid Fund (Cape, with the exception of—

- temporary employees whose employment will not exceed six months;
- employees over the age of 60 years;
- subsidised labourers;
- part-time employees;
- married women whose husband are, or are entitled to be, members of other medical schemes;
- employees in wage scales 20–24;
- employees who qualify for membership of the Council's Second Municipal Pension Fund and are required to join either Pro Sano or the Bonitas Medical Aid Fund;
- employees in wage scales 25–28 who were in the service prior to 30 June 1990 and did not elect to join either Pro Sano or the Bonitas Medical Aid Fund.

3.10.4 Any employee with conscientious objections against clauses 3.10.2 and 3.10.3 may be exempted from the provisions thereof.

3.10.5 Employees exempted from membership of the Association/trade union on account of conscientious objections shall pay the subscription they would normally have paid to the Association/trade union or such amount as may be decided on by the Industrial Council to a registered charity organisation of their choice.

3.10.6 At the discretion of the City Council and for the period it deems fit, all employees shall be eligible for membership of the Major Medical Expenses Plan, and membership of this fund shall be compulsory for all employees who qualify for membership of the medical schemes stated in clause 3.10.3 and who enter the Council's service on or after 1 May 1989.

3.11 Membership of provident Fund

3.11.1 Permanent employees, except those who qualify for membership of the Port Elizabeth Second Municipal Pension Fund and the Port Elizabeth Municipal Pension Benefit Fund, who are not entitled to join the Port Elizabeth Municipal Pension Fund shall become members of the Provident Fund and shall observe the rules of this fund.

3.11.2 A temporary employee shall not be permitted to become a member of the Provident Fund.

4. LEAVE**4.1 Annual leave**

4.1.1 A leave record for all employees in the City Council's service, indicating all leave due, leave taken and accumulated leave, shall be maintained as directed by the City Council.

4.1.2 Except where otherwise stipulated in this Agreement and subject to any relevant legislation, employees of the City Council shall for the purpose of leave entitlement be grouped as follows:

Group A: Heads and deputy heads of departments and any other employees who be resolution of the City Council are included in this group.

Group B: Other employees not falling under groups A or C.

Group C: Pupils, learners (except learner artisans) and apprentices.

4.1.2.1 Employees shall be entitled to the following leave:

Number of working days' leave each service year:

Employees working a five-day week			Employees working a six-day week		
Group	Group	Group	Group	Group	Group
A	B	C	A	B	C
30	25	20	36	30	24

(Uniformed and control room staff, Fire and Emergency Services Department:

Group A—42 calendar days.

Group B—35 calendar days.)

4.1.2.2 Of the annual leave provided for in clause 4.1.2.1, not less than 10 working days (in the case of employees with a five-day working week), 12 working days (in the case of employees with a six-day working week) and 14 consecutive calendar days (in the case of uniformed fire service staff of the Fire and Emergency Services Department) shall, subject to the provisions of clause 4.4, be taken annually in one continuous period during the year immediately following each completed year of service.

4.1.2.3 Subject to the provisions of clause 4.1.2.2, leave on full pay calculated monthly on a *pro rata* basis may also be taken from time to time during any year of service, including the first year: Provided that—

4.1.2.3.1 if an employee commences service not later than the 15th day of a month, he shall be deemed for leave purposes to have commenced his service on the first day of that month, and if an employee commences service after the 15th day of a month, he shall be deemed for leave purposes to have commenced his service on the first day of the following month;

4.1.2.3.2 if an employee's services terminate not later than the 15th day of a month, his services shall be deemed for leave purposes to have terminated on the last day of the preceding month, and if an employee's services terminate after the fifteenth day of a month, his services shall for leave purposes be deemed to have terminated on the last day of that month;

4.1.2.3.3 where for any purpose it is necessary to calculate the amount of leave accrued to an employee, any fraction of a day in the total so obtained shall be ignored.

4.1.3 Any employee to whom annual leave has been granted shall be entitled to receive, prior to the commencement of his leave, the salary or wages which would normally have been payable during the period for which leave has been granted.

4.1.4 On termination of service or retirement:

4.1.4.1 A *pro rata* portion of annual leave in any uncompleted service year, calculated in terms of clause 4.1.2.3, shall be credited in the leave register and added to any accrued leave.

4.1.4.2 The value of accrued annual leave shall be paid to the employee or, in the event of the death of a married member, to the surviving spouse or, if there is no surviving spouse, to the children in equal portions. If there are no children, payment shall be made to the estate. In the event of the death of an unmarried member, the amount shall be paid to any legal dependants. If there are no such dependants, payment shall be made to the estate of such member. This shall be calculated on the basis of the member's salary or wage scale on the date of termination of service with the Council. The employee may exercise a choice in writing that the leave payment be made to his estate.

4.1.4.3 When the services of an employee terminate for whatever reason, such employee shall be paid the value of the leave to his credit.

4.1.5 Payment in lieu of leave not taken, calculated on the basis prescribed in clause 4.1.6, shall be made in any of the following circumstances:

4.1.5.1 When an employee with a minimum of two years' service with the City Council elects to accept the cash equivalent of not less than 15 working days (18 working days for employees with a six-day working week) and not more than 40 working days (48 working days for employees with a six-day working week) of the accumulated leave to his credit: Provided that such commutation of leave on this basis shall be permitted only when the employee concerned takes leave to go overseas and a written request for the commutation of leave is submitted with the necessary leave application forms;

4.1.5.2 when an employee elects within five years of the normal pension age stated in the pension or provident fund rules to receive a lump sum payment (prior to retirement) of the cash equivalent of all accumulated leave to his credit at the date of his last completed service year, less the number of days of such accumulated leave taken since the completion of that service year;

4.1.5.3 on termination of service.

- 4.1.6 For the purposes of clause 4.1.5 the cash equivalent of leave accumulated shall be calculated on the following basis (for employees with a six-day working week, the denominator shall be 300 and for uniformed fire service staff of the Fire and Emergency Services Department, 350):

Salaried employees:

$$\frac{\text{Number of working days}}{250} \times \text{annual salary}$$

Non-salaried employees:

Number of working days' leave $\times 9 \times$ hourly wage rate (for employees with a six-day working week, the factor shall be 7,5 instead of 9.)

4.2 **Written application for leave**

Applications for leave shall be in writing and shall state the period of leave to be taken. The leave applications of heads of department shall be submitted to the Town Clerk for approval.

4.3 **When exigencies of service do not permit leave to be taken**

Annual leave which cannot be taken within the prescribed period because of exigencies of service shall not rank as accumulated leave and the head of department shall obtain the prior authorisation of the Town Clerk to carry forward any such leave to the next service year and shall grant such leave as soon as possible.

4.4 **Conversion of annual leave to sick leave**

Vacation leave may be converted to sick leave on condition that—

- 4.4.1 the employee does not return to duty unless he has actually taken the full period of vacation leave for which he had originally applied;
- 4.4.2 'n medical certificate is submitted to the head of department concerned before the employee returns to work to cover the period of sick leave whilst on annual leave.

4.5 **Leave for part-time employees**

- 4.5.1 Annual leave, as provided for in this clause, may be granted to part-time employees.
- 4.5.2 The leave entitlement of a part-time employee shall be a *pro rata* portion of the leave entitlement of a full-time employee in the same post calculated in the same ratio as the number of hours worked by the part-time employee has to the number of hours worked by the full-time employee.
- 4.5.3 For the purpose of the calculation in clause 4.5.2 any fraction equal to or greater than half a day shall be regarded as a full day.
- 4.5.4 Clauses 4.1 to 4.4 shall *mutatis mutandis* apply to part-time employees.

4.6 **Special leave**

4.6.1 *Family bereavement:*

Special leave with pay not exceeding two days may be granted to an employee on the death of his parent, foster parent, father or mother-in-law, spouse, child, brother, sister or grandparent, and shall not be deducted from leave entitlement. Employees married in terms of a customary union shall be limited to only one set of parents, foster parents, grandparents and parents-in-law.

4.6.2 *Compulsory military training:*

Subject to the provisions of clause 4.6.2.4, leave for training in any of the arms of the Defence Force shall be granted by the City Council on the following basis:

- 4.6.2.1 Employees who joined the City Council's service prior to 1 January 1978 shall be granted leave for training in any of the arms of the Defence Force, and during such leave the City Council shall pay to the employees concerned their full salaries or wages, less their service pay and allowances (excluding the daily territorial allowance) in respect of normal municipal working days: Provided that prior to proceeding on such training, the employees concerned undertake in writing to serve the City Council after completion of their training for a period equal to their training period or, in default thereof, to repay the City Council the whole or *pro rata* portion of the municipal salaries/wages so paid during training.
- 4.6.2.2 Employees who joined the City Council's service on or after 1 January 1978 shall be granted leave for training in any of the arms of the Defence Force and shall for this purpose be classified into one of the following three categories:
 - 4.6.2.2.1 Married employees who have not been confirmed in their initial appointment in the City Council's service and single employees with less than two years' service;
 - 4.6.2.2.2 married employees who have been confirmed in their appointment and single employees with two or more years' service;
 - 4.6.2.2.3 apprentices appointed under the conditions of the Apprentice Training Board for Local Authorities (ATBLA).

4.6.2.3 Employees falling within any of the three categories in clause 4.6.2.2 shall be paid on the basis of their municipal salaries/wages at the commencement of their compulsory military training, less their service pay and allowances (excluding the daily territorial allowance) in respect of normal municipal working days: Provided that prior to proceeding on compulsory military training, the employees concerned—

4.6.2.3.1 shall undertake in writing to serve the City Council after completion of their training for a period equal to the period of training or, in default thereof, to repay the City Council the whole or a *pro rata* portion of the municipal salaries/wages paid during their training; and

4.6.2.3.2 shall agree (where applicable) to the payment in terms of clause 4.6.2.3 being withheld until their return to the City Council's service after completion of their compulsory military training as stipulated in clause 4.6.2.5.

4.6.2.4 Subject to the conditions contained in clauses 4.6.2.1 and 4.6.2.2, employees doing **compulsory** military service in terms of the Defence Act, 1957 (Act No. 44 of 1957), excluding their initial basic training, shall with effect from 1 April 1988 be paid their full municipal salaries/wages at the rate applicable during the period of training, and no deductions shall be made for any monies paid to them by the South African Defence Force.

4.6.2.5 Employees falling within the category mentioned in clause 4.6.2.2.1 shall be paid the make-up pay (municipal) on a monthly basis over a period equivalent to their period of compulsory military training, commencing on their return to the City Council's service after completion of their initial training.

4.6.2.6 Employees falling within the category in clause 4.6.2.2.2 shall be paid the make-up pay (municipal) on a monthly basis from the commencement of their initial compulsory military training.

4.6.2.7 Notwithstanding anything to the contrary in this Agreement, the accumulative portion of the employees' leave entitlement for one year only, as well as one year's annual bonus, shall accrue to the employees in respect of their initial military training; and the employees shall become entitled to these benefits during their first year of service with the City Council after completion of their initial training.

4.6.2.8 Should any hardship be caused by the application of any of the provisions of clauses 4.6.2.2 to 4.6.2.7, inclusive, details of the case shall be reported to the management team, who shall decide the matter with full regard to the circumstances.

4.6.2.9 Employees who undergo military training during their probationary period shall be required to complete their full probationary period with the City Council after such training and prior to being confirmed in their appointments.

4.6.3 Study/Examinations:

Employees enrolled for study courses approved by the Policy and Resources Committee may, with the approval of the head of department concerned, be granted special leave with full pay on the undermentioned basis; the maximum leave which may be granted to any specific employee during a calendar year shall be decided by the town clerk:

Study leave:

University degree or equivalent qualification as determined by the Human Sciences Research Council: *three days* in respect of each examination paper.

Diploma course at a technikon: *two days* in respect of each examination paper.

Other fields of study: *one day* in respect of each examination paper.

Where study courses do not fall within the above categories, the Town Clerk shall determine the number of days' special leave *three days* maximum).

No study leave shall be granted in respect of the rewriting of examination papers.

Examination leave:

One day in respect of each day on which the employee writes an examination paper or papers.

4.6.4 Appearance as a witness:

Special leave on full pay shall be granted to an employee subpoenaed to appear as a witness in court, for the period he is required to be present in court, whether civil or criminal, and the minimum period required to travel to and from the court: Provided that witness fees, excluding expenses received by such employee, shall be paid to the City Council.

4.6.5 Isolation purposes:

Special leave on full pay shall be granted to an employee for purposes of isolation on the instruction and certificate of a medical practitioner in cases where a member of the employee's family has contracted an infectious or contagious disease or where such employee has been in close contact with any person who has contracted an infectious or contagious disease or if it is suspected that he suffers from any such disease.

4.6.6 Meetings:

Special leave on full pay shall be granted to an employee—

- 4.6.6.1 for the purpose of attending meetings of any council or executive committee or any institute of municipal officials;
- 4.6.6.2 who is a member of the general executive council of the Association for the purpose of attending general executive council meetings of the Association: Provided that leave in excess of ten working days per annum shall be subject to the approval of the head of department concerned and the Director: Administration and dealt with in terms of the Delegation of Powers;
- 4.6.6.3 who is delegated by the local branch of the Association to attend the Association's national conferences, held triennially: Provided that—
 - 4.6.6.3.1 such special leave shall be approved beforehand by the management team and shall not exceed five working days per conference;
 - 4.6.6.3.2 such special leave shall be limited to not more than three employee delegates per conference;
- 4.6.6.4 who is delegated by the local branch of the Association to attend the annual conference of municipal trade unions: Provided that such special leave shall not exceed two working days and shall be limited to not more than three employee delegates per conference:
 Provided that reference in clause 4.6.6 to specific bodies in SAAME shall be applied *mutatis mutandis* to the equivalent bodies of any other institution included in the definition in clause 1.1.
- 4.6.7 Special leave on full pay may be granted to an employee for the period he is required to attend an arbitration court to which the City Council is party.
- 4.6.8 Special leave may be granted to an employee for a purpose not elsewhere provided for and for such periods and on such conditions as the City Council may prescribe by resolution.

4.7 Unpaid leave

- 4.7.1 Leave of absence without pay may be granted for periods of up to thirty working days, subject to the approval of the head of department in consultation with the town clerk. Leave in excess of thirty working days shall be subject to the prior approval of the management team and to any conditions it may impose.
- 4.7.2 For the purposes of calculating the deduction in remuneration in respect of unpaid leave, the number of days shall include the first working day on which the employee concerned is absent from duty and thereafter all days, whether working days or not, up to and including the last working day before the day on which he resumes duty.
- 4.7.3 Unpaid maternity leave may be granted for a maximum period of three months, subject to the approval of the head of department concerned, in consultation with the town clerk: Provided that—
 - 4.7.3.1 four weeks of such leave shall be taken immediately prior to the expected confinement date and eight weeks immediately thereafter;
 - 4.7.3.2 the period of unpaid leave shall be regarded as service for the purpose of annual increments, accumulation of leave and annual service/bonus entitlements.
- 4.7.4 Unpaid maternity leave in excess of three months shall be subject to the prior approval of the management team and to any conditions it may impose.

4.8 Employment during period of leave

An employee shall not while absent from duty on leave, whether on full pay, half pay or without pay, engage in any other work or employment for remuneration without the prior permission of the town clerk.

4.9 One day's rest in seven

The principle of one rest day in every seven days shall apply in cases where employees are required to work on Sundays in the course of their ordinary duties.

4.10 Sick leave

- 4.10.1 Subject to any relevant provision of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983), in respect of those employees to whom such legislation applies—

- 4.10.1.1 salaried and non-salaried employees shall be entitled to the following sick leave:

<i>Employee group</i>	<i>Entitlement in three-year cycle</i>
Salaried employees with a five-day working week:	100 working days on full pay and 100 working days on half pay.
Salaried employees with a six-day working week:	120 working days on full pay and 120 working days on half pay.
Non-salaried employees with a five-day working week:	45 working days on full pay.

<i>Employee group</i>	<i>Entitlement in three-year cycle</i>
<i>Non-salaried employees with a six-day working week:</i>	<i>54 working days on full pay.</i>
<i>Non-salaried employees with a five-day working week in wage scales prior to 1990-07-01, excluding scales 20-24:</i>	<i>75 working days on full pay and 75 working days on half pay.</i>
<i>Non-salaried employees with a six-day working week in wage scales prior to 1990-07-01 excluding scales 20-24:</i>	<i>90 working days on full pay and 90 working days on half pay:</i>

Provided that employees entering the Council's service after the commencement of a new cycle shall be entitled to sick leave calculated on a pro rata basis in relation to the unexpired completed months of the cycle.

NOTE: The three-year cycle period at the time of the introduction of these revised Conditions of Service commenced on 1 January 1971.

- 4.10.1.2 uniformed and control room staff of the Fire and Emergency Services Department shall be entitled to sick leave of 140 calendar days on full pay and 140 calendar days on half pay in the three-year cycle.
- 4.10.2 Where special circumstances justify a departure from the sick leave provisions, the Town Clerk may grant extended sick leave in consultation with the head of department concerned.
- 4.10.3 A medical certificate shall be submitted to the head of department concerned as soon as possible after the employee's first day of absence on sick leave, but the head of department may wait up to three working days before demanding such certificate, except where sick leave is granted to an employee in terms of clause 4.6.5.
- 4.10.4 Unused sick leave shall lapse at the end of a cycle.
- 4.10.5 The head of department concerned may at any time instruct an employee on sick leave to submit himself for examination by two medical practitioners (one being the Medical Officer of Health, or his deputy, or an other medical officer deputed by him). The employee shall be entitled to nominate the other medical practitioner. On consideration of the joint recommendations of such medical practitioners, the management team may discontinue the payment of any remuneration to the employee concerned in respect of such sick leave.
- 4.10.6 Temporary employees may be granted paid sick leave on the following basis:
- | | <i>Salaried employees</i> | <i>Five-day working week</i> | <i>Six-day working week</i> |
|------------------------------------|---------------------------|------------------------------|-----------------------------|
| During first year of service | 10 | 12 | |
| If period exceeds one year | 20 | 24 | |
-
- | | <i>Non-salaried employees</i> | <i>Five-day working week</i> | <i>Six-day working week</i> |
|------------------------------------|-------------------------------|------------------------------|-----------------------------|
| During first year of service | 10 | 12 | |
| If period exceeds one year | 12 | 14 | |
- Provided that during the first six months of service, paid sick leave may be granted on the basis of one working day for each completed period of five weeks of employment in the case of employees with a five-day working week and one working day for each completed calendar month of employment in the case of any other employee.
- 4.10.7 In the case of any appointee to a permanent position in respect of whom the Medical Officer of Health issues or has issued a qualified medical certificate indicating that the person concerned has not passed the prescribed medical examination for admission to any of the City Council's retirement funds but nevertheless is considered to be fit for employment in the municipal service, sick leave shall be—
- 4.10.7.1 restricted to the sick leave entitlement applicable to temporary employees in respect of all absences resulting from the health condition which was the cause of a qualified medical certificate being issued; and
- 4.10.7.2 granted on the basis of the normal sick leave entitlement for absences due to any other sickness: Provided that the aggregate number of days granted in a cycle shall not exceed the latter entitlement.
- 4.10.8 Except in the case of uniformed traffic staff and control room and uniformed fire service staff of the Fire and Emergency Services Department, the number of days shall for the purpose of calculating the deduction for unpaid sick leave include the first working day on which the employee concerned is absent from duty and thereafter all days, whether working days or not, up to and including the last working day before the day on which the employee resumes duty.
- 4.10.9 The salaries of uniformed traffic staff operating on a shift system shall be adjusted as follows in respect of unpaid sick leave for a *pro rata* period of one month:
- $$\frac{\text{Number of working days' unpaid leave}}{250} \times \text{annual salary}$$

- 4.10.1 The salaries of control room and uniformed fire service staff shall be adjusted as follows in respect of unpaid sick leave:

$$\frac{\text{Number of calendar days' unpaid leave}}{365} \times \text{annual salary}$$

4.11 Medical certificate

A medical certificate in respect of sick leave shall indicate the name of the person examined, the nature of the ailment and the period of absence from work which will be required, or an estimate thereof.

4.12 Sick leave as a result of military service

An employee required to take sick leave in excess of his normal entitlement on full pay because of the effects of active military training or service shall, subject to the required medical certificate being furnished, be paid his full emoluments for such period, but not exceeding six months. If such sick leave continues beyond six months, the matter shall be submitted to the town clerk for consideration and further directions.

4.13 Sick leave for part-time employees

4.13.1 Sick leave as provided for in this clause may be granted to part-time employees.

4.13.2 The sick leave entitlement of a part-time employee shall be a *pro rata* portion of the sick leave entitlement of a full-time employee in the same post, calculated in the same ratio as the number of hours worked by the part-time employee has to the number of hours worked by the full-time employee.

4.13.3 Clauses 4.10.1 to 4.10.10 shall *mutatis mutandis* apply to part-time employees.

4.14 Injury on duty

4.14.1 Where an employee is injured on duty and incapacitated in consequence of an injury arising out of and in the course of his employment, he shall, subject to the town clerk being satisfied that the accident was not caused by negligence on the part of the employee and subject to the required medical certificate being furnished by his medical practitioner, be paid his full salary or wages for such period as he is incapacitated, but not exceeding six months: Provided, however, that if such incapacitation continues beyond six months, the matter shall be submitted to the Committee for consideration and further directions; such consideration and directions to be in accordance with the provisions of the Workmen's Compensation Act. Special leave granted as a result of an injury on duty shall not be part of nor shall it reduce the ordinary sick leave available in terms of the preceding conditions.

4.14.2 In cases under clause 4.14.1 where a third party (not the City Council or any of its employees) is culpably responsible for such employee's injuries or incapacitation, the employee shall assign his right to sue for loss of salary or wages to the City Council or, alternatively, should such employee sue the third party, he shall be bound to include in his claim an amount representing salaries and wages paid in terms of clause 4.14.1 and shall be obliged, if his action is successful, to pay to the City Council any amount received under his heading of his claim.

4.14.3 The provisions of clause 4.14.2 shall *mutatis mutandis* apply to an employee who has suffered any injury while not on duty, resulting in absence from work. Where such employee has been granted sick leave with pay and any such amount or portion thereof is recovered by the City Council, the employee's sick leave entitlement shall be reinstated proportionately.

4.15 Change of basis of employment

When a temporary or casual employee is subsequently appointed to the permanent staff establishment or where the promotion or transfer of an employee takes him into a different leave category, all leave shall be calculated in terms of these conditions from the date of his taking up the new position and he shall be credited with any balance of leave to which he was entitled in his previous position.

5. WORKING HOURS AND OVERTIME**5.1 Working hours**

5.1.1 Except where special provision is made by legislation for certain employees, working hours shall be as laid down from time to time by the Municipal Undertaking.

5.1.2 A list of salaried positions in which employees are engaged on a 45-hour week basis is set out in Annexure A.

5.2 Overtime (all employees)

5.2.1 Employees, except those occupying positions in grade 14 or higher of the City Council's grading scheme, shall be paid overtime at one and one third of their normal rate of pay: Provided that heads of departments shall have discretionary power to grant time off in lieu of overtime worked if exigencies of service permit.

5.2.2 Employees, excluding shift workers, who work overtime in excess of ten hours per week shall be paid an amount calculated at a rate of not less than one and one half times their salary per hour or part thereof for the additional overtime.

5.2.3 The rate of overtime worked on Sundays and public holidays by salaried employees, other than employees engaged in an activity requiring continuous working by means of three shifts per day and except those occupying positions in grade 14 or higher, shall be calculated on the following basis:

5.2.3.1 Whenever an employee works on a Sunday, the City Council shall either—

5.2.3.1.1 pay to the employee—

5.2.3.1.1.1 if he works a maximum of four hours, not less than the ordinary remuneration payable in respect of the period ordinarily worked by him on a weekday;

5.2.3.1.1.2 if he works for more than four hours, remuneration at a rate not less than double his ordinary rate of remuneration in respect of the total period worked on such Sunday, or remuneration of at least double the ordinary remuneration payable in respect of the period ordinarily worked by him on a weekday, whichever is the greater; or

5.2.3.1.2 pay the employee at a rate not less than one and one third times his ordinary rate of remuneration for the total period worked by him on such Sunday and grant him within seven days of such Sunday one day's leave and pay him in respect thereof at a rate not less than his ordinary rate of remuneration as if he had worked his average ordinary working hours for that day of the week (the provisions of clause 4.9 shall not apply in this instance).

5.2.3.2 Whenever an employee works on a public holiday, he shall be paid his ordinary rate of remuneration in respect of the period worked during his normal working hours on such day and at double his ordinary rate for the period worked outside his normal hours of duty, in addition to the remuneration to which he would have been entitled had he not worked that day: Provided that the head of department may at his discretion grant time off in lieu of overtime worked.

5.2.3.3 Whenever an employee employed on a five-day week basis, i.e. Monday to Friday, is required to work overtime on a Saturday which falls on a public holiday, he shall be paid overtime at double his normal rate for the actual number of hours worked on such day.

5.2.4 Employees in salary grade 14 or higher may be granted time off in lieu of overtime: Provided that if it is necessary for any such employee to work overtime on a regular basis, the head of department shall report this fact to the management team for such instructions as it may deem fit regarding such employee.

5.2.5 No employee occupying a position in grade 13 or lower shall be entitled to overtime payment when acting in a position in grade 14 or higher and receiving an acting allowance as stipulated in clause 6.3.

5.2.6 Where the provisions concerning overtime in any relevant legislation affecting employees are more favourable than these conditions of service, the former shall apply.

5.2.7 Overtime authorised in advance (pre-planned or arranged overtime) shall be authorised by the head of department or his representative occupying a position in grade 14 or higher. Emergency overtime shall be authorised by the head of department or his representative occupying a position in grade 14 or higher.

5.2.8 When a shift worker is required to work the shift immediately preceding his normal shift he shall be remunerated at double his normal rate of pay for the hours worked during such preceding shift.

5.2.9 All employees at the Churchill Waterworks shall be permitted one Saturday morning off per month, with pay, with the proviso that the necessary arrangements are made to prevent any payment for overtime as a result thereof.

5.2.10 A register of all overtime worked shall be kept by each department.

5.3 Work on paid holidays

5.3.1 The second day of January and Easter Saturday shall be regarded as paid holidays for all employees, subject to exigencies of service. Where such exigencies apply, employees involved shall be allowed another day off in lieu thereof: Provided that—

5.3.1.1 whenever New Year's Day falls on a Sunday, the following Monday; and

5.3.1.2 whenever Founder's Day falls on Good Friday, the following Saturday, shall for the purpose of this clause be deemed to be such public holiday.

5.4 Stand-by duty

5.4.1 Salaried employees required to do stand-by duty on an official roster basis throughout the year shall, at the discretion of the head of department concerned, be granted five additional days, non-accumulative leave per annum or be paid for such stand-by duty an allowance as approved by the Municipal Undertaking from time to time.

Non-salaried employees required to do official stand-by duty shall be paid for such duty in accordance with the daily allowances as prescribed by the Municipal Undertaking from time to time.

5.4.2 An employee on stand-by called out to perform actual work shall be granted equivalent time off in lieu thereof or be paid at the appropriate rate of overtime or as provided for in relevant legislation.

5.5 Normal and overtime remuneration for salaried and non-salaried employees on variable week basis (excluding traffic staff and fire service staff of the Fire and Emergency Services Department)

5.5.1 When such an employee works on a Sunday and such day forms part of the weekly "any five or six days out of seven" shift, he shall be paid at one and a half times his normal rate of remuneration for the normal and overtime hours worked on such Sunday.

5.5.2 When such an employee works overtime on any one of his days off duty (excluding Sundays) he shall be paid overtime at one and a third times his normal rate of remuneration for the actual period of overtime worked.

5.5.3 When such an employee who is engaged on an "any five days out of seven days" basis is required to work during his two days off, he shall be paid at one and a third times his normal rate of remuneration for the actual period worked on his first day off, and at double his normal rate of remuneration for the actual period worked on his second day off.

- 5.5.4 When such an employee who is engaged on an "any six days out of seven days" basis is required to work on his day off, he shall be paid at double his normal rate of remuneration for the actual period worked on such day.
- 5.5.5 When such an employee who is engaged on an "any five days out of seven days" basis is required to work on any one of his two days off or when an employee who is engaged on an "any six days out of seven days" basis is required to work on his day off and such day is a public holiday, he shall be paid at his normal rate of remuneration for the actual period worked on such day, in addition to the remuneration to which he would have been entitled had he not so worked. Furthermore, he shall be paid at double (instead of one and a half times) his normal rate for the shift worked on the previous Sunday.
- 5.5.6 When such an employee who is engaged on an "any five days or six days out of seven days" basis works on a public holiday he shall be paid at his normal rate of remuneration for the period worked during his normal working hours on such day, and at double his normal rate of remuneration for the period worked outside his normal hours of duty, in addition to the remuneration to which he would have been entitled had he not so worked: Provided that the head of department concerned shall have discretionary power to grant him time off in lieu of overtime worked.
- 5.5.7 Overtime authorised in advance (pre-planned or arranged overtime) shall be authorised by the head of department or his representative occupying a position in grade 14 or higher. Emergency overtime shall be authorised by the head of department or his representative occupying a position in grade 14 or higher.
- 5.6 Overtime remuneration for salaried uniformed traffic staff of the Traffic Department employed on a shift basis, which includes Saturday and Sunday work, as well as the centralised control room staff of the Fire and Emergency Services Department**
- 5.6.1 When such an employee works overtime on any one of his days off (shift days), he shall be paid overtime at one and a third times his normal rate of remuneration for the actual period worked overtime: Provided that the head of department shall have discretionary power to grant time off in lieu of overtime worked within the following ten working days.
- 5.6.2 When such an employee is required to work during any day on which he normally would be off duty, he shall be paid at the rate of one and a third times his normal rate of remuneration for the actual period worked on such day, except if such day off is a Sunday or a Saturday and the Sunday of that particular week forms part of the weekly shift, in which event he shall be paid at double his normal rate of remuneration.
- 5.6.3 When such an employee is required to work on any day on which he normally would be off duty and such day is a public holiday, he shall be paid at double his normal rate of remuneration for the actual period worked on such day.
- 5.6.4 When such an employee is required to work on a public holiday, he shall be paid at his normal rate of remuneration for the period worked during his normal shift hours on such day (for that particular shift week), and at double his normal rate of remuneration for the period worked outside his normal shift hours on such day, in addition to the remuneration to which he would have been entitled had he not so worked: Provided that the head of department shall have discretionary power to grant time off in lieu of overtime worked.
- 5.6.5 Overtime authorised in advance (pre-planned or arranged overtime) shall be authorised by the head of department or his representative occupying a position in grade 14 or higher.

6. ALLOWANCES

6.1 Annual bonus

Every full-time employee, regular part-time employee and semi-fit employee whose remuneration is subsidised by the Department of Manpower shall be paid a non-pensionable bonus on the basis of one twelfth of his basic annual remuneration on the last working day of the month within which the employee's birthday falls: Provided that—

- 6.1.1 the bonus of any eligible employee, whether permanent or otherwise, with less than one year's continuous service shall be calculated in the same ratio as the completed months of service has to 12 months and shall be payable at the end of the anniversary month of the employee's appointment, whereafter the bonus shall become payable at the normal time as stated;
- 6.1.2 the bonus of an employee eligible for a bonus who retires or is retired in terms of the pension or provident fund rules or of any eligible employee who dies in service shall be calculated in the same ratio as the completed months of service since the employee's last entitlement date has to 12 months, payment to be effected on the last day of service.

6.2 Long service bonus

- 6.2.1 On completion of 10 years' continuous service with the municipality an employee shall receive a long service bonus (arbitration award dated 26 February 1979) equal to 2% of his basic remuneration, which bonus shall be paid annually on completion of each year of continuous service; the percentage to be increased to 3%, 4% and 5% on completion of 15, 20 and 25 years' continuous service respectively.
- 6.2.2 On completion of the requisite number of years' continuous service to qualify for the long service bonus, the employee shall be entitled to payment of the bonus, calculated at the appropriate percentage of his annual remuneration, on the last calendar day immediately prior to his bonus entitlement date.
- 6.2.3 A *pro rata* portion of the long service bonus, where applicable, shall be paid to an employee on retirement or, in the event of the death of a married member, to the surviving spouse or, if there is no surviving spouse, to the children in equal shares. If there are not children, the amount shall be deposited in the estate. At the death of an unmarried member, payment shall be made to any legal dependants or, if no such dependants exist, to the estate of such member. The amount shall be calculated on the basis of the number of completed months of service since such employee's last long service bonus entitlement date.

6.3 Acting allowances

6.3.1 When a salaried or non-salaried employee is required to act in a more senior post for a period of not less than 10 consecutive working days or, in the case of uniformed fire service staff of the Fire and Emergency Services Department, 14 consecutive calendar days, he shall be paid an allowance at an annual rate equal to one half of the difference between the maximum annual remuneration applicable to the two positions: Provided that in determining the said period, any interruption of less than three days in total shall be deemed to form part of the said period if occasioned by any of the following circumstances:

6.3.1.1 Illness;

6.3.1.2 family bereavement;

6.3.1.3 obligatory SA Defence Force commitments; or

6.3.1.4 attendance at court as a witness, if subpoenaed.

6.3.2 When an hourly rated employee occupying a position in the wage scales is required to act—

6.3.2.1 in a position higher up in the wage scales, he shall be paid an allowance as determined by the Industrial Council from time to time, as indicated in the Council's grading scheme;

6.3.2.2 in a position in a salary grade, the provisions stipulated in clause 6.3.1 shall apply.

6.3.3 A person acting in a more senior post shall perform and accept all or a predominant part of the functions and responsibilities of such post.

6.3.4 When any employee is required to act in a more senior position for any period, regardless of its duration, the head of department shall make the appointment, in writing, as from a specified date and a copy of the letter shall be sent to the town clerk and the city treasurer. The head of department shall notify the town clerk and the city treasurer immediately when the acting appointment is terminated.

6.3.5 For the purpose of clause 6.3.1, acting allowances shall be calculated on the following basis:

	<i>Factor</i>
Five-day working week.....	250
Six-day working week	300
Uniformed fire service staff of the Fire and Emergency Services Department.....	365

6.4 Educational assistance

Financial assistance for the acquisition of educational, professional and academic qualifications may be granted to employees in terms of the City Council's assisted education scheme. Details may be obtained from heads of department or the town clerk.

6.5 Locomotion allowances

Locomotion allowances may at the City Council's discretion be granted to employees from time to time should their duties require the use of transport other than municipal vehicles. Locomotion allowances shall not be regarded as emoluments. The basis of such allowances shall be as determined by the City Council from time to time.

6.6 Vehicle insurance

As a condition of the granting of either a regular monthly locomotion allowance or a casual locomotion allowance, the employee concerned shall provide at least a balance of third party insurance cover in respect of his vehicle. It shall be the duty of all heads of department to ensure that where any employee who does not receive a regular locomotion allowance is required to use his own motor car on municipal business, the employee is covered against third party risk and that the City Council is covered by the employee's indemnity endorsement of the insured's policy. In the event of any employee using his private motor car on municipal business without being so covered, payment for such use will not be made unless the circumstances were covered by the City Council's contingency policy.

7. DISCIPLINE AND MISCONDUCT**7.1 Summary dismissal of employees**

7.1.1 Any employee of the City Council shall be summarily dismissed if—

7.1.1.1 he corruptly accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gift or consideration (other than the emoluments and allowances paid by the City Council) as an inducement or reward for doing or forbearing to do any act in connection with the Council's affairs or business, or for showing or forbearing to show favour or disfavour in connection with the Council's affairs or business;

7.1.1.2 without the prior consent of the City Council and the Administrator, he or his spouse, partner or business associate has a direct or indirect pecuniary interest in or is directly or indirectly concerned in or participating in the profits or benefits of any contract with or work being done for the City Council: Provided that these provisions shall not apply in respect of—

7.1.1.2.1 any contract entered into or work undertaken by a company incorporated or registered as such under any law, merely by reason of the fact that such employee or his spouse, partner or business associate is a director, shareholder, stockholder, employee or agent of such company, other than a private company as defined in section 104 of the Companies Act, 1926, when the benefits and profits derived therefrom are generally applied to the purpose of such company;

- 7.1.1.2.2 the purchase of anything sold by the City Council by public competition;
 - 7.1.1.2.3 the purchase by the City Council of anything at any auction sale;
 - 7.1.1.2.4 the provision of goods or services commonly supplied or rendered by the City Council to the public at a charge fixed by law or resolution of the City Council;
 - 7.1.1.2.5 the purchase or holding of municipal stock; or
 - 7.1.1.2.6 any contract or work for which the Administrator, on being satisfied that it was concluded or undertaken openly and without subterfuge or dishonest intent and that the interests of the City Council have not been adversely affected thereby, relieves the City Council of the obligation to dismiss the employee concerned.
- 7.1.2 Any employee of the City Council may be summarily dismissed if he, whilst employed in a full-time capacity, without the consent of the City Council engages directly or indirectly in any business, profession, trade or calling or undertakes any work for remuneration, otherwise than in his capacity as an employee of the City Council or as an election officer: Provided that where an employee is suspended from duty pending investigation and disposal of an allegation of misconduct he may, with the prior approval of the management team, be permitted to undertake alternative employment for remuneration, pending the outcome of his case.
- 7.1.3 Nothing herein contained shall be construed as preventing the City Council from summarily dismissing any employee guilty of any other misconduct justify dismissal.

7.2 Misconduct

- 7.2.1 An employee shall be guilty of misconduct if he—
- 7.2.1.1 wilfully contravenes any provision of these Conditions of Service;
 - 7.2.1.2 does not obey a lawful order given by any person having authority to give it, or disregards or wilfully neglects to execute such order, or by word or deed shows resistance;
 - 7.2.1.3 is negligent or slow in the performance of his duties;
 - 7.2.1.4 is guilty of disgraceful, improper or indecent conduct;
 - 7.2.1.5 otherwise than in the performance of his duty, makes known information obtained in the course of his duties or uses it for any purpose other than the performance of his official duties, or makes use of information obtained by him or supplied to him by virtue of his being an employee of the City Council, notwithstanding the fact that he has not made such information public;
 - 7.2.1.6 commits corruption or accepts a bribe or gifts;
 - 7.2.1.7 after being the subject of an administration order in terms of section 74 of the Magistrate's Court Act, 1944, incurs further debt for a sum in excess of R25;
 - 7.2.1.8 wilfully and deliberately makes an incorrect or false statement for the purpose of obtaining a privilege or advantage in respect of his official position or his duties or of injuring or prejudicing the City Council's service;
 - 7.2.1.9 is absent from duty without leave or without sufficient reason for more than five working days or, in the case of uniformed fire service staff of the Fire and Emergency Services Department, seven consecutive calendar days;
 - 7.2.1.10 is under the influence of intoxicating liquor while on duty or when reporting for duty or having to report for duty; or
 - 7.2.1.11 is addicted to the excessive use of intoxicating liquor or drugs, which has a detrimental effect on the performance of his duties,
- and action shall be taken against him in accordance with clause 7.1.3 or 7.2.2 or 7.3 or 7.4.
- 7.2.2 Where an employee is guilty of misconduct and is not dismissed from the service, the City Council may—
- 7.2.2.1 caution and reprimand him;
 - 7.2.2.2 stop one or more increments in his emoluments; or
 - 7.2.2.3 reduce his emoluments or grade, or both.

7.3 Suspension of employees

- 7.3.1 The head of department in consultation with the town clerk may, pending investigation and disposal of any complaint, allegation or charge of misconduct such as in his/her opinion may justify dismissal, suspend from duty any employee reasonably suspected of such misconduct and appoint another person temporarily to act in his place.
- 7.3.2 The town clerk in consultation with the mayor may, pending investigation and disposal of any complaint, allegation or charge of misconduct such as in his/her opinion may justify dismissal, suspend from duty any head of department reasonably suspected of such misconduct and appoint another person temporarily to act in his place. The Council may suspend the town clerk under similar circumstances.
- 7.3.3 The suspension from duty by the town clerk of any employee shall be reported to the management team at its next meeting after such suspension.

7.3.4 No employee shall for and during the period of his suspension from duty be entitled to receive any emoluments or allowances from the City Council: Provided that after the complaint, allegation or charge of misconduct has been disposed of, the City Council—

7.3.4.1 may pay to an employee who has been found guilty of misconduct the whole or any part of his emoluments or allowances for the period of his suspension; and

7.3.4.2 shall pay to an employee who has not been found guilty of misconduct the whole of his emoluments and allowances for the period of his suspension.

7.3.5 Where an employee is suspended from duty pending investigation and disposal of an allegation of misconduct, he may, with the prior approval of the management team, be permitted to undertake work for remuneration otherwise than in his capacity as an employee of the City Council, pending the outcome of the case.

7.4 Inquiry hearings

7.4.1 Any inquiry into a charge of misconduct against an employee of the City Council shall at the request of the head of department or the town clerk be held by the Director: Administration or by some person or persons designated by him either generally or specially, who shall take whatever action is necessary in each case.

7.4.2 The employee charged shall be entitled to be present at the inquiry and to give evidence and, either personally or by a representative to be heard, to call evidence and to cross-examine any person whose evidence is adduced or whose statement or complaint is used in support of the charge against him.

7.5 Grievances and complaints

7.5.1 An employee who has a grievance or complaint arising out of his employment may submit the matter in writing to the head of his department not later than seven days from the date on which he first became aware of the matter, and the head of the department shall take such action as he deems fit: Provided that if such employee is dissatisfied with the decision of the head of department (which decision shall be given in writing), he may request that the matter be brought before the Staff Advisory Committee, and in the event of the head of department declining to do so, he may address a communication directly to the town clerk, who shall thereupon submit the matter to the Staff Advisory Committee for consideration.

7.5.2 An employee who wishes to draw attention to any matter affecting the administration of the City Council, whether in his own department or not, may submit the matter in writing to the head of his department, who shall take such action as he deems fit and notify such employee thereof. If the employee is dissatisfied with the action of the head of department, he may address a communication directly to the town clerk.

8. MISCELLANEOUS

8.1 Acting heads

When a head of department is absent from the city on City Council business or on leave or sick, the person appointed as deputy shall act as head of the department. He shall carry out the duties in the same manner as the head of the department concerned and shall have the same powers. In the event of there being no designated position of deputy on the departmental staff establishment, the next senior official in that department shall be responsible for carrying out such duties.

8.2 Retirement age

8.2.1 The retirement age for all employees shall be as stipulated in the rules of the retirement fund of which the employee is a member, with the exception of the town clerk, whose retirement age shall be 65 years.

8.2.2 The service of employees (excluding the town clerk) may be extended by the City Council on the following basis, with the employee's consent:

8.2.2.1 Employees who are members of the Port Elizabeth Municipal Pension Fund, or Port Elizabeth Second Municipal Pension Fund, or the Port Elizabeth Municipal Provident Fund, for a period not exceeding two years from their normal date of retirement.

8.2.2.2 Employees who are members of the Port Elizabeth Municipal Pension Benefit Fund on a temporary basis, for a period not exceeding five years from their normal age of retirement, which is 65 years.

8.3 Termination of service

8.3.1 Permanent salaried employees shall be subject to one calendar month's written notice of termination (by either party) unless otherwise stipulated by the Council. The service of employees serving a probationary period shall, in respect of the first four weeks of service, be subject to one week's written notice of termination of service by either party, and to two weeks' notice thereafter.

8.3.2 Unless otherwise stated, the service of non-salaried employees shall be subject to two weeks' notice of termination by either party. The service of employees serving a probationary period shall be subject to one week's written notice of termination by either party for the first four weeks of employment.

8.3.3 The service of a permanent employee who has not reached pension age may be terminated if, in the opinion of the medical board, he has become incapable of efficiently discharging his duties due to infirmity of mind or body, caused without his own default.

8.3.4 Employees who are dismissed on notice from the City Council's service may at the discretion of the head of department, in consultation with the Director: Administration, be given pay in lieu of notice rather than be compelled to serve out their notice period.

8.4 Communication by or with an employee

- 8.4.1 No employee other than a head of department or employee authorised by the head of department shall discuss with any City Councillor or member of the Northern Areas and Malabar Management Committees any matter relating to the policy of the City Council.
- 8.4.2 No employee shall approach any Councillor or member of the Northern Areas and Malabar Management Committees on any matter affecting him in his capacity as an employee except through the head of his department.
- 8.4.3 No employee, other than a head of department or the public relations officer, shall communicate with the press on matters relating to the administration of the City Council, except with the authority of the head of his department.
- 8.4.4 No employee shall address ratepayers; associations or other public bodies on any matter directly or indirectly relating to the affairs, business or undertakings of the City Council without the prior permission of the town clerk.

8.5 Payment of temporary employees

Persons engaged in a temporary capacity, other than those employed on a contractual basis, shall be paid salaries or wages at a rate within the grade or scale applicable to permanent employees and shall, subject to the conditions of clause 2.2, receive annual increments within the grade or scale.

8.6 Heads of department—powers and duties

- 8.6.1 Each head of department shall be responsible for the efficient and economical administration and management of his department. It shall be the duty of every employee responsible for the work of other employees to maintain order and discipline and to see that the hours of duty are observed by his subordinates. He shall give special attention to the efficient arrangement of work and to the organisation of employees under him and shall exercise economy in the working methods and in the number of employees employed.
- 8.6.2 Each head of department shall supply to the town clerk or the Committee or the management team such information as may be required in respect of any employee in his department.

8.7 Obligations of employees

- 8.7.1 Employees shall devote themselves entirely to the service of the municipality and to the discharge of their official duties during their hours of duty. They shall not during their hours of duty without the authority of the head or deputy head of their department (or designate) absent themselves from duty or alter their appointed hours of attendance or exchange duties. In case of illness or accident they shall immediately notify or arrange to have notified the responsible official in their department.
- 8.7.2 Employees shall be responsible for the proper and efficient discharge of any work allotted to them by the head or deputy head of department.
- 8.7.3 Employees may be instructed to work for such period outside their normal hours of duty as the exigencies of service may require, but they shall not be deemed to have contravened the provisions of this paragraph if for good and sufficient reasons they cannot attend for such duty. If necessary, a head of department may instruct any employee to assist temporarily at any place and in such capacity as is reasonably consistent with the employee's normal status and occupation.
- 8.7.4 Employees shall be civil and obliging in their conduct and shall couch their official communications in courteous language. They shall be careful and accurate in providing any information requested and shall on all reasonable occasions when requested state their names and official designations.

8.8 Fees and earnings during working hours

Employees shall pay into the revenue of the City Council any fees or payments received by them for acting on behalf of the City Council or in respect of any services rendered during working hours in any capacity except as election officers to the City Council.

8.9 Gainful interest in City Council's contracts

Employees shall not in any way concern or interest themselves for gain in any agreement, contract or arrangement whatsoever made by or with the City Council: Provided, however, that this prohibition does not relate to contracts made by them with the City Council in regard to employment and to public services such as electricity supply or the matters permitted under clause 7.1.

8.10 Employment of other employees

Employees of the City Council shall not without the express permission of the head of department employ other employees of the City Council for personal purposes.

8.11 Stores and goods

- 8.11.1 When material or goods are issued to employees they shall be responsible for the safe custody and economical and effective use thereof and for the return of any surplus and shall obtain prior approval in writing from their superior for the use of any surplus for a purpose different from that for which it was issued.
- 8.11.2 Employees shall not use or permit to be used any property or goods of the City Council or remove or cause them to be removed from City Council premises except in the discharge of their official duties.
- 8.11.3 Employees shall be provided with such uniforms and other personal equipment as is necessary for the proper execution of their duties as may be laid down from time to time: Provided that all such uniforms and equipment issued to them shall remain the property of the City Council and shall be returned before a new issue is made or on termination of service. The management team may, however, as a special concession permit an employee to retain his uniform on retirement.

8.12 Personal matters

- 8.12.1 An employee shall promptly notify his head of department of any change in his residential address.
- 8.12.2 An employee shall not, except with the written consent of the town clerk, cede or assign his right or claim to any salary, wages or monies due to him by the City Council.
- 8.12.3 Whenever in the opinion of the city treasurer the service of one or more garnishee orders in respect of an employee's debts may have an adverse effect on the City Council's administration (other than the mere payments involved in the garnishee orders) and such person's employment, the city treasurer shall report this to the management team, which may deem this to be misconduct and deal with the employee as provided for in clause 7.

8.13 Living quarters

- 8.13.1 An employee shall not exchange for other quarters nor sublet the whole or part of any living quarters allotted to him by the City Council, without the authority of the Committee.
- 8.13.2 In the event of the death of an employee occupying official quarters or a City Council dwelling his household may remain in occupation of such quarters on the same conditions for a reasonable period but not exceeding three months from the date on which he died, whereafter the family will be allowed to remain in occupation for a further reasonable period but shall be charged an economic rental, as determined by the city treasurer.

8.14 Canvassing

Personal canvassing of Councillors or members of the Northern Areas and Malabar Management Committees for promotion or preferential treatment by the City Council is strictly prohibited and proof thereof shall disqualify an applicant for appointment or promotion and if such applicant is in the service of the City Council, such conduct shall be deemed to be misconduct.

8.15 Service on public bodies

- 8.15.1 An employee may attend a meeting of any public body during working hours on behalf of the City Council only subject to the approval of the head of department concerned and to the exigencies of service, or on the instruction of the City Council. Where such attendance is other than on the instructions of the City Council, the employee shall apply for leave and shall be entitled to retain any fee paid to him by such body.
- 8.15.2 If it is considered to be in the interest of the municipal service, the City Council may require any employee who is a member of a public body to resign from such body.

8.16 Attendance registers

A head of department shall keep an attendance register of all employees in his department.

8.17 Legal assistance

Whenever a claim is made or legal proceedings are instituted against any employee of the City Council arising out of any act or deed done or omitted by him in the performance of his duties or the exercise of his powers, the City Council shall—

- 8.17.1 in the case of a civil claim or civil proceedings, if it is of the opinion that the employee acted in good faith and without negligence, indemnify him in respect of such claim or proceedings, and—
 - 8.17.1.1 provide for the legal representation of such employee at the cost of the City Council or undertake to pay his taxed party-and-party costs, and
 - 8.17.1.2 settle the claim and pay any amount due in terms of such settlement, or
 - 8.17.1.3 pay any award made by a court against him;
- 8.17.2 in the case of criminal proceedings, if it is of the opinion that the employee acted in good faith and without negligence, indemnify him in respect of his legal costs therein or provide for his legal representation at the cost of the City Council, and
- 8.17.3 in the case of criminal proceedings, if it is of the opinion that it is in its interest to do so, indemnify the employee in respect of his legal costs therein or provide for his legal representation at the cost of the City Council: Provided that the City Council may refuse to act in accordance with the foregoing provisions or may terminate any steps already taken by it and recover from the employee any costs incurred by it on his behalf if the employee—
 - 8.17.3.1 has made an admission or statement which the City Council considers to be prejudicial to a successful defence, or
 - 8.17.3.2 has made any offer of payment or settlement, or
 - 8.17.3.3 declines to accept the services of a legal representative nominated by the City Council, or
 - 8.17.3.4 fails or refuses to furnish information the City Council may require, or furnishes false or misleading information, or
 - 8.17.3.5 fails or refuses to co-operate with the City Council or to render assistance required by the City Council.

8.18 Staff records

A complete staff record of each employee shall be kept by the Personnel Division of the City Administration Department and the city treasurer shall keep financial records of employees for the calculation of salaries and wages.

8.19 Conditions of service

- 8.19.1 Upon appointment to the service of the municipality, an employee shall, on application, be supplied with a copy of these Conditions of Service, together with such instruction as the head of the relevant department may decide, provided they do not conflict with these conditions.
- 8.19.2 These conditions of service supersede the conditions in force prior to 1 October 1987 and shall be deemed to form part of the agreement of employment between the City Council and its employees and shall be regarded as incorporated therein.

8.20 Payment of interest

Any money due to the City Council by an employee in terms of a written agreement shall bear interest at the standard rate of interest as defined in the Municipal Ordinance, 1974, and determined from time to time, from due date to date of payment, both dates inclusive.

9. SUBSISTENCE AND TRANSPORT COSTS**9.1 Expenses when absent on municipal business**

- 9.1.1 Employees who, on the instructions of the City Council, leave the city to attend conferences or as members of deputations or on official visits on municipal business, other than to the Port Elizabeth municipal works or installations, shall be paid such allowances in respect of subsistence and travelling expenses as may be determined by the Council from time to time.
- 9.1.2 Employees who, on the instructions of the City Council or head of department, leave the City on Council business not requiring overnight accommodation shall be paid an allowance for out-of-pocket expenses.

10. APPRENTICES, PUPILS, TECHNICIANS AND NURSING STAFF**10.1 Apprentices, pupils and technicians**

Salaries and wages: The wages of apprentices shall be as laid down from time to time by legislation or relevant agreements and the salaries of pupils and technicians shall be laid down in the City Council's grading scheme.

Deemed to be permanent employees: Pupils and learner technicians shall be regarded as permanent employees for pension fund purposes and shall be subject to all relevant conditions of service.

Employment of apprentices and learner artisans on a contract basis: Apprentices and learner artisans shall be employed on a contract basis for a period equal to the duration of the training prescribed by the relevant legislation and on completion thereof their services shall for pension fund purposes be deemed to have been terminated for reasons other than those contained in the relevant rules of the pension funds, unless the City Council retains their services beyond the termination of the contract of apprenticeship.

Studies: Apprentices, pupils and learner technicians shall be permitted to attend block release or other courses at the Port Elizabeth Technical College or the Port Elizabeth Technikon if the head of department is of the opinion that such attendance will be beneficial to the apprentice's progress in their training.

Pupils in horticulture: Notwithstanding the fact that such employees are designated pupils, they shall comply with all the requirements of the Manpower Training Act, 1981 (Act No. 56 of 1981), and complete any necessary agreements.

10.2 Nursing staff

- 10.2.1 Full-time nursing staff in the City Council's service on 31 December 1975 and who are on the permanent staff establishment shall, in addition to the conditions in this agreement, comply with the following conditions:

- 10.2.1.1 An employee of the nursing staff who sustains an injury or contracts an illness in the course of performance of official duties may be granted special sick leave on full pay for the period of incapacity for work, but not exceeding six months: Provided, however, that if such incapacitation continues beyond the period of six months the matter shall be reported to the Committee for its consideration and for further directions, such consideration and directions to be in accordance with the provisions of the Workmen's Compensation Act, 1941: Provided further that where such injury or illness is such as to entitle compensation under the Workmen's Compensation Act leave for the period of incapacity with full pay less the compensation payable under the Act may be granted.
- 10.2.1.2 The special conditions laid down by the Department of Health Services and Welfare in regard to allowances other than transport allowances and annual bonus and the value of privileges shall be deemed to be special conditions of service applicable to nursing staff within the meaning of this chapter and shall be subject to any alterations or amendments that may from time to time be made by the Department of Health Services and Welfare.

11. STAFF ADVISORY COMMITTEE

For the purpose of consultation between the City Council and its employees on all matters affecting the employees, there shall be established a Committee to be called the Staff Advisory Committee.

11.1 Constitution

- 11.1.1 The Staff Advisory Committee shall for the purpose of considering matters which concern only the South African Association of Municipal Employees consist of four members of the City Council and four members of the Port Elizabeth branch of the Association who, subject to clause 11.1.2, shall be employees of the City Council. The City Council members shall be appointed annually by the City Council. The Association members shall be appointed annually in a manner to be determined by the Association, but within 30 days of the annual general meeting of the branch. Members of the Staff Advisory Committee shall retire annually but shall be eligible for reappointment. An alternate for each member shall be appointed.

11.1.2 It shall be competent for the Association to appoint to the Staff Advisory Committee as one of its four members the secretary and/or assistant secretary for the time being of the local branch of the Association, even though such persons are not employees of the City Council.

11.1.3 The members of the Staff Advisory Committee shall appoint from amongst themselves a chairman and a deputy chairman, each of whom may hold his office annually from the first meeting after the annual election of Committees of the City Council, but neither of whom shall have a casting vote.

11.2 Functions

The functions of the Staff Advisory Committee shall be to consider and thereafter to report to the standing committee upon all proposals regarding or involving—

11.2.1 the regarding or the redesignation of posts or persons;

11.2.2 the alteration or amendment of these Conditions of Service;

11.2.3 any other matter which the Committee considers will improve relations between the City Council and its staff (including any appeal lodged by any member of the staff) or will further the interests of the City Council and its employees; and in furtherance of these functions, but for information purposes only, copies of the agenda and minutes of the meetings of the Committee shall be made available to the local branch secretary of the South African Association of Municipal Employees.

11.3 Meetings

11.3.1 The Staff Advisory Committee shall, unless there is insufficient business to discuss, meet at least once in every two months, commencing in October each year, and the date of such meeting shall be in the calendar of meetings of the standing committees. Special meetings may be convened as and when required.

11.3.2 Heads of department or other persons may attend such meetings in an advisory capacity when required by the Committee to do so.

11.3.3 The Town Clerk shall be responsible for the preparation of the agenda of such meetings, take and keep the minutes of such meetings, and handle all correspondence arising therefrom.

11.4 In the same process and procedure, for the purpose of considering matters which concern only the Amalgamated Municipal Employees Association, the City Council members of the Staff Advisory Committee shall meet with four employee representatives of the association known as the Amalgamated Municipal Employee Association in order to participate in the functions of the Staff Advisory Committee as detailed in clauses 11.2 and 11.3 of these conditions.

11.5 For the purpose of considering matters which concern both the South African Association of Municipal Employees and the Amalgamated Municipal Employees Association, the City Council members of the Staff Advisory Committee shall meet with two employee representatives of the South African Association of Municipal Employees and two employee representatives of the Amalgamated Municipal Employee Association in order to participate in the functions of the Staff Advisory Committee as set out in clauses 11.2 and 11.3 of these conditions.

BYLAE A

Gesalarieerde betrekings waarin werknemers op 'n 45-uurwerkweek aangestel is

DEPARTEMENT STADSADMINISTRASIE:

Ambulansassistent (magasyn).

Ambulansman/-vrou.

Paramedikus.

Assistent-stasie-offisier.

Beheerkameroperator.

Senior ambulansman/-vrou.

Stasie-offisier.

Magasynmeester (Graad II).

Opsigter (Gemeenskapsentrum).

Toesighouer/klerk en assistent.

Opsigter (Bristerhuis).

DEPARTEMENT VAN DIE STADSINGENIEUR:

Kombuistoeshouer.

Opsigter (Eric Tindalegebou).

Sekuriteitswag.

Pypleidinginspekteur (ook senior).

Toesighouer (waterverliesopsporing).

Senior inspekteur (waterverliesopsporing).

Waterinstallasie-inspekteur.

Bedryfskontroleur.

Werkwinkelassistent.

Operateur, waterbehandelingsaanleg.

ANNEXURE A

Salaried positions in which employees are engaged on 45-hour week basis

CITY ADMINISTRATION DEPARTMENT:

Ambulance assistant (inventories).

Ambulanceman/woman.

Paramedic.

Assistant station officer.

Control room operator.

Senior ambulanceman/woman.

Station officer.

Storekeeper (Grade II).

Caretaker (Community Centre).

Caretaker (Brister House).

Custodian/clerk and assistant.

CITY ENGINEER'S DEPARTMENT:

Kitchen supervisor.

Caretaker (Eric Tindale Building).

Security guard.

Pipeline inspector (also senior).

Supervisor (water loss detection).

Senior inspector (water loss detection).

Water installation inspector.

Operations controller.

Workshop assistant.

Water treatment plant operator.

Operateur, waterherwinningsaanleg.
 Superintendent, waterherwinningswerke.
 Pompstasiebediener (ook senior).
 TV-assistent/Pypleidinginspekteur.
 Stortterreinopsigter.
 Wagtoesighouer.
 Senior werke-operateur (waterherwinning) (ook skoftoesighouer).
 Reinigingsvoorman (ook senior en leerling).
 Vervoersuperintendent.
 Vervoervoorman (ook vervoersuperintendent).
 Bedryfsvoorman (asfaltaanleg).
 Aankoper (motorwerkwinkel).
 Toesighouer (verfwerk).
 Klerk (Magasyn, Reinigingsafdeling).
 Infiltrasie-inspekteur.
 Leerlingtegnikus (ook junior tegnici en ingenieurstegnici—indien in diens in 'n afdeling wat normaalweg 45 uur per week werk).
 Ingenieursvakman (ook senior en leervoorman—direk in bevel van werknemers wat 45 uur per week werk).
 Assistentsuperintendent (waterbehandeling).
 Instrumentmeganikus (gekwalfiseerd en ongekwalifiseerd).
 Bosbouwer (Churchill).
 Konstruksievoorman (ook superintendent).
 Toesighouer—padonderhoud (Graad I).
 Motorvoertuiginspekteur (ook senior).
 Distriksuperintendent (instandhouding van paaie en stormwaterdreineerstelsel).
 Klerk van Werke.
 Assistentsuperintendent van werke (ook superintendent).
 Superintendent (motorwerkwinkel).
 Voorman (meganies en elektries).
 Installasiesuperintendent.
 Assistentsuperintendent (instandhouding, konstruksie, installasies, morswater, bedryf, riolering, instrumente).
 Superintendent (werkwinkel).
 Toesighouer (padmesselwerk).
 Assistentsuperintendent (motorwerkwinkel).
 Werkwinkelbeplanner.
 Voertuigafsender.
 Werkbeheerklerk (voertuie).
 Magasynmeester (Graad II).
 Distriktoesighouer (reiniging).
 Aankope- en voorradebeampste (motorvoertuigafdeling).
 Assistentsuperintendent (meganiese werkwinkel).
 Voormanbouwer.
 Hoofwaterleidinglêer.
 Messelaar/Pypplêer.
 Pypplêer (stormwater).
 Bou-ambagsman.
 Verwer.
 Spuitverwer.
 Letterskilder.

DEPARTEMENT VAN DIE ELEKTROTEGNIËSE STADS-INGENIEUR:

Leerlingtegnikus (ook junior tegnici en ingenieurstegnici—indien werksaam in 'n afdeling wat normaalweg 45 uur per week werk).
 Beheerkamerbediener (ook senior).
 Sekuriteitswag.
 Algemene assistent/Veiligheidsinstrukteur.
 Toesighouer (verfwerk).

Water reclamation plant operator.
 Water reclamation works superintendent.
 Pumping station attendant (also senior).
 TV assistant/Pipeline inspector.
 Disposal site supervisor.
 Watchman supervisor.
 Senior works operator (water reclamation) (also shift supervisor).
 Cleansing foreman (also senior and learner).
 Transport superintendent.
 Transport foreman (also transport superintendent).
 Asphalt plant operating foreman.
 Buyer (automotive).
 Supervisor (painting).
 Clerk (Stores, Cleansing Division).
 Infiltration inspector.
 Learner technician (also junior technicians and engineering technicians—if employed in a section which normally works a 45-hour working week).
 Engineering artisan (also senior and chargehand—directly in charge of employees on a 45-hour working week).
 Assistant superintendent (water treatment).
 Instrument mechanic (qualified and unqualified).
 Forester (Churchill).
 Construction foreman (also superintendent).
 Supervisor—roads maintenance (Grade I).
 Automotive inspector (also senior).
 District superintendent (roads and stormwater maintenance).
 Clerk of works.
 Assistant superintendent of works (also superintendent).
 Superintendent (automotive).
 Foreman (mechanical and electrical).
 Installation superintendent.
 Assistant superintendent (maintenance, construction, installations, wastewater, operations, drainage, instruments).
 Superintendent (workshop).
 Supervisor (roads masonry).
 Assistant superintendent (automotive).
 Workshop planner.
 Vehicle dispatcher.
 Vehicle expeditor.
 Storekeeper (Grade II).
 District supervisor (cleansing).
 Purchasing and supplies officer (automotive).
 Assistant superintendent (mechanical workshops).
 Building chargehand.
 Watermain layer.
 Mason drainlayer.
 Stormwater drainlayer.
 Building artisan.
 Painter.
 Spraypainter.
 Signwriter.

CITY ELECTRICAL ENGINEER'S DEPARTMENT:

Learner technician (also junior technicians and engineering technicians—if employed in a section which normally works a 45-hour working week).
 Control room attendant (also senior).
 Security guard.
 General assistant/Safety instructor.
 Supervisor (painting).

Toesighouer (distribusiedepot).
 Klerk (werkwinkeldistribusie).
 Skofvoorman (kragstasies).
 Ingenieursvakmanne (ook senior en leervoorman).
 Produksievoorman (gas) (ook superintendent).
 Instrumentmeganikus (gekwalfiseerd en ongekwalifiseerd).
 Assistentesuperintendent (werkwinkel, meterdienste, installasies, distribusie, instrumente, kragstasie).
 Senior ambagsman (SKS-gebou-instandhouding).
 Bou-ambagsman.
 Verwer.
 Spuitverwer.
 Letterskilder.
 Meterafleser, nywerhede.
 Skofkontroleur en -assistent.
 Stelselkontroleur en -assistent.
 Distribusie-superintendent (gas).
 Instandhoudingsuperintendent (gas).

PARKEDEPARTEMENT:

Badhuisbediener.
 Kassier/Klerk.
 Strandopsigter/Tydlike kassier.
 Liggaamsopvoedingsassistent.
 Tuinboukundige, leerling in tuinboukunde, tuinboukunde-assistent, senior tuinboukundige, distriks-beampte.
 Bloemiste.
 Kwekeryman.
 Begraafplaasopsigter (ook senior en assistent).
 Ontvangsklerk/Klerk (Joorstpark).
 Strandkonstabel.
 Parkkonstabel (ook senior).
 Ontspanningsassistent (Graad I en II) en senior.
 Terreinopsigter/Opsigter.
 Lewensredder (ook senior).
 Hoofstuinier.
 Boswagter.
 Tegnieassistent (parke).
 Toesighouer (parke).
 Krematoriumopsigter.
 Toesighouer (sportstadion).
 Ontspanningsbeampte.
 Ingenieursvakman.
 Voorman (gebou-instandhouding).
 Natuur- en omgewingsbewaringsbeampte.
 Boswagter (natuur- en omgewingsbewaring).
 Projekbeampte.
 Toesighouer (plantegroei-beheer).
 Bou-ambagsman.
 Verwer.
 Spuitverwer.
 Letterskilder.
 Senior swembadsuperintendent (McArthur-swembad).
 Senior klerklike assistent.

Supervisor (distribution depot).
 Clerk (workshop distribution).
 Shift foreman (power stations).
 Engineering artisans (also senior and chargehand).
 Production foreman (gas) (also superintendent).
 Instrument mechanician (qualified and unqualified).
 Assistant superintendent (workshops, metering services, installations, distribution, instruments, power station).
 Senior artisan (SPS building maintenance).
 Building artisan.
 Painter.
 Spraypainter.
 Signwriter.
 Industrial meter reader.
 Shift controller and assistant.
 System controller and assistant.
 Distribution superintendent (gas).
 Maintenance superintendent (gas).

PARKS DEPARTMENT:

Bathing house attendant.
 Cashier/Clerk.
 Beach attendant/Temporary cashier.
 Physical culture assistant.
 Horticulturist, pupil in horticulture, horticultural assistant, senior horticulturist, district officer.
 Florist.
 Nurseryman.
 Cemetery supervisor (also senior and assistant).
 Receptionist/Clerk (Joorst Park).
 Beach constable.
 Parks constable (also senior).
 Recreation assistant (Grade I and II) and senior.
 Groundsman/Caretaker.
 Lifeguard (also senior).
 Head gardener.
 Forest ranger.
 Technical assistant (parks).
 Supervisor (parks).
 Crematorium supervisor.
 Recreation officer.
 Engineering artisan.
 Foreman (building maintenance).
 Nature and environmental conservation officer.
 Nature and environmental conservation ranger.
 Projects officer.
 Supervisor (vegetation control).
 Building artisan.
 Painter.
 Spraypainter.
 Signwriter.
 Senior pool superintendent (McArthur Bath).
 Supervisor (sports stadium).
 Senior clerical assistant.

BEHUISINGSDEPARTEMENT:

Opsigter (munisipale woonstelle en ouetehuisse).
 Instandhoudingsvoorman.
 Opsigter/Klerk.
 Bou-ambagsman.
 Verwer.
 Spuitverwer.
 Letterskilder.

MARKDEPARTEMENT:

Markkonstabelassistent.

VERKEERSDEPARTEMENT:

Verkeerswaardin (ook senior en leerling).
 Chauffeur van die burgemeester.
 Parkeermetermeganikus.
 Instandhoudingstoeshouder (parkeermeters — ook ongekwalifiseerd).
 Burgemeester se chauffeur (geleentheidschauffeur 12/88).
 Verwer.
 Tekenmaker.

DEPARTEMENT BRAND- EN NOODDIENSTE:

Bedryfskontroleur.
 Beheerkameroperateur.

BYLAE B**Vervoertoelae****1. VOORWAARDES TEN OPSIGTE VAN BETALING VAN VERVOERTOELAE****1.1 Woordomskeywing**

"**koste van motor**" beteken die koste van 'n motor gegrond op die huidige gemiddelde koste van sodanige motor.

"**jaarlikse lisensiegeld**" beteken die geld wat vir die betrokke motor aan die lisensieowerheid betaalbaar is.

"**jaarlikse versekeringspremie**" beteken die premie betaalbaar ten opsigte van die betrokke motor vir die minimum "balans van derdeparty"-versekering.

1.2 'n Werknemer wat ingevolge 'n ooreenkoms met die Stadsraad 'n motorvoertuig vir gereelde gebruik in die diens van die Stadsraad moet voorsien, ontvang 'n vervoertoelae of, ingeval die voertuig net af en toe gebruik word, 'n geleentheidsvervoertoelae. Met dien verstande dat die vergoeding in die geval van 'n nuutaangestelde in 'n betrekking waar die posbekleër 'n motorvoertuig vir gereelde gebruik in die Stadsraad se diens moet voorsien, op 'n geleentheidstoelae-grondslag geskied waar die gewone totale maandelikse afstand wat vir minisipale sake afgelê word, op minder as 400 km te staan kom.

1.3 Die Stadsraad kan so 'n werknemer op aansoek help om die motor op die voorwaardes wat van tyd tot tyd goedgekeur word, te koop.

1.4 Vir die doeleindes van die vervoertoelae word 'n maandelikse afstandskatting eerstens deur die Stadsraad op aanbeveling van die betrokke komitee ná komitee oorweging van 'n verslag van die betrokke departementshoof gedoen; daarna is die werknemer geregtig om van tyd tot tyd aansoek te doen om die verandering van die vervoertoelae, gegrond op die opgawe van die afstande wat hy afgelê het of inligting oor die afstand wat hy verwag om af te lê. Die Stadsraad kan insgelyks na aanleiding van soortgelyke inligting en op aanbeveling van die betrokke departementshoof die afstand waarop 'n werknemer se vervoertoelae gegrond is, verander.

HOUSING DEPARTMENT:

Caretaker (municipal flats and homes for the aged).
 Maintenance foreman.
 Custodian/Clerk.
 Building artisan.
 Painter.
 Spraypainter.
 Signwriter.

MARKET DEPARTMENT:

Market constable assistant.

TRAFFIC DEPARTMENT:

Female traffic warden (also senior and trainee).
 Mayoral chauffeur.
 Parking meter mechanician.
 Parking meter maintenance supervisor (also unqualified).
 Mayoral chauffeur (casual chauffeur 12/88).
 Painter.
 Sign assembler.

FIRE AND EMERGENCY SERVICES DEPARTMENT:

Operations controller.
 Control room operator.

ANNEXURE B**Locomotion allowances****1. CONDITIONS GOVERNING PAYMENT OF LOCOMOTION ALLOWANCES****1.1 Definitions**

"**cost of motorcar**" means the cost of a motorcar based on the present-day average cost of such vehicle;

"**annual licence fee**" means the fee payable for such a car to the licensing authority;

"**annual insurance premium**" means the premium payable in respect of such a car for at least "balance of third party" insurance cover.

1.2 Any employee who by agreement with the City Council is required to provide a motor vehicle for regular use in the service of the City Council shall be paid a locomotion allowance or, in the case of occasional use, a casual locomotion allowance: Provided that in the case of a new appointee to a position where the incumbent is required to provide a motor vehicle for regular use in the service of the City Council, the compensation shall be on a casual allowance basis where the normal total monthly distance travelled on official municipal business is less than 400 km.

1.3 The City council may on application assist any such employee to acquire such motorcar on such terms as may be approved from time to time.

1.4 An assessment of monthly distance for purposes of the locomotion allowance shall be made in the first instance by the City Council on the recommendation of the relative committee after consideration of a report by the head of the department concerned, thereafter the employee shall be entitled from time to time to apply for an adaption of the locomotion allowance based on the returns of the distances travelled by him or on information as to the distance he anticipates he will travel. The City Council may, on the recommendation of the head of department concerned and based on similar information, adjust the distance on which an employee's locomotion allowance is based.

- 1.5 Die werknemer moet 'n amptelike logboek hou op 'n wyse wat van tyd tot tyd deur sy departementshoof of die Stadsraad bepaal word.
 - 1.6 Die maandelikse afstandskatting moet tot die naaste 50 km afgerond word.
 - 1.7 Die skatting moet onder andere vir een retoerit per dag tussen die werknemer se huis en sy werkplek voorsiening maak, met hoogstens 241 km per maand vir die retoerit: Met dien verstande dat waar 'n werknemer binne 800 m vanaf sy gewone werkplek woon, geen retoerit in sy afstandskatting ingesluit mag word nie.
 - 1.8 45% van die daaglikse vervoertoelaetarief word afgetrek vir elke werkdag wat die werknemer van diens afwesig is, behalwe wanneer die werknemer Port Elizabeth vir amptelike munisipale sake verlaat, of hy tyd af kry in plaas van oortyd gewerk op 'n dag wat nie vir daardie kategorie werknemer as 'n gewone werkdag beskou word nie.
 - 1.9 Die vervoertoelae kan op enige tydstip wanneer 'n werknemer nie meer 'n motorvoertuig nodig het om sy pligte behoorlik te verrig nie, deur die Stadsraad gestaak word: Met dien verstande dat die Stadsraad drie kalendermaande skriftelike kennis van die beëindiging moet gee. Indien 'n beampte wat 'n vervoertoelae ontvang, nie langer sy motor vir Stadsraadsdiens beskikbaar wil stel nie, moet hy die Stadsraad waar moontlik ook drie maande skriftelike kennis gee.
 - 1.10 Die vervoertoelae word sonder kennisgewing outomaties gestaak wanneer 'n werknemer se diens by die Stadsraad beëindig word, hetsy deur die Stadsraad of deur die werknemer self. Die vervoertoelae word ook outomaties gestaak wanneer die werknemer 'n ander pos in die Stadsraad aanvaar waar hy nie 'n voertuig nodig het om sy pligte behoorlik te verrig nie.
 - 1.11 'n Vervoertoelae word nie in aanmerking geneem wanneer 'n verlofkommutasiebedrag bereken word nie.
 - 1.12 'n Werknemer met 'n vervoertoelae wat tydelik sy eie betrekking opgee om in 'n ander werknemer se betrekking in die Stadsraad waar te neem, ontvang 'n vervoertoelae ten opsigte van daardie betrekking of die toelae ten opsigte van sy eie betrekking, watter een ook al die grootste is.
 - 1.13 'n Werknemer met 'n vervoertoelae wat behalwe sy eie pligte tydelik dié van 'n ander werknemer oorneem, moet 'n groter vervoertoelae ontvang, verkry deur die byvoeging van 'n bedrag ten opsigte van die loopkoste (per 80 km), wat bepaal word deur 'n skatting van die afstand wat vir die doeltreffende uitvoering van sy bykomstige pligte nodig geag word, in berekening te bring.
 - 1.14 'n Werknemer met 'n vervoertoelae wat tydelik die pligte waarneem van 'n ander werknemer wat geen vervoertoelae ontvang nie, moet vir 'n tydperk van drie maande 'n kleiner vervoertoelae betaal word wat net vaste koste (d.w.s. nie loopkoste nie) behels, en wanneer die tydperk van drie maande verstreke is, moet die werknemer hoegenaamd geen vervoertoelae ontvang tot tyd en wyl hy diens in sy eie betrekking hervat nie.
 - 1.15 'n Vaste maandelikse vervoertoelae word in die vervolg net toegestaan indien daar van 'n werknemer verlang word om op 'n gereelde grondslag sy motorvoertuig vir minstens 650 km per maand (alles ingesluit) vir munisipale doeleindes te gebruik.
- 1.5 The employee shall keep an official log book in a manner as required from time to time by the head of his department or the City Council.
 - 1.6 The assessment of monthly distance shall be rounded off to the nearest 50 km.
 - 1.7 The assessment shall provide for *inter alia* one return journey each day between the employee's place of employment and his residence, with a maximum of 241 km a month for this return journey: Provided that where an employee resides within 800 m from his normal place of employment, no such journey shall be included in his assessment of distance.
 - 1.8 45% of the daily locomotion allowance rate shall be deducted for each working day the employee is absent from duty, except when he is away from Port Elizabeth on official municipal business or granted time off in lieu of overtime worked on a day not regarded as a normal working day for that category of employee.
 - 1.9 The locomotion allowance may be terminated by the City Council at any time when the use of a motor vehicle by an employee is no longer necessary for the effective carrying out of his duties: Provided that three calendar months' notice in writing of such termination shall be given by the City Council. If an official who receives a locomotion allowance no longer wishes to provide his car in the service of the City Council, such employee shall, where possible, also give the City Council three calendar months' notice thereof in writing.
 - 1.10 The locomotion allowance shall cease automatically without notice when an employee's service with the City Council is terminated, either by the employee himself or by the City Council. The locomotion allowance shall similarly cease automatically when a person takes up another position in the City Council's service where a vehicle is not required for the effective carrying out of his duties.
 - 1.11 A locomotion allowance shall not be taken into account in computing any amount to be paid to the employee in lieu of leave.
 - 1.12 An employee receiving a locomotion allowance who temporarily vacates his own position to act in another employee's position in the City Council's service, shall be paid the locomotion allowance in respect of that position or the allowance in respect of his own position, whichever is the greater.
 - 1.13 An employee receiving a locomotion allowance who temporarily assumes the duties of another employee in addition to his own shall receive such higher locomotion allowance, as is obtained from the addition of an amount in respect of running charges (per 80 km), ascertained by taking into the calculation an assessment of the distance considered necessary for the effective performance of such additional duties.
 - 1.14 An employee receiving a locomotion allowance who temporarily assumes the duties of another employee who receives no locomotion allowance, shall for a period of three months be paid a reduced locomotion allowance consisting of standing charges only (i.e. no running charges), and after the expiry of the period of three months that employee shall receive no locomotion allowance whatsoever until he reassumes duty in his own position.
 - 1.15 A fixed monthly locomotion allowance shall in future be granted only if an employee is required on a regular basis to use his motor vehicle for municipal purposes for at least 650 km per month (everything included).

2. VERVOERTOELAE—GRONDSLAG VAN BETALING

Die grondslag vir die betaling van vervoertoelaes is soos volg:

- 2.1 Alle beamptes wat gereeld hul privaat motorvoertuie vir munisipale sake gebruik, word 'n maandelikse toelae betaal binne die goedgekeurde skaal wat so na as moontlik met hul maandelikse gemiddelde afstand ooreenkom, ongeag daarvan of die afstand wat afgelê word binne die munisipale gebied is of nie.
- 2.2 Wanneer beamptes wat gereelde vervoertoelaes gegrond op 'n maandelikse afstandskatting, ontvang, nou en dan (met munisipale sake) meer as 10% meer as die afstand wat deur die gereelde maandelikse toelae gedek word, moet aflê, word hulle maandeliks op die grondslag van aangepaste toelaes binne die gekeurde skaal vir die ekstra afstande vergoed.
- 2.3 Geleentheidsvervoertoelaes word volgens die goedgekeurde skaal betaal: Met dien verstande dat geen toelae van 241 km vir huis-kantoor-ritte betaal word nie.

Hierdie Ooreenkoms is in Port Elizabeth namens die partye onderteken op hede die 22ste dag van Oktober 1993.

F. H. KOTZE,

Voorsitter van die Raad.

J. J. CRAFTFORD,

Ondervoorsitter van die Raad.

P. K. BOTHA,

Sekretaris van die Raad.

No. R. 125

28 Januarie 1994

VERDEDIGINGSWET, 1957

WYSIGING VAN REGULASIES TER REËLING VAN GEMEENSAPSDIENS WAT VERRIG MOET WORD DEUR PERSONE WAT INGEVOLGE ARTIKEL 72D (1) (a) (iii) VAN DIE VERDEDIGINGSWET, 1957, AS GEWETENSBEWAARDES GEKLASSIFISEER IS

Die Minister van Mannekrag het, kragtens artikel 72G (1) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), die regulasies in die Bylae vervat, uitgevaardig.

BYLAE

1. In hierdie Bylae beteken die uitdrukking "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 588 van 30 Maart 1984, soos gewysig deur Goewermentskennisgewing Nos. R. 1040 van 3 Junie 1988 en R. 973 van 3 April 1992.

2. Die Regulasies word hierby gewysig deur die woorde "godsdienbeswaarde" en "godsdienbeswaardes", waar dit ook al voorkom deur onderskeidelik die woorde "gewetensbeswaarde" en "gewetensbeswaardes" te vervang.

3. Regulasie 1 van die Regulasies word hierby gewysig—

- (a) deur die omskrywing van "herberg" deur die volgende omskrywing te vervang:

"'herberg' losies, beddegoed, maaltye, vloeibare versiersings, water en elektrisiteit, was en stryk, met inbegrip van Hotelraadtoeslag, dienstoelag en Belasting op Toegevoegde

2. LOCOMOTION ALLOWANCES — BASIS OF PAYMENT

The basis for payment of locomotion allowances shall be as follows:

- 2.1 All officials who regularly use their private motor vehicles on municipal business shall be placed on the basis of a monthly allowance within the approved scale covering the distance approximating as closely as possible their monthly average distance, whether or not the distance travelled is within the municipal area.
- 2.2 When officials who regularly receive locomotion allowances based on an assessed monthly distance are occasionally required to travel (on municipal business) more than 10 % in excess of the distance covered by the regular monthly allowance, they shall be recompensed monthly for the extra distance involved on the basis of adjusted allowances within the approved scale.
- 2.3 Casual locomotion allowances shall be paid on the basis of the approved scale: Provided that no allowance of 241 km shall be paid for home-to-office usage.

This Agreement signed at Port Elizabeth, on behalf of the parties, this 22nd day of October 1993.

F. H. KOTZE,

Chairman of the Council.

J. J. CRAFTFORD,

Vice-Chairman of the Council.

P. K. BOTHA,

Secretary of the Council.

No. R. 125

28 January 1994

DEFENCE ACT, 1957

AMENDMENT OF REGULATIONS GOVERNING THE COMMUNITY SERVICE TO BE RENDERED BY PERSONS CLASSIFIED AS CONSCIENTIOUS OBJECTORS IN TERMS OF SECTION 72D (1) (a) (iii) OF THE DEFENCE ACT, 1957

The Minister of Manpower has under section 72G (1) of the Defence Act, 1957 (Act No. 44 of 1957), made the regulations contained in the Schedule.

SCHEDULE

1. In this Schedule the expression "the Regulations" means the regulations promulgated by Government Notice No. R. 588 of 30 March 1984, as amended by Government Notices Nos. R. 1040 of 3 June 1988 and R. 973 of 3 April 1992.

2. The Regulations are hereby amended by the substitution for the expressions "religious objector" and "religious objectors", wherever they occur, of the expressions "conscientious objector" and "conscientious objectors", respectively.

3. Regulation 1 of the Regulations is hereby amended—

- (a) by the substitution for the definitions of "accommodation" of the following definition:

"'accommodation' means lodging, bedding, meals, liquid refreshments, water and electricity, washing and ironing, including Hotel Board levy,

Waarde wat op enige van die voormelde items gehef kan word of enige kombinasie van daardie items, maar uitgesonderd alkoholiese drank en droogskoonmaak;";

(b) deur die woordskrywing van "pos" te skrap; en

(c) deur die woordskrywing van "werkgewer" deur die volgende omskrywing te vervang:

"'werkgewer' 'n departement, instelling, raad of liggaam in artikel 72E (4) van die Wet bedoel, by wie 'n gewetensbeswaarde verplig is om gemeenskapsdiens te verrig."

4. Regulasie 3 van die Regulasies word hierby deur die volgende regulasie vervang:

"3. 'n Gewetensbeswaarde word aangewend slegs vir die gemeenskapsdiens wat die Minister van Mannekrag of 'n beampete deur hom daartoe gemagtig, bepaal het en wat uiteengesit is in die pligstaat in regulasie 10 bedoel: Met dien verstande dat die werkgewer, met die instemming van die Minister van Mannekrag of 'n beampete deur hom daartoe gemagtig, die gewetensbeswaarde vir ander pligte kan aanwend."

5. Regulasie 5 van die Regulasies word hierby deur die volgende regulasie vervang:

"5. Gemeenskapsdiens word gedoen in die stad, dorp of plek wat van tyd tot tyd as die gewetensbeswaarde se hoofkwartier aangewys word."

6. Regulasie 10 van die Regulasies word hierby deur die volgende regulasie vervang:

"10. 'n Werkgewer reik by die aanvang van die gemeenskapsdiens aan elke gewetensbeswaarde in sy diens en telkens daarna wanneer die gewetensbeswaarde na 'n ander hoofkwartier oorgeplaas word, 'n persoonlike pligstaat uit waarin die werk wat hy moet verrig in die pos waarin hy aangewend word en sy pligte, bevoegdheid en verantwoordelikhede met betrekking tot daardie werk duidelik gespesifiseer word."

7. Regulasie 13 van die Regulasies word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

"(a) Ondanks die bepalings van regulasie 12 kan die hoof van die kantoor waar 'n gewetensbeswaarde gemeenskapsdiens verrig, redelikerwys van hom vereis om op enige dag van die week of op enige tyd van die dag of nag amptelike diens te verrig of by sy normale werkplek of elders aanwesig te wees vir sodanige diens."

8. Regulasie 14 van die Regulasies word hierby deur die volgende regulasie vervang:

"Besoldiging van voordele

14. Behoudens die bepalings van artikel 72G (1A) van die Wet ontvang 'n gewetensbeswaarde vir sy gemeenskapsdiens die salarisse, lone, voordele en toelaes wat die Minister van Mannekrag van tyd tot tyd met die instemming van die Minister van Staatsbesteding en die Kommissie vir Administrasie bepaal."

service charge and Value-Added Tax which may be levied on any of the said items or any combination of those items, but excluding alcoholic beverages and dry-cleaning;";

(b) by the substitution for the definition of "employer" of the following definition:

"'employer' means a department, institution, council, board or body referred to in section 72E (4) of the Act, with whom a conscientious objector is obliged to render community service."; and

(c) by deletion of the definition of "post".

4. The following regulation is hereby substituted for regulation 3 of the Regulations:

"3. A conscientious objector shall be employed solely for such community service as the Minister of Manpower or an officer authorized thereto by him has determined and as set out on the duty sheet referred to in regulation 10: Provided that the employer may, with the concurrence of the Minister of Manpower or an officer authorised thereto by him assign other duties to the conscientious objector."

5. The following regulation is hereby substituted for regulation 5 of the Regulations:

"5. Community service shall be rendered in the city, town or place which is from time to time designated as the conscientious objector's headquarters."

6. The following regulation is hereby substituted for regulation 10 of the Regulations:

"10. An employer shall issue to every conscientious objector in his employment upon commencement of community service and every time thereafter when the conscientious objector is transferred to another headquarters, a personal duty sheet in which shall be clearly specified the work he is required to do in the post in which he is employed as well as his duties, capacity and responsibilities with regard to such work."

7. Regulation 13 of the Regulations is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) Notwithstanding the provisions of regulation 12, the head of the office where a conscientious objector is rendering community service may reasonably require him to perform official duties on any day of the week or at any time of the day or night at his normal place of work or elsewhere."

8. The following regulation is hereby substituted for regulation 14 of the Regulations:

"Remuneration and benefits

14. Subject to the provisions of section 72G (1A) of the Act, a conscientious objector shall receive such salaries, wages, benefits and allowances for his community service as may be determined from time to time by the Minister of Manpower with the concurrence of the Minister of State Expenditure and the Commission for Administration."

9. Regulasie 15A van die Regulasies word hierby gewysig deur die woord "of" en die volgende paraagraaf na paraagraaf (b) by te voeg:

"(c) vir die tydperk wat die werkgewer besluit om die werkplek gedurende die Kersseisoen te sluit."

10. Die volgende regulasie word hierby in die Regulasies na regulasie 15A ingevoeg:

"15B Indien 'n gewetensbeswaarde se laaste werkdag sou aanbreek voor voltooiing van enige opeenvolgende 12-maande-siklus kan aan die gewetensbeswaarde *pro rata* verlof toegestaan word teen $\frac{1}{2}$ van die 21 dae verlofaanwas per 12-maande-siklus, vir elke voltooide maand gemeenskapsdiens na voltooiing van die vorige 12-maande-siklus: Met dien verstande dat enige breukdeel van 'n dag verlofaanwas van die aldus verrekenende *pro rata*-verlof wegval."

11. Regulasie 16 van die Regulasies word hierby gewysig deur die volgende subregulasie by te voeg:

"(d) (i) Die werkgewer moet die Departement van Mannekrag onverwyld skriftelik in kennis stel sodra die gewetensbeswaarde vir meer as nege agtereenvolgende werkdade sonder verskoning van sy gemeenskapsdiens afwesig is.

(ii) Die Departement van Mannekrag kan die betaling van salaris, soldy of toelaes ingevolge regulasie 14, aan die gewetensbeswaarde staak tot tyd en wyl volledige ondersoek in verband met die rede vir sy afwesigheid afgehandel is."

12. Regulasie 42 van die Regulasies word hierby geskrap.

13. DEEL XXIII van die Regulasies word hierby deur die volgende DEEL vervang:

"DEEL XXIII

Dissipline

Kommunikasiekanale

48. Enige versoek of mededeling van 'n gewetensbeswaarde moet skriftelik aan sy werkgewer gerig word wat dit onverwyld aan die Direkteur-generaal: Mannekrag stuur en geen direkte versoek of mededeling, hetsy skriftelik of mondeling, in verband met enige aangeleentheid wat in hierdie regulasies gereël word, mag direk aan die Minister van Mannekrag of sy gedelegeerde gerig word nie: Met dien verstande dat 'n gewetensbeswaarde kan eis dat enige versoek of mededeling aan die Direkteur-generaal: Mannekrag of 'n beaampte deur hom daartoe gemagtig, voorgelê word.

Wettige opdragte

49. (1) (a) 'n Gewetensbeswaarde wat gemeenskapsdiens verrig, moet 'n wettige opdrag in verband met sodanige gemeenskapsdiens wat aan hom gegee word deur 'n persoon wat die bevoegdheid daartoe het, onvoorwaardelik uitvoer.

(b) 'n Gewetensbeswaarde mag tydens die verrigting van sy gemeenskapsdiens—

(i) lid wees en in die bestuur dien van 'n wettige politieke party; en

9. Regulation 15A of the Regulations is hereby amended by the addition, after paragraph (b), of the word "or" and following paragraph:

"(c) for the period for which the employer decides to close the place of work during the Christmas season."

10. The following regulation is hereby inserted in the Regulations after regulation 15A:

"15B If his last day of service occurs before the completion of any following 12-month cycle, *pro rata* leave may be granted to a conscientious objector, which shall be calculated at $\frac{1}{2}$ of the 21 days' leave accrual per 12-month cycle for every completed month of community service after completion of the previous 12-month cycle: Provided that any fraction of a day leave accrued shall fall away from the *pro rata* leave so calculated."

11. Regulation 16 of the Regulations is hereby amended by the addition of the following subregulation:

"(d) (i) The employer shall forthwith notify the Department of Manpower in writing should the conscientious objector be absent from work without leave for more than nine consecutive working days.

(ii) The Department of Manpower may terminate the payment of the salary, pay or allowances in terms of regulation 14, to a conscientious objector until a comprehensive investigation into the reason for his absence has been completed."

12. Regulation 42 of the Regulations is hereby deleted.

13. The following PART is hereby substituted for PART XXIII of the Regulations:

"PART XXIII

Discipline

Channels of communication

48. Any request or communication from a conscientious objector shall be directed in writing to his employer who shall immediately forward it to the Director-General: Manpower and no direct request or communication, either written or oral, in connection with any matter regulated by these Regulations may be directed to the Minister of Manpower or his delegate: Provided that a conscientious objector may demand that such request or communication be submitted to the Director-General: Manpower or an officer authorised thereto by him.

Lawful instructions

49. (1) (a) A conscientious objector who renders community service shall obey unconditionally a lawful instruction in relation to such community service given to him by a person authorised to do so.

(b) During the rendering of community service a conscientious objector may—

(i) be a member and serve on the executive of a lawful political party; and

- (ii) 'n openbare politieke vergadering bywoon, maar hy mag nie—
 - (aa) op 'n openbare politieke vergadering voor- sit of as spreker optree nie; of
 - (bb) 'n dokument opstel of publiseer of 'n open- bare toespraak hou ter bevordering of benadeling van die belange van 'n poli- tieke party nie.
- (2) 'n Gewetensbeswaarde pleeg 'n dissiplinêre oor- treding indien hy—
 - (a) 'n daad wat tot nadeel van die administrasie, dissipline of doeltreffendheid van 'n departe- ment, instelling, raad of liggaam strek, verrig of toelaat of oogluikend toelaat dat dit verrig word;
 - (b) nalatig of traag is by die uitvoering van sy pligte soos omskryf in sy pligstaaf;
 - (c) sonder verlof van sy werkgever of weens omstandighede anders as omstandighede buite sy beheer van sy gemeenskapsdiens afwesig is, of indien hy aan 'n staking, protesoptog, wegbly- aksie of werkstopsetting deelneem;
 - (d) teenoor enige van sy werkgever se kliënte of sy kollegas of seniors dreigende of beledigende taal besig of hom deur woord of gedrag teenoor sodanige kliënte, kollegas of seniors verset of 'n minagende houding teenoor hulle inneem;
 - (e) hom op 'n skandelige, onbehoorlike of onbe- taamlike wyse gedra;
 - (f) buitensporig van sterk drank of bedwelmende middels gebruik maak;
 - (g) hom wederegtelik eiendom van sy werkgever toeëien of onbehoorlik daarvan gebruik maak;
 - (h) met die oog op die verkryging van enige voorreg of voordeel in verband met sy gemeenskaps- diens 'n valse of onjuiste verklaring aflê in die wete dat dit vals of onjuis is;
 - (i) sonder toestemming van sy werkgever enige kommissie, geld of geldelike of ander beloning (wat nie die besoldiging soldy of toelaes is wat ingevolge regulasie 14 aan hom betaalbaar is nie) aanneem of eis ten opsigte van die uitvoe- ring van sy pligte; en
 - (j) sonder voorafverkreë toestemming van sy werk- gewer enige inligting wat hy inwin of bekom het as gevolg van sy gemeenskapsdiens, openbaar maak anders as in die uitvoering van sy pligte, of die inligting misbruik.

Dissiplinêre prosedure

50. (1) (a) Indien 'n gewetensbeswaarde hom skul- dig maak aan 'n oortreding soos in regulasie 49 bedoel, moet sy werkgever hom binne 'n redelike tyd nadat die beweerde oortreding gepleeg is, skriftelik waarsku en 'n afskrif van die skriftelike waarskuwing sowel as 'n uiteensetting van die feitelike getuienis wat tot die waarskuwing aanleiding gegee het, binne 12 werkdade aan die Direkteur-generaal: Mannekrag stuur gemerk vir aandag van die Direkteur: Personeel- bestuur.

- (ii) attend a public political meeting, but may not—
 - (aa) chair such a meeting or act as a speaker; or
 - (bb) draft a document or publish it, nor make a public speech to promote or to prejudice the interests of any political party.
- (2) A conscientious objector commits a disciplinary contravention if he—
 - (a) performs or permits to be performed or connives at any act which is prejudicial to the administra- tion, discipline or efficiency of any department, institution, council, board or body;
 - (b) is negligent or indolent in the carrying out of his duties as defined in his duty sheet;
 - (c) without leave from his employer or due to circumstances other than circumstances beyond his control, absents himself from com- munity service, or if he participates in a strike, protest march, stay-away or walk-out;
 - (d) uses threatening or insulting language towards any of his employer's clients or his colleagues or seniors or if he in word or deed opposes such clients, colleagues or seniors or assumes a scornful attitude towards them;
 - (e) conducts himself in a disgraceful, improper or unbecoming manner;
 - (f) uses intoxicants or stupefying drugs excess- ively;
 - (g) unlawfully misappropriates or makes improper use of any property of his employer;
 - (h) with a view to obtaining any privilege or advan- tage in connection with his community service makes a false or incorrect statement, knowing it to be false or incorrect;
 - (i) without the permission of his employer accepts or demands any commission, fee or pecuniary or other reward (not being the salary, pay or allowances payable to him in terms of regulation 14) for the performance of his duties; and
 - (j) without obtaining permission beforehand from his employer, makes known other than in the performance of his duties, any information obtained as a result of his community service, or misuses such information.

Disciplinary procedure

50. (1) (a) Should a conscientious objector commit an offence referred to in regulation 49, his employer shall, within a reasonable time after the alleged offence was committed, hand to him a written warning and within 12 working days send a copy of the written warn- ing and an explanation of the factual evidence that led to the warning, to the Director-General: Manpower marked for the attention of the Director: Personnel Management.

(b) Die gewetensbeswaarde kan binne 10 werkdade na die datum van die skriftelike waarskuwing teen die waarskuwing by die hoof uitvoerende beampte in diens van die werkgewer appelleer en moet dienooreenkomstig ingelig word.

(c) Die appellant moet volledige redes vir sy appèl verstrek.

(d) Die hoof uitvoerende beampte in diens van die werkgewer, of iemand deur hom daartoe gemagtig, moet binne 10 werkdade nadat die appèl aangeteken is, 'n persoon wat geen direkte belang by die betrokke waarskuwing het nie as ondersoekbeampte aanwys, om die feite wat aanleiding gegee het tot die waarskuwing te ondersoek en die appèl te oorweeg en binne 10 werkdade nadat hy aangewys is, sy bevindinge aan die gewetensbeswaarde sowel as die werkgewer bekend te maak.

(2) Indien 'n gewetensbeswaarde weer dieselfde of 'n aanverwante oortreding pleeg, moet sy werkgewer 'n finale skriftelike waarskuwing aan hom rig en indien hy dan weer dieselfde of 'n aanverwante oortreding, of 'n ander oortreding wat strenger dissiplinêre optrede regverdig, pleeg, word 'n dissiplinêre verhoor gehou.

(3) Vir die doeleindes van so 'n dissiplinêre verhoor moet die hoof uitvoerende beampte in diens van die werkgewer, of iemand deur hom daartoe gemagtig, 'n ondersoekbeampte aanwys wat die vermeende oortreding moet ondersoek en indien die ondersoekbeampte oortuig is dat die oortreding wel begaan is, moet hy die nodige getuienis en bewys daarvan insamel.

(4) (a) 'n Verhoorkomitee, bestaande uit 'n voorsittende beampte en drie ander senior werknemers van die werkgewer aangewys deur die hoof uitvoerende beampte in diens van die werkgewer, moet met die tussenkoms van die werkgewer, so gou as moontlik nadat die beweerde oortreding plaasgevind het, reël vir 'n datum, tyd en plek waar die verhoor gehou sal word: Met dien verstande dat die gewetensbeswaarde 'n redelike tyd gegun moet word om sy saak voor te berei.

(b) Die voorsittende beampte moet—

- (i) indien die werkgewer 'n departement is soos omskryf in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984), 'n persoon wees met die rang van minstens Adjunk-direkteur;
- (ii) indien die werkgewer 'n instelling, raad of liggaam is soos beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), 'n persoon wees met die rang van minstens Adjunk-direkteur;
- (iii) indien die werkgewer 'n raad is soos omskryf in artikel 1 van die Wet op Streekdiensterade, 1985 (Wet No. 109 van 1985), 'n persoon wees met die rang van minstens Adjunk-direkteur; en
- (iv) indien die werkgewer 'n raad is soos omskryf in artikel 1 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84 van 1990), 'n persoon wees met die rang van minstens Hoof Uitvoerende Beampte.

(c) Die voorsittende beampte moet toesien dat alle betrokkenes tydig in kennis gestel word van sodanige datum, tyd en plek.

(b) The conscientious objector may within 10 working days after the date of the written warning, appeal at the chief executive officer in the service of the employer against the warning and shall be informed accordingly.

(c) The appellant shall provide full reasons for his appeal.

(d) The chief executive officer in the service of the employer, or someone authorised thereto by him, shall, within 10 working days after the lodging of the appeal, appoint a person who has no direct interest in the warning concerned as an independent investigating officer who shall investigate the facts which gave rise to the warning and consider the appeal and, within 10 working days after his appointment, make known his findings to the conscientious objector and to the employer.

(2) If a conscientious objector again commits the same or a related offence, his employer shall hand him a final written warning, and should he then again commit the same or a related offence, or another offence which justifies more severe disciplinary action, a disciplinary hearing shall be held.

(3) For the purposes of such a disciplinary hearing the chief executive officer in the service of the employer, or someone authorised thereto by him, shall appoint an investigating officer who shall investigate the alleged offence and if he is satisfied that the offence was committed, he shall collect the necessary evidence and proof thereof.

(4) (a) A hearing committee, consisting of a presiding officer and three other senior employees of the employer appointed by the chief executive officer in the service of the employer, or someone authorised thereto by him, shall arrange, through the good offices of the employer, as soon as possible after the alleged offence was committed a date, time and place for the hearing to take place: Provided that the conscientious objector shall be given a reasonable time to prepare his case.

(b) The presiding officer shall—

- (i) if the employer is a department as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984), be a person with the rank of at least Deputy Director;
- (ii) if the employer is an institution, council or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), be a person with the rank of at least a Deputy Director;
- (iii) if the employer is a council as defined in section 1 of the Regional Service Councils Act, 1985 (Act No. 109 of 1985), be a person with the rank of at least a Deputy Director; and
- (iv) if the employer is a board as defined in section 1 of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990), be a person with the rank of at least a Chief Executive Officer.

(c) The presiding officer shall ensure that all those concerned are timeously notified of such date, time and place.

(d) Die voorsittende beampte moet ook toesien dat die gewetensbeswaarde ten opsigte van wie die dissiplinêre verhoor gehou moet word betyds kennis gegee word van—

(i) die redes vir die verhoor met inbegrip van voldoende besonderhede van die aanklag teen hom om hom in staat te stel om sy verdediging voor te berei;

(ii) die datum, tyd en plek van die verhoor;

(iii) sy reg—

(aa) om tydens die verhoor teenwoordig te wees;

(bb) om by die verhoor deur enige verteenwoordiger (uitgesonderd 'n regsverteenvoerder) bygestaan of verteenwoordig te word;

(cc) om getuies te roep en om getuies wat teen hom getuig, te kruisvra;

(dd) om te eis dat 'n gepaste tolk voorsien word om by die verhoor op te tree;

(iv) die feit dat, indien hy sonder om vooraf 'n goeie rede te verstrek, versuim om by die verhoor teenwoordig te wees, die verhoor in sy afwesigheid voortgesit kan word.

(5) Die gewetensbeswaarde moet die voorsittende beampte by die verhoor, binne drie werkdade na oorhandiging van die kennisgewing van die verhoor aan hom, verwittig—

(i) van die name en besonderhede van die getuies wat hy wil roep;

(ii) of hy iemand wil aanwys om as sy verteenwoordiger op te tree; en

(iii) of, en vir welke redes, dit nodig is om te reël vir 'n tolk.

(6) Tydens die verhoor tree die ondersoekbeampte as aanklaer op en kan die voorsittende beampte of enige ander lid van die Verhoorkomitee vrae ter opheldering van getuienis of argumente vra.

(7) Indien die meerderheid van die lede van die Verhoorkomitee sou bevind dat die gewetensbeswaarde wel skuldig is aan die oortreding, kan die komitee—

(a) die gewetensbeswaarde waarsku of berispe; of

(b) 'n boete van hoogstens R50 opleë.

(8) Die voorsittende beampte moet die gewetensbeswaarde van die beslissing, die redes vir die beslissing en die straf in kennis stel.

(9) Die voorsittende beampte moet volledige notule hou van die verhoor deur, en bevindings van, die Verhoorkomitee en hy moet, binne 14 werkdade na die verhoor, 'n afskrif van die notule van die dissiplinêre verhoor aan die Direkteur-generaal: Mannekrag stuur.

(10) Die gewetensbeswaarde het 'n reg op appell na die Direkteur-generaal: Mannekrag, of 'n beampte deur hom daartoe gemagtig, en sodanige appell moet binne 15 werkdade nadat die bevindinge van die Verhoorkomitee bekendgemaak is, deur tussenkoms van die werkgewer van die gewetensbeswaarde aan die Direkteur-generaal: Mannekrag gerig word.

(d) The presiding officer shall also ensure that the conscientious objector in respect of whom a hearing is to be held is timeously notified of—

(i) the reasons for the hearing including sufficient particulars of the accusation against him to allow him to prepare his defence;

(ii) the date, time and place of the hearing;

(iii) his right—

(aa) to be present at the hearing;

(bb) to be assisted or represented at the hearing by any representative (excluding a legal representative);

(cc) to call witnesses and to cross-examine witnesses called to testify against him;

(dd) to demand that an appropriate interpreter be provided to act at the hearing;

(iv) the fact that, should he fail to attend the hearing without good cause shown beforehand, the hearing could continue in his absence.

(5) The conscientious objector shall, within three working days after the delivery to him of the notice of the hearing, notify the presiding officer at the hearing—

(i) of the names and particulars of the witnesses he wishes to call;

(ii) whether he intends to appoint someone to represent him; and

(iii) whether, and for what reasons, it is necessary to arrange for an interpreter.

(6) During the hearing the investigating officer shall act as a prosecutor and the presiding officer or any other member of the hearing committee may ask questions for clarification of evidence or arguments.

(7) If the majority of the members of the hearing committee should find the conscientious objector guilty of the offence, the committee may—

(a) issue a warning to or reprimand the conscientious objector; or

(b) impose a fine not exceeding R50.

(8) The presiding officer shall notify the conscientious objector of the decision, the reasons for the decision and the penalty.

(9) The presiding officer shall keep complete minutes of the hearing by, and findings of, the hearing committee, and shall, within 14 working days after the hearing, send a copy of the minutes to the Director-General: Manpower.

(10) The conscientious objector shall have the right to appeal to the Director-General: Manpower, or an officer authorized thereto by him, and such appeal shall be forwarded to the Director-General: Manpower through the good offices of the employer of the conscientious objector within 15 working days after the findings of the hearing committee have been made known.

Riglyne by oorweging van gepaste dissiplinêre optrede

51. Die volgende riglyne moet in ag geneem word by die oorweging van gepaste dissiplinêre optrede:

- (a) Die erns van die oortreding.
- (b) Die omstandighede waaronder die oortreding plaasgevind het.
- (c) Die gewetensbeswaarde se algemene gedrag en optrede tydens die verrigting van sy gemeenskapsdiens.
- (d) Presedente geskep deur die werkgewer (met ander woorde die wyse waarop daar gewoonlik onder soortgelyke omstandighede opgetree word).
- (e) Persoonlike omstandighede van die gewetensbeswaarde.
- (f) Enige versagende of verswarende omstandighede.
- (g) Hoe dikwels die spesifieke oortreding oor die algemeen plaasvind.
- (h) Die uitwerking van die dissiplinêre optrede op die ander werknemers op die vaste diensstaat van die werkgewer.
- (i) Die uitwerking van die dissiplinêre optrede op die betrokke gewetensbeswaarde, byvoorbeeld die waarskynlikheid van rehabilitasie.
- (j) Die omvang van enige skade veroorsaak vir die werkgewer."

14. Regulasie 53 van die Regulasies en die opskrif daarby word hierby deur die volgende regulasie en opskrif vervang:

"Misdrywe en strawwe

53. Iemand wat 'n bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig, en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande."

15. Hierdie regulasies tree op 28 Januarie 1994 in werking.

No. R. 137**28 Januarie 1994**

WET OP MANNEKRAGOPLEIDING, 1981

VAKLEERLINGOPLEIDINGSRAAD VIR PLAASLIKE OWERHEDE: WYSIGING VAN LEERVOORWAARDES

Ek, Leon Wessels, Minister van Mannekrag, handelende kragtens artikel 13 van die Wet op Mannekragopleiding, 1981—

- (a) wysig hierby, met ingang van die tweede Maandag na publikasie van hierdie kennisgewing, Goewermmentskennisgewing No. R. 1631 van 12 Julie 1991, soos gewysig deur Goewermmentskennisgewing No. R. 339 van 5 Maart 1993, deur—

- (i) klousule 3 (1) deur die volgende te vervang:

"(1) 'n Werkgewer moet 'n vakleerling maandeliks besoldig teen minstens die volgende persentasies van die aanvangsalaris of -loon van 'n

Guidelines in considering appropriate disciplinary action

51. The following guidelines shall be taken into account in considering the appropriate disciplinary action:

- (a) The seriousness of the offence.
- (b) The circumstances under which the offence was committed.
- (c) The conscientious objector's general behaviour and conduct during the rendering of his community service.
- (d) Precedents created by the employer (in other words the action usually taken under similar circumstances).
- (e) Personal circumstances of the conscientious objector.
- (f) Any extenuating or aggravating circumstances.
- (g) How often the specific offence is usually committed.
- (h) The effect of the disciplinary action on the other employees on the fixed establishment of the employer.
- (i) The effect of the disciplinary action on the conscientious objector concerned, for example the probability of rehabilitation.
- (j) The extent of any damage caused for the employer."

14. The following regulation and heading is hereby substituted for regulation 53 of the Regulations and the heading thereto:

"Offences and penalties

53. Any person who contravenes any provision of these regulations, or fails to comply therewith, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months."

15. These regulations shall come into operation on 28 January 1994.

No. R. 137**28 January 1994**

MANPOWER TRAINING ACT, 1981

APPRENTICESHIP TRAINING BOARD FOR LOCAL AUTHORITIES: AMENDMENT OF CONDITIONS OF APPRENTICESHIP

I, Leon Wessels, Minister of Manpower, acting in terms of section 13 of the Manpower Training Act, 1981—

- (a) hereby amend, with effect from the second Monday after the date of publication of this notice, Government Notice No. R. 1631 of 12 July 1991, as amended by Government Notice No. R. 339 of 5 March 1993—

- (i) by the substitution for clause 3 (1) of the following:

"(1) An employer shall remunerate an apprentice monthly at the following minimum percentages of the com-

gekwalfiseerde ambagsman soos van toepassing by die betrokke werk-gewer en wat op die betrokke ambag van toepassing is:

<i>Jaar van erkende diens</i>	<i>Skaal per maand</i>
Eerste jaar	40%
Tweede jaar	45%
Derde jaar	50%
Vierde jaar	55%
Vyfde jaar	60%
Sesde jaar	65%" en

(ii) paragraaf (a) van klousule 6 (1) deur die volgende te vervang:

"(a) Elke vakleerling in 'n aangewese ambag moet 'n ambagstoets slaag."

(b) verklaar dat die wysiging vervat in (a) (i) hierbo nie van toepassing sal wees nie op vakleerlinge wie se kontrakte van vakleerlingskap aange-gaan is voor die datum van inwerkingtreding van hierdie kennisgewing.

L. WESSELS,
Minister van Mannekrag.

No. R. 158

28 Januarie 1994

WET OP ARBEIDSVERHOUDINGE, 1956

LEERNYWERHEID, REPUBLIEK VAN SUID-AFRIKA:
WYSIGING VAN DIE SKOEISELSEKSIE TEGNOLO-GIE FONDSOOREENKOMS

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die eerste Maandag na die datum van publika-sie van hierdie kennisgewing en vir die tydperk wat op 30 April 1997 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; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreen-koms, uitgesonderd dié vervat in klousule 1 (b), met ingang van die eerste Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 April 1997 eindig, bindend is vir alle ander werkgewers en werk-nemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

L. WESSELS,
Minister van Mannekrag.

mencing salary or wage of a qualified artisan as applicable to the employer concerned, and which is applicable to the relevant trade:

<i>Year of recognised service</i>	<i>Rate per month</i>
First year	40%
Second year	45%
Third year	50%
Fourth year	55%
Fifth year	60%
Sixth year	65%" and

(ii) by the substitution for paragraph (a) of clause 6 (1) of the following:

"(a) Every apprentice in a designated trade must pass a trade test."

(b) declare that the amendments contained in (a) (i) above shall not be applicable to apprentices whose contracts of apprenticeship were entered into prior to the date of coming into operation of this notice.

L. WESSELS,
Minister of Manpower.

No. R. 158

28 January 1994

LABOUR RELATIONS ACT, 1956

LEATHER INDUSTRY, REPUBLIC OF SOUTH AFRICA: AMENDMENT OF THE FOOTWEAR SEC-TION TECHNOLOGICAL FUND AGREEMENT

I, Leon Wessels, Minister of Manpower, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations 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 Under-taking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the first Monday after the date of publication of this notice and for the period ending 30 April 1997, upon the employers' organi-sations 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; and

(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 (b), shall be binding, with effect from the first Monday after the date of publication of this notice and for the period ending 30 April 1997, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

L. WESSELS,
Minister of Manpower.

BYLAE**NASIONALE NYWERHEIDSRAAD VIR DIE
LEERNYWERHEID VAN SUID-AFRIKA****SKOEISELSEKSIE: TEGNOLOGIEFONDS-
OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

- (a) **Western Cape Leather Industries Association;**
- (b) **Transvaal Footwear, Tanning and Leather Trades Association;**

en

- (c) **Footwear Manufacturers' Federation of South Africa;**

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

- (d) **National Union of Leather Workers;**

en

- (e) **Transvaal Leather and Allied Trades Industrial Union;**

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

wat die partye is by die Nasionale Nywerheidsraad vir die Leernywerheid van Suid-Afrika,

tot wysiging van die Ooreenkoms vir die Skoeiselseksie: Tegnologiefonds gepubliseer by Goewermenskenningsgewing No. R. 1790 van 3 September 1982, soos gewysig, verleng en herbekragtig by Goewermenskenningsgewings Nos. R. 86 van 14 Januarie 1983, R. 875 van 4 Mei 1984, R. 2251 van 19 Oktober 1984, R. 1022 van 10 Mei 1985, R. 2585 van 15 November 1985, R. 1486 en R. 1487 van 11 Julie 1986, R. 1342 van 19 Junie 1987, R. 1299 van 1 Julie 1988, R. 2315 van 28 September 1990 en R. 1153 van 24 April 1992.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

Hierdie Ooreenkoms moet nagekom word—

- (a) in die Republiek van Suid-Afrika;
- (b) deur alle werkgewers in die Skoeiselseksie van die Leernywerheid wat lede van die werkgewersorganisasies is en deur alle werknemers wat lede van die vakverenigings is en in genoemde Seksie van die Leernywerheid in diens is.

2. KLOUSULE 4: TEGNOLOGIEFONDS VAN DIE SKOEISELSEKSIE

Vervang subklousule (3) deur die volgende:

- “(3) Die totale bedrag van die heffing wat elke maand betaalbaar is moet bereken word op die grondslag van vier persent van die totale maandelikse Voorsorgfondsooreenkoms van die Nasionale Nywerheidsraad vir die Leernywerheid van Suid-Afrika. ‘Totale maandelikse Voorsorgfondsooreenkoms’ beteken die bydraes wat betaalbaar is deur sowel werknemers as werkgewers ingevolge die toepaslike bepalinge van die Voorsorgfondsooreenkoms.”

Hierdie Ooreenkoms is namens die partye op hede die 9de dag van Junie 1993 te Port Elizabeth onderteken.

D. J. F. LINDE,
Lid van die Raad.

T. DAVAN,
Lid van die Raad.

L. M. VAN LOGGERENBERG,
Hoofsekretaris van die Raad.

SCHEDULE**NATIONAL INDUSTRIAL COUNCIL OF THE LEATHER
INDUSTRY OF SOUTH AFRICA****FOOTWEAR SECTION: TECHNOLOGICAL FUND
AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

- (a) **Western Cape Leather Industries Association;**
- (b) **Transvaal Footwear, Tanning and Leather Trades Association;**

and

- (c) **Footwear Manufacturers' Federation of South Africa;**

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

- (d) **National Union of Leather Workers;**

and

- (e) **Transvaal Leather and Allied Trades Industrial Union;**

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

being the parties to the National Industrial Council of the Leather Industry of South Africa,

to amend the Agreement for the Footwear Section: Technological Fund published under Government Notice No. R. 1790 of 3 September 1982, as amended, extended and re-enacted by Government Notices Nos. R. 86 of 14 January 1983, R. 875 of 4 May 1984, R. 2251 of 19 October 1984, R. 1022 of 10 May 1985, R. 2585 of 15 November 1985, R. 1486 and R. 1487 of 11 July 1986, R. 1342 of 19 June 1987, R. 1299 of 1 July 1988, R. 2315 of 28 September 1990 and R. 1153 of 24 April 1992.

1. SCOPE OF APPLICATION OF AGREEMENT

The terms of this Agreement shall be observed—

- (a) in the Republic of South Africa;
- (b) by all employers who are members of the employers' organisations and who are engaged in the Footwear Section of the Leather Industry and by all employees who are members of the trade unions and who are employed in the said Section of the Leather Industry.

2. CLAUSE 4: FOOTWEAR SECTION TECHNOLOGICAL FUND

Substitute the following for subclause (3):

- “(3) The total amount of the levy payable each month shall be calculated on the basis of four per cent of the total monthly Provident Fund contributions payable to the Council in terms of the Provident Fund Agreement of the National Industrial Council of the Leather Industry of South Africa. ‘Total monthly Provident Fund contributions’ means those contributions payable by both employees and employers in terms of the relevant provisions of the Provident Fund Agreement.”

This Agreement signed at Port Elizabeth, on behalf of the parties, this 9th day of June 1993.

D. J. F. LINDE,
Member of the Council.

T. DAVAN,
Member of the Council.

L. M. VAN LOGGERENBERG,
General Secretary of the Council.

No. R. 171**28 Januarie 1994****WET OP ARBEIDSVERHOUDINGE, 1956****BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE: WYSIGING VAN OOREENKOMS**

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van 31 Januarie 1994 en vir die tydperk wat op 30 Oktober 1994 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; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 1 (1) (a), 17 (2), 21 en 22 (1) (b) met ingang van 31 Januarie 1994 en vir die tydperk wat op 30 Oktober 1994 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 Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

L. WESSELS,
Minister van Mannekrag.

BYLAE**NYWERHEIDSRaad VIR DIE BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE****OOREENKOMS VIR DIE GEBIED MIDDELLANDE**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Natal Master Builders' and Allied Industries Association
(Pietermaritzburg Division)

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

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

Blanke Bouwerkersvakbond

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

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Pietermaritzburg en Noordelike Gebiede,

tot wysiging van die Ooreenkoms gepubliseer by Goewermenskennisgewing No. R. 1625 van 31 Julie 1987, hierna die Hofooreenkoms genoem, soos gewysig en verleng by Goewermenskennisgewings Nos. R. 848 van 29 April 1988, R. 2144 van 21 Oktober 1988, R. 2217 van 28 Oktober 1988, R. 1281 van 16 Junie 1989, R. 2335 en R. 2336 van 27 Oktober 1989, R. 2304 van 28 September 1990, R. 2499 van 26 Oktober 1990, R. 2457 van 11 Oktober 1991, R. 2793 van 22 November 1991, R. 3036 van 30 Oktober 1992, R. 3377 van 18 Desember 1992 en R. 2035 van 29 Oktober 1993.

No. R. 171**28 January 1994****LABOUR RELATIONS ACT, 1956****BUILDING INDUSTRY, PIETERMARITZBURG AND NORTHERN AREAS: AMENDMENT OF AGREEMENT**

I, Leon Wessels, Minister of Manpower, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations 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 Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from 31 January 1994 and for the period ending 30 October 1994, 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; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1 (1) (a), 17 (2), 21 and 22 (1) (b), shall be binding, with effect from 31 January 1994 and for the period ending 30 October 1994, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

L. WESSELS,
Minister of Manpower.

SCHEDULE**PIETERMARITZBURG AND NORTHERN AREAS INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY****AGREEMENT FOR THE MIDLANDS AREA**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Natal Master Builders' and Allied Industries Association
(Pietermaritzburg Division)

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

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

Blanke Bouwerkersvakbond

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

being the parties to the Pietermaritzburg and Northern Areas Industrial Council for the Building Industry,

to amend the Agreement published under Government Notice No. R. 1625 of 31 July 1987, hereinafter referred to as the Main Agreement, as amended and extended by Government Notices Nos. R. 848 of 29 April 1988, R. 2144 of 21 October 1988, R. 2217 of 28 October 1988, R. 1281 of 16 June 1989, R. 2335 and R. 2336 of 27 October 1989, R. 2304 of 28 September 1990, R. 2499 of 26 October 1990, R. 2457 of 11 October 1991, R. 2793 of 22 November 1991, R. 3036 of 30 October 1992, R. 3377 of 18 December 1992 and R. 2035 of 29 October 1993.

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Bounywerheid nagekom word—

- (a) deur alle werkgewers wat lede van die werkgewers-organisasie is en deur alle werknemers wat lede van enigeen van die vakverenigings is;
- (b) in die landdrosdistrikte Camperdown, Estcourt, Lionsrivier, New Hanover, Pietermaritzburg en Richmond en in daardie gedeeltes van die landdrosdistrik Mooirivier wat voor 1 September 1964 in die landdrosdistrikte Estcourt en Lionsrivier geval het.

(2) Ondanks subklousule (1) (a) is hierdie Ooreenkoms—

- (a) van toepassing op alle klasse werknemers, uitgesonderd die volgende:
 - (i) klerklike of administratiewe personeel;
 - (ii) voormanne en algemene voormanne wat toesighoudende personeel, soos in klousule 4 van die Hoof-ooreenkoms omskryf, is;
 - (iii) universiteits- en technikonstudente, konstruksietoesighouders, bouopmeters en ander persone wat besig is met praktiese werk ter voltooiing van hul akademiese opleiding;
- (b) van toepassing op vakleerlinge en kwekelinge slegs vir sover dit nie strydig is met die Wet op Mannekrag-opleiding, 1981, of met voorwaardes wat daarkragtens voorgeskryf of kennisgewings wat daarkragtens bestel is nie;
- (c) van toepassing op voormanne en algemene voormanne wat nie toesighoudende personeel soos in klousule 4 van die Hoof-ooreenkoms omskryf, is nie;
- (d) van toepassing op werkende werkgewers.

2. INDELING VAN OOREENKOMS

In die Indeling van die Ooreenkoms—

(1) voeg die volgende nuwe item 11A in:

“11A. Aanvangsdienstyd vir algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers ... 10”;

(2) vervang item 17 deur die volgende:

“17. Slegs-arbeid-subkontrakte ... 15”;

(3) voeg die volgende nuwe item 33A in:

“33A. Uitreiking van seëls aan algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers ... 23”;

(4) vervang item 44 deur die volgende:

“44. Mediese Hulpfonds van die Bounywerheid, Natal ... 34”;

(5) skrap item 46.

3. KLOUSULE 4 VAN DEEL 1: WOORDOMSKRYWING

(1) Voeg die volgende nuwe omskrywing in na die omskrywing van “werkgewer”:

“‘**Uitvoerende Komitee**’ ’n komitee wat as sodanig deur die Pietermaritzburgse Raad en die Port Natalse Raad ingevolge klousule 44 aangestel is om die Mediese Hulpfonds namens die Rade te administreer;”

(2) Vervang die omskrywing van “Bestuurskomitee” deur die volgende:

“‘**Bestuurskomitee**’ ’n komitee wat as sodanig deur die Raad ingevolge klousule 43 aangestel is om die Bystandsfonds namens die Raad te administreer;”

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Building Industry—

- (a) by all employers and employees who are members of the employers' organisation or any of the trade unions;
- (b) in the Magisterial District of Camperdown, Estcourt, Lions River, New Haover, Pietermaritzburg, Richmond and in those portions of the Magisterial District of Mooi River which, prior to 1 September 1964, fell within the Magisterial Districts of Estcourt and Lions River.

(2) Notwithstanding the provisions of subclause (1) (a), the terms of this Agreement shall—

- (a) apply to all classes of employees other than the following:
 - (i) clerical or administrative employees;
 - (ii) foremen and general foremen who are supervisory staff as defined in clause 4 of the Main Agreement;
 - (iii) university and technikon students, construction supervisors, building surveyors and other persons doing practical work in the completion of their academic training;
- (b) apply to apprentices and trainees only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any conditions prescribed or any notice served in terms thereof;
- (c) apply to foremen and general foremen who are not supervisory staff as defined in clause 4 of the Main Agreement;
- (d) apply to working employers.

2. ARRANGEMENT OF AGREEMENT

In the Arrangement of the Agreement—

(1) insert the following new item 11A:

“11A. Initial employment period for general workers, manufacturing workers, plant operators and drivers ... 10”;

(2) substitute the following for item 17:

“17. Labour-only sub-contracts ... 15”;

(3) insert the following new item 33A:

“33A. Issue of stamps to general workers, manufacturing workers, plant operators and drivers ... 23”;

(4) substitute the following for item 44:

“44. Building Industry Medical Aid Fund, Natal ... 34”;

(5) delete item 46.

3. CLAUSE 4 OF PART 1: DEFINITIONS

(1) Insert the following new definition after the definition “employer”:

“‘**Executive Committee**’ means a committee appointed as such by the Pietermaritzburg Council and the Port Natal Council in terms of clause 44 to administer the Medical Aid Fund on behalf of the Councils;”

(2) Substitute the following for the definition “Management Committee”:

“‘**Management Committee**’ means a committee appointed as such by the Council in terms of clause 43 to administer the Benefit Fund on behalf of the Council;”

(3) Voeg die volgende nuwe omskrywings in na die omskrywing van "betaalweek":

" **'Pietermaritzburgse Ooreenkoms'** die Ooreenkoms van die Pietermaritzburgse Raad, soos gepubliseer by Goewermenskennisgewing No. R. 1625 van 31 Julie 1987 en enige Goewermenskennisgewing wat voorsiening maak vir die wysiging, verlenging of vervanging van gemelde Ooreenkoms;

'Pietermaritzburgse Raad' die Raad soos in hierdie klousule omskryf;"

(4) Voeg die volgende nuwe omskrywing in na die omskrywing van "toerustingbediener":

" **'Port Natalse Ooreenkoms'** die Ooreenkoms van die Port Natalse Raad, soos gepubliseer by Goewermenskennisgewing No. R. 1624 van 31 Julie 1987 en enige Goewermenskennisgewing wat voorsiening maak vir die wysiging, verlenging of vervanging van gemelde Ooreenkoms;

'Port Natalse Raad' die Nywerheidsraad vir die Bounywerheid, Port Natal, wat ingevolge artikel 19 van die Wet geregistreer is;"

4. NUWE KLOUSULE 11A VAN DEEL 1

Voeg die volgende nuwe klousule 11A in:

"11A. AANVANGSDIENSTYD VIR ALGEMENE WERKERS, VERVAARDIGINGSWERKERS, TOERUSTINGBEDIENERS EN DRYWERS

(1) Behoudens subklousules (2) tot en met (7) en klousule 33A (4) kan 'n werkgever vereis dat 'n persoon wat 'n nuwe werknemer is en wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens gestel gaan word, 'n aanvangsdienstyd van hoogstens 12 weke uitdien.

(2) Behoudens klousule 33A (10) is 'n aanvangsdienstyd nie van toepassing nie—

(a) indien die persoon wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens gestel gaan word, nie 'n nuwe werknemer is nie;

(b) indien, op die datum waarop 'n werkgever 'n persoon as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens wil stel, daardie persoon op die wyse voorgeskryf by klousule 33A (2) of (3) kwalifiseer om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, te ontvang.

(3) Waar 'n aanvangsdienstyd ingevolge subklousule (1) toegepas kan word ten opsigte van 'n persoon wat 'n nuwe werknemer is en wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens gestel gaan word, kan sodanige persoon verplig word om 'n aanvangsdienstyd uit te dien deur elke nuwe werkgever deur wie hy in diens geneem word, tot tyd en wyl hy op die wyse voorgeskryf by klousule 33A (2) of (3) kwalifiseer om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, te ontvang.

(4) Behoudens subklousule (5) (c) is 'n persoon wat 'n nuwe werknemer is en wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingsbediener of 'n drywer in diens geneem is, gedurende enige aanvangsdienstyd—

(a) nie daarop geregtig om enige seëlkategorie voorgeskryf by klousule 2 van Aanhangsel A van die Ooreenkoms ten opsigte van enige week gedurende sodanige aanvangsdienstyd, te ontvang nie;

(3) Insert the following new definitions after the definition "pay-week":

" **'Pietermaritzburg Agreement'** means the Agreement of the Pietermaritzburg Council, as published under Government Notice No. R. 1625 of 31 July 1987, or any Government Notice which provides for the amendment, extension or replacement of the said Agreement;

'Pietermaritzburg Council' means the Council as defined in this clause;"

(4) Insert the following new definitions after the definition "plant operator":

" **'Port Natal Agreement'** means the Agreement of the Port Natal Council, as published under Government Notice No. R. 1624 of 31 July 1987, or any Government Notice which provides for the amendment, extension, or replacement of the said Agreement;

'Port Natal Council' means the Industrial Council for the Building Industry, Port Natal, registered in terms of section 19 of the Act;"

4. CLAUSE 11A OF PART 1

Insert the following new clause 11A:

"11A. INITIAL EMPLOYMENT PERIOD FOR GENERAL WORKERS, MANUFACTURING WORKERS, PLANT OPERATORS AND DRIVERS

(1) Subject to the provisions of subclauses (2) to (7), inclusive, and clause 33A (4) an employer may require a person who is a new employee and who is to be employed as a general worker, a manufacturing worker, a plant operator or a driver to serve an initial employment period not exceeding 12 weeks.

(2) Subject to the provisions of clause 33A (10), an initial employment period shall not apply—

(a) if the person to be employed as a general worker, a manufacturing worker, a plant operator or a driver is not a new employee;

(b) if, on the date on which an employer wishes to employ a person as a general worker, a manufacturing worker, a plant operator or a driver, that person qualifies, in the manner prescribed in clause 33A (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement.

(3) Where an initial employment period can be applied in terms of subclause (1) in respect of a person who is a new employee and who is to be employed as a general worker, a manufacturing worker, a plant operator or a driver, such person may be required to serve an initial employment period by each new employer by whom he is employed until such time as he qualifies, in the manner prescribed in clause 33A (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement.

(4) Subject to the provisions of subclause (5) (c), during any initial employment period, a person who is a new employee and who is employed as a general worker, a manufacturing worker, a plant operator or a driver—

(a) shall not be entitled to receive any stamp category prescribed in clause 2 of Annexure A to the Agreement in respect of any week during such initial employment period;

- (b) daarop geregtig om ten opsigte van sy diens gedurende sodanige aanvangsdienstyd al die voordele betaal te word waarop hy kragtens die Wet op Basiese Diensvoorwaardes, 1983, geregtig sal wees, op die wyse voorgeskryf in die genoemde Wet;
- (c) onderworpe aan al die bepalings vervat in hierdie Ooreenkoms, met uitsondering van klousules 27, 30, 33, 33A en 35 van Deel 1 van die Ooreenkoms en klousule 56 van Deel II van die Ooreenkoms.
- (5) Ondanks subklousules (1) en (4) (a) kan 'n persoon op wie hierdie klousule van toepassing is, deur onderhandelingsonderling met sy werkgever ooreenkoms dat—
- (a) 'n aanvangsdienstyd van minder as 12 weke uitgedien sal word; of
- (b) 'n aanvangsdienstyd nie van toepassing sal wees nie; of
- (c) die seëlkategorieë voorgeskryf by klousule 2 (1) of (5) van Aanhangsel A van die Ooreenkoms, gedurende sy aanvangsdienstyd aan hom uitgereik sal word.
- (6) By die toepassing van hierdie klousule beteken die uitdrukking 'nuwe werknemer' 'n persoon wat in diens gestel gaan word as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer en wat nie voorheen in diens was by dieselfde werkgever binne die voorafgaande drie jaar nie.

(7) Hierdie klousule is nie van toepassing nie op vakleerlinge, kwekelinge en werknemers bedoel in klousule 29 (1) van Deel 1 van die Ooreenkoms en klousule 57 (1) van Deel II van die Ooreenkoms."

5. KLOUSULE 17 VAN DEEL 1: SUB-KONTRAKTE EN SLEGS-ARBEID-KONTRAKTE

Vervang klousule 17 en die opskrif deur die volgende:

"17. SLEGS-ARBEID-SUBKONTRAKTE

(1) By die toepassing van hierdie klousule beteken die uitdrukking 'slegs-arbeid-subkontrak' 'n kontrak, ooreenkoms, reëling of verstandhouding waarkragtens 'n persoon onderneem om teen 'n ooreengekome bedrag of bedrae aan 'n prinsipaal, 'n kontrakteur of 'n subkontrakteur 'n diens of dienste lewer wat meebring dat werk verrig word wat normaalweg uitgevoer word deur geskoolde werknemers en/of algemene werkers, soos omskryf in klousule 4, en waar sodanige persoon nie daarvoor verantwoordelik is om vervaardigers of verskaffers wat in die gewone loop van hul sake materiaal aan die Bounywerheid lewer, vir alle materiaal wat vir die uitvoering van sodanige werk gebruik sal word, te betaal nie.

(2) Iemand wat kragtens 'n slegs-arbeid-subkontrak werk in die Bounywerheid onderneem, moet hom, ongeag of hy 'n werkgever is of nie, ooreenkomstig klousule 16 by die Raad laat registreer as 'n werkgever of asof hy 'n werkgever is. Die onus berus by die werkgever wat sodanige werk uitbesteet, om homself daarvan te oortuig dat die betrokke persoon aldus geregistreer is, alvorens sulke werk 'n aanvang neem.

(3) Waar enige werk op 'n slegs-arbeid-subkontrak aan iemand uitbesteet word deur 'n prinsipaal, 'n kontrakteur of 'n subkontrakteur, ongeag of daardie prinsipaal, kontrakteur of subkontrakteur self 'n werkgever is of nie, moet die beginsel waarvolgens betaling aan daardie persoon vir die werk gedoen word, sodanig wees dat alle werknemers wat in diens geneem word om sodanige werk te verrig, 'n redelike geleentheid gegee word om deur hul produktiwiteit nie minder te verdien nie as enige besoldigingsvlakke wat in hierdie Ooreenkoms voorgeskryf word en om seëls soos by klousule 33 voorgeskryf, te ontvang.

(b) shall, in respect of his employment during such initial employment period, be entitled to be paid all the benefits to which he will be entitled under the Basic Conditions of Employment Act, 1983, in the manner prescribed in the said Act;

(c) shall be subject to all the provisions contained in this Agreement, except clauses 27, 30, 33, 33A and 35 of Part 1 of the Agreement and clause 56 of Part II of the Agreement.

(5) Notwithstanding the provisions of subclauses (1) and (4) (a), a person to whom this clause is applicable may reach a mutual agreement through negotiation with his employer that—

(a) an initial employment period of less than 12 weeks will be served; or

(b) an initial employment period will not be applicable; or

(c) the stamp categories prescribed in clause 2 (1) or (4) of Annexure A to the Agreement will be issued to him during his initial employment period.

(6) For the purposes of this clause, the expression 'new employee' means a person who is to be employed as a general worker, a manufacturing worker, a plant operator or a driver and who has not been previously employed by the same employer within the last three years.

(7) The provisions of this clause shall not apply to apprentices, trainees and employees mentioned in clause 29 (1) of Part 1 of the Agreement and clause 57 (1) of Part II of the Agreement."

5. CLAUSE 17 OF PART 1: SUBCONTRACTS AND LABOUR-ONLY CONTRACTS

Substitute the following for clause 17 and its heading:

"17. LABOUR-ONLY SUBCONTRACTS

(1) For the purposes of this clause, the expression 'labour-only subcontract' means a contract, agreement, arrangement or understanding in terms of which a person undertakes to provide a service or services to a principal, a contractor or a subcontractor for an agreed sum or sums, which entails performing work that is normally carried out by skilled employees and/or general workers as defined in clause 4, and where such person is not responsible for the payment to manufacturers or suppliers who in the ordinary course of their business supply material to the Building Industry, for all materials to be used in the execution of such work.

(2) Any person who undertakes work in the Building Industry in terms of a labour-only subcontract shall, whether he is an employer or not, register with the Council as an employer or as if he were an employer in accordance with the provisions of clause 16. The onus shall be on the principal, contractor or subcontractor giving out such work to satisfy himself that such person is so registered prior to that person commencing with the said work.

(3) Where any work is given out in a labour-only subcontract to any person by a principal, a contractor or a subcontractor, whether or not that principal, contractor or subcontractor is himself an employer, the principle upon which payment shall be made to that person for that work shall be such that all employees engaged on performing such work shall be provided with a reasonable opportunity to earn by their productivity not less than any levels of remuneration prescribed in this Agreement and to receive stamps as prescribed in clause 33.

(4) (a) 'n Redelike produktiwiteitskoers wat van 'n gemiddelde werknemer in die Bounywerheid verwag word, moet deur albei partye by 'n slegs-arbeid-subkontrak in aanmerking geneem word wanneer daar ooreengekom word oor die bedrag of bedrae wat betaal moet word vir die diens of dienste wat volgens sodanige kontrak gelewer moet word.

(b) Die Raad kan van tyd tot tyd aanbeveel wat na sy mening 'n redelike produktiwiteitskoers is wat van 'n gemiddelde werknemer in die Bounywerheid verwag word, en kan sodanige aanbevelings as riglyne aan werkgewers en werknemers beskikbaar stel.

(c) 'n Geskil oor wat 'n redelike produktiwiteitskoers is wat van 'n gemiddelde werknemer in die Bounywerheid verwag word, moet na die Raad verwys word vir sy mening, soos bepaal by paragraaf (b) gelees met klousule 5 (1).

(5) Behoudens subklousule (3) is al die bepalings van hierdie Ooreenkoms van toepassing op en moet dit nagekom word deur werkgewers en werknemers wat betrokke is by werk volgens 'n slegs-arbeid-subkontrak, met uitsondering van klousules 23, 24, 30 en 32.

(6) 'n Prinsipaal, 'n kontrakteur of 'n subkontrakteur, ongeag of daardie prinsipaal, kontrakteur of subkontrakteur self 'n werkgewer is of nie, moet—

(a) aantekening hou van die volgende besonderhede ten opsigte van elke persoon aan wie werk op 'n slegs-arbeid-subkontrak uitbestee word:

- (i) sy voornaam en sy van;
- (ii) sy handelsnaam;
- (iii) sy besigheidsadres en/of woonadres;
- (iv) sy telefoonnommer;

(b) wanneer 'n agent dit versoek, sodanige rekords aan die agent voorlê.

(7) Iemand bedoel in subklousule (2) moet die besonderhede aangeteken in subklousule (6) (a) (i) tot en met (iv), verstrek aan 'n prinsipaal, 'n kontrakteur of 'n subkontrakteur vir wie hy kragtens 'n slegs-arbeid-subkontrak werk in die Bounywerheid onderneem en moet bedoelde prinsipaal, kontrakteur of subkontrakteur van enige veranderinge in sodanige besonderhede in kennis stel."

6. KLOUSULE 19A VAN DEEL 1: GRIEWE-, DISCIPLINÊRE EN DIENSBEEÏNDIGINGSPROSEDURES EN BESLEGTING VAN GESKILLE

In subklousule (2)—

(a) vervang paragraaf (b) deur die volgende:

"(b) Waar die partye by 'n geskil nie die geskil op die wyse beoog in paragraaf (a) kan besleg nie, kan die werkgewer of die werknemer of werknemers, of enige werkgewersorganisasie of vakvereniging wat namens hulle optree, behoudens artikel 27A (1) (b), (c) en (d) van die Wet, sodanige geskil skriftelik na die Raad verwys, en in so 'n geval moet die volle name en adresse van die partye by die geskil, volle besonderhede van bedoelde geskil en enige ander vereistes wat die Raad van tyd tot tyd bepaal, skriftelik aangedui word."

(b) vervang paragraaf (d) deur die volgende:

"(d) Waar 'n geskil nie deur bemiddeling ooreenkomstig paragraaf (c) besleg word nie, kan die partye by die geskil ooreenkom om sodanige geskil na die Sekretaris te verwys en moet die Sekretaris deur verdere bemiddeling poog om die partye by die geskil te oorreed om sodanige geskil deur onderlinge ooreenkoms te besleg."

(4) (a) A reasonable rate of productivity expected from an average employee in the Building Industry shall be taken into account by both parties to a labour-only subcontract when agreeing on the sum or sums to be paid for the service or services to be provided under such contract.

(b) The Council may from time to time recommend that, in its opinion, constitutes a reasonable rate of productivity expected from an average employee in the Building Industry and may make such recommendations available to employers and employees as guidelines.

(c) Any dispute as to what constitutes a reasonable rate of productivity expected from an average employee in the Building Industry shall be referred to the Council for its opinion, as provided in paragraph (b) read with clause 5 (1).

(5) Subject to the provisions of subclause (3), all the provisions of this Agreement shall apply to and be complied with by employers and employees engaged on work under a labour-only subcontract, except for the provisions of clauses 23, 24, 30 and 32.

(6) A principal, a contractor or a subcontractor, whether or not that principal, contractor or subcontractor is himself an employer, shall—

(a) keep a record of the following particulars in respect of each person to whom work is given out in a labour-only subcontract:

- (i) his first name and his surname;
- (ii) his trading name;
- (iii) his business address and/or residential address;
- (iv) his telephone number;

(b) upon being requested to do so by an agent, produce such records to the agent.

(7) Any person referred to in subclause (2) shall furnish the particulars recorded in subclause (6) (a) (i) to (iv), inclusive, to a principal, a contractor or a subcontractor for whom he undertakes work in the Building Industry in terms of a labour-only subcontract and shall notify the said principal, contractor or subcontractor of any changes in such particulars."

6. CLAUSE 19A OF PART 1: GRIEVANCE, DISCIPLINARY AND DISMISSAL PROCEDURES AND SETTLEMENT OF DISPUTES

In subclause (2)—

(a) substitute the following for paragraph (b):

"(b) Where the parties to a dispute are unable to settle that dispute in the manner contemplated in paragraph (a), the employer or the employee, or employees' or any employers' organisation or trade union acting on their behalf, may subject to the provisions of section 27A (1), (b), (c) and (d) of the Act, refer such dispute in writing to the Council and, in such event, shall indicate, in writing, the full names and addresses of the parties to the dispute, full details of the said dispute and any other requirements that the Council may determine from time to time."

(b) substitute the following for paragraph (d):

"(d) Where a dispute is not settled by mediation in accordance with the provisions of paragraph (c), the parties to the dispute may agree to refer such dispute to the Secretary and the Secretary shall, through further mediation, endeavour to get the parties to the dispute to settle such dispute by agreement between themselves."

(c) vervang paragraaf (e) deur die volgende:

"(e) Waar 'n geskil nie deur bemiddeling ooreenkomstig paragraaf (c) of (d) besleg word nie, word sodanige geskil geag nie deur die Raad besleg te wees nie."

7. KLOUSULE 27 VAN DEEL 1: AANSPRAAK OP EN BETALING VIR JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE MET BESOLDIGING

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

"(1) Behoudens subklousules (2) en (3) is 'n algemene werker, 'n toerustingbediener, 'n drywer, 'n vakleerling, 'n kwekeling of 'n werknemer vir wie lone in klousule 29 (1) voorgeskryf word wat 24 uur of langer gedurende die gewone werkure voorgeskryf in klousule 23 (1) in elk van die 49 en 50 werkweke gedurende die seëljaar gewerk het, geregtig—

(a) op 15 werkdae verlof met besoldiging, wat geneem moet word gedurende die vakansietydperk in subklousule (3) (b) voorgeskryf na die einde van die seëljaar; en

(b) daarop om betaal te word vir elk van die 10 dae in subklousule (3) (c) voorgeskryf wat openbare vakansiedae geag word en wat op gewone werkdae gedurende die seëljaar val: Met dien verstande dat 'n werknemer wat minder as 49 of 50 werkweke gedurende 'n seëljaar gewerk het, slegs op 'n *pro rata*-grondslag op verlof met besoldiging en op vakansiedae met besoldiging geregtig is in verhouding tot die getal weke wat hy 24 uur of langer gedurende die gewone werkure in klousule 23 (1) voorgeskryf per week gedurende die seëljaar gewerk het."

(2) Vervang subklousule (3) deur die volgende:

"(3) By die toepassing van hierdie klousule beteken die uitdrukking—

(a) 'seëljaar' die tydperk vanaf die Maandag na die laaste Vrydag in Oktober van een jaar tot die laaste Vrydag in Oktober van die volgende jaar: Met dien verstande dat, vir die bepaling van die bedrae voorgeskryf in Aanhangsels A, B en C van hierdie Ooreenkoms, elke seëljaar geag word uit 49 werkweke en altesaam 52 weke te bestaan;

(b) 'vakansietydperk' of 'jaarlikse vakansietydperk' die tydperk wat 'n aanvang neem op die Vrydag onmiddellik voor 16 Desember, of op die dag wat die Raad bepaal maar wat voor of op 16 Desember in elke jaar moet wees: Met dien verstande dat 'n werkgewer wat, in oorleg met sy werknemers, die voorgeskrewe jaarlikse vakansietydperk deur onderlinge ooreenkoms wil verander, toegelaat moet word om dit te doen sonder dat van hom vereis word om by die Raad aansoek te doen om vrystelling, en sodanige veranderde jaarlikse vakansietydperk word geag die voorgeskrewe jaarlikse vakansietydperk te wees met betrekking tot sodanige werkgewer en sy werknemers;

(c) 'openbare vakansiedae'—

(i) ondanks die Wet op Openbare Feesdae, 1952, die 10 dae wat op gewone werkdae val wat die Raad in elke seëljaar bepaal geag moet word die 10 voorgeskrewe openbare feesdae te wees vir daardie seëljaar: Met dien verstande dat 'n werkgewer wat, in oorleg met sy werknemers, enigeen van die 10 voorgeskrewe open-

(c) substitute the following for paragraph (e):

"(e) Where a dispute is not settled by mediation in accordance with the provisions of paragraphs (c) or (d), such dispute shall be regarded as not having been settled by the Council."

7. CLAUSE 27 OF PART 1: ENTITLEMENT TO AND PAYMENT FOR ANNUAL LEAVE AND PAID PUBLIC HOLIDAYS

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

"(1) Subject to the provisions of subclauses (2) and (3), a general worker, a plant operator, a driver, an apprentice, a trainee or an employee for whom wages are prescribed in clause 29 (1) who has worked for 24 hours or more during the ordinary hours of work prescribed in clause 23 (1) in each of the 49 or 50 working weeks during a stamp year, shall be entitled—

(a) to 15 working days' paid leave, which shall be taken during the holiday period prescribed in subclause (3) (b) following the end of the stamp year; and

(b) to be paid for each of the 10 days prescribed in subclause (3) (c) as being deemed to be the public holiday which fall on ordinary working days during the stamp year: Provided that an employee who has worked for less than 49 or 50 working weeks during a stamp year shall only be entitled to paid leave and to paid public holidays on a *pro rata* basis in relation to the number of weeks in which he worked for 24 hours or more during the ordinary hours of work prescribed in clause 23 (1) in each week during that stamp year."

(2) Substitute the following for subclause (3):

"(3) For the purposes of this clause, the expression—

(a) 'stamp year' means the period from the Monday following the last Friday in October of one year to the last Friday in October of the following year: Provided that, for the purposes of determining the amount prescribed in Annexures A, B and C to this Agreement, each stamp year shall be deemed to consist of 49 working weeks and a total of 52 weeks;

(b) 'holiday period' or 'annual holiday period' means the period which shall commence on the Friday immediately before 16 December, or on such day as the Council may determine but which shall not be later than 16 December, in each year: Provided that an employer who, in consultation with his employees, wishes to vary the prescribed annual holiday period by mutual agreement between themselves, shall be permitted to do so without being required to apply to the Council for an exemption and such varied annual holiday period shall be deemed to be the prescribed annual holiday period in respect of such employer and his employees;

(c) 'public holidays' means—

(i) notwithstanding the provisions of the Public Holidays Act, 1952, the 10 days falling on ordinary working days which shall be determined by the Council in each stamp year as being deemed to be the 10 prescribed public holidays for that stamp year: Provided that an employer who, in consultation with his employees,

bare vakansiedae wil vervang deur 'n dag wat by onderlinge ooreenkoms bepaal is, toegelaat kan word om dit te doen sonder om by die Raad aansoek te doen om vrystelling, en sodanige vervangde dag moet geag word 'n voorgeskrewe openbare vakansiedag te wees met betrekking tot sodanige werk-gewer en sy werknemers; en

- (ii) enige openbare feesdag wat in artikel 1 van die Wet op Openbare Feesdae, 1952, voorgeskryf word of wat by proklamasie kragtens artikel 2 van genoemde Wet verklaar is, en wat op 'n Saterdag of 'n Sondag in elke seëljaar val."

8. KLOUSULE 29 VAN DEEL I: LOONSKALE

In subklausule (1), vervang die loontabel deur die volgende:

wishes to substitute a day determined by mutual agreement between themselves for any one of the 10 prescribed public holidays, shall be permitted to do so without being required to apply to the Council for an exemption and such substituted day shall be deemed to be a prescribed public holiday in respect of such employer and his employees; and

- (ii) any public holiday prescribed in section 1 of the Public Holidays Act, 1952, or by proclamation under section 2 of the said Act, which falls on a Saturday or a Sunday in each stamp year."

8. CLAUSE 29 OF PART I: WAGE RATES

Substitute the following for the schedule of wages:

"Kategorie werknemer"	Loon per uur m.i.v. 31 Januarie 1994	Loon per uur m.i.v. 4 Julie 1994
	R	R
(a) Kwekeling-ambagsgeselle wat diens doen ooreenkomstig kwekeling-kontrakte wat ingevolge klousule 12 (1) geregistreer is en wat geslaag het in die volgende modules van 'n erkende modulêre opleidingskema gebaseer op vaardigheid:		
(i) Minder as 33 persent	4,61	4,91
(ii) 33 persent of meer maar minder as 66 persent	6,58	7,01
(iii) 66 persent of meer	8,55	9,11
(b) Ambagsgeselle:		
(i) Klas 4	4,61	4,91
(ii) Klas 3	6,58	7,01
(iii) Klas 2	8,55	9,11
(iv) Klas 1	9,87	10,52
(c) Vakmanne en werknemers in alle ander ambagte en beroepe wat nie elders hierin gespesifiseer word nie, uitgesonderd kwekeling	13,16	14,02
(d) Werknemers wat in diens is gedurende die proeftydperk wat kragtens die Wet op Mannekragopleiding, 1981, toegelaat word	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991
(e) Vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is tussen 11 Februarie 1991 en 13 Oktober 1991, of op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981

"Category of employee"	Wage per hour w.e.f. 31 January 1994	Wage per hour w.e.f. 4 July 1994
	R	R
(a) Trainee tradesmen serving under contracts of traineeship registered in terms of clause 12 (1) and who have passed the following modules in a recognised competence-based modular training scheme:		
(i) Less than 33 per cent	4,61	4,91
(ii) 33 per cent or more but less than 66 per cent	6,58	7,01
(iii) 66 per cent or more	8,55	9,11
(b) Tradesmen:		
(i) Class 4	4,61	4,91
(ii) Class 3	6,58	7,01
(iii) Class 2	8,55	9,11
(iv) Class 1	9,87	10,52

Category of employee	Wage per hour w.e.f. 31 January 1994	Wage per hour w.e.f. 4 July 1994
(c) Craftsmen and employees in all other trades and occupations not elsewhere herein specified, excluding trainees	R 13,16	R 14,02
(d) Employees employed during the probationary period allowed under the Manpower Training Act, 1981	The rate laid down for apprentices whose contracts were entered into on or after 14 October 1991	The rate laid down for apprentices whose contracts were entered into on or after 14 October 1991
(e) Apprentices whose contracts of apprenticeship were entered into between 11 February 1991 and 13 October 1991, or on or after 14 October 1991	The rate laid down for apprentices under the Manpower Training Act, 1981	The rate laid down for apprentices under the Manpower Training Act, 1981

9. KLOUSULE 30 VAN DEEL 1: GEWAARBORGDE MINIMUM WEEKGURE WEER

In subklousule (1) —

(a) vervang paragraaf (b) deur die volgende:

“(b) die tyd gewerk deur sodanige werknemer in sodanige week gedurende die gewone werkure voorgeskryf in klousule 23 (1) en die oortydure in klousule 32 (1) (a) (i) en (b) (ii) bedoel, minder as 24 uur is, word sodanige werknemer, behoudens paragraaf (c) en subklousules (2) en (3), geag 24 uur gedurende die gewone werkure in klousule 23 (1) voorgeskryf, in daardie week te gewerk het en is hy daarop geregtig om —

(i) die loon betaal word wat hy sou verdien het indien hy in daardie week 24 uur gewerk het gedurende die gewone werkure in klousule 23 (1) voorgeskryf; en

(ii) vir daardie week ’n seël te ontvang op die wyse voorgeskryf in klousules 33 tot en met 35, asof hy in daardie week 24 uur gewerk het gedurende die gewone werkure in klousule 23 (1) voorgeskryf.”;

(b) voeg die volgende nuwe paragraaf (c) in:

“(c) By die toepassing van hierdie subklousule word sodanige werknemer geag agt uur te gewerk het op enige openbare vakansiedag in klousule 27 (3) (c) voorgeskryf wat op ’n gewone werkdag val.”.

10. KLOUSULE 32 VAN DEEL 1: BETALING VIR OORTYDWERK

(1) In subklousule (1) —

(a) vervang paragraaf (a) (ii) deur die volgende:

“(ii) op ’n openbare vakansiedag in klousule 27 (3) (c) voorgeskryf wat nie binne die vakansietydperk val wat in klousule 27 (3) (b) voorgeskryf word nie en wat op ’n gewone werkdag val.”;

(b) vervang paragraaf (c) (iii) deur die volgende:

“(iii) op ’n openbare vakansiedag in klousule 27 (3) (c) voorgeskryf wat op ’n Saterdag of ’n Sondag buite die vakansietydperk val wat in klousule 27 (3) (b) voorgeskryf word of wat op enige dag gedurende genoemde vakansietydperk val.”.

(2) In subklousule (3), voeg die volgende nuwe voorbehoudsbepaling by:

“Met dien verstande dat, by die toepassing van hierdie subklousule, ’n werknemer geag word nege uur te gewerk het op enige openbare vakansiedag in klousule 27 (3) (c) voorgeskryf wat op ’n gewone werkdag val.”.

9. CLAUSE 30 OF PART 1: GUARANTEED MINIMUM WEEKINCLEMENT WEATHER

In subclause (1) —

(a) substitute the following for paragraph (b):

“(b) if the time worked by such employee in such week during the ordinary hours of work prescribed in clause 23 (1) and the overtime hours of work referred to in clause 32 (1) (a) (i) and (b) (ii) is less than 24 hours, such employee shall, subject to the provisions of paragraph (c) and subclause (2) and (3), be deemed to have worked for 24 hours during the ordinary hours of work prescribed in clause 23 (1) in that week and shall be entitled —

(i) to be paid the wages which he would have earned if he had worked for 24 hours during the ordinary hours of work prescribed in clause 23 (1) in that week; and

(ii) to receive a stamp for that week, in the manner prescribed in clauses 33 to 35, inclusive, as if he had worked for 24 hours during the ordinary hours of work prescribed in clause 23 (1) in that week.”;

(b) insert the following new paragraph (c):

“(c) For the purposes of the application of this subclause, such employee shall be deemed to have worked for eight hours on any public holiday prescribed in clause 27 (3) (c) which falls on an ordinary working day.”.

10. CLAUSE 32 OF PARK 1: PAYMENT FOR OVERTIME

(1) In subclause (1) —

(a) substitute the following for paragraph (a) (ii):

“(ii) on a public holiday prescribed in clause 27 (3) (c) which does not fall within the holiday period prescribed in clause 27 (3) (b) and which falls on an ordinary working day.”;

(b) substitute the following for paragraph (c) (iii):

“(iii) on a public holiday prescribed in clause 27 (3) (c) which falls on a Saturday or a Sunday outside the holiday period prescribed in clause 27 (3) (b) or which falls on any day within the said holiday period.”.

(2) In subclause (3), add the following new proviso:

“Provided that, for the purposes of the application of this subclause, an employee shall be deemed to have worked for nine hours on any public holiday prescribed in clause 27 (3) (c) which falls on an ordinary working day.”.

11. KLOUSULE 33 VAN DEEL 1: UITREIKING VAN SEËLS AAN WERKNEMERS

In subklousule (1) (a) vervang subklousule (1) (a) deur die volgende:

“(1) *Die uitreiking van seëls is verpligtend:* (a) Behalwe ten opsigte van 'n persoon wat in diens is as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer en wat ooreenkomstig klousule 11A 'n aanvangsdienstyd uitdien, en behoudens paragraaf (c), is 'n werkgever verplig om elke week 'n seël uit te reik, op die wyse by klousules 33A en 35 voorgeskryf, aan 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener, 'n drywer, 'n vakleerling, 'n kwekeling, 'n werknemer vir wie lone by klousule 29 (1) van Deel 1 van die Ooreenkoms se klousule 57 (1) van Deel II van die Ooreenkoms voorgeskryf word, en 'n voorman of 'n algemene voorman op wie klousule 34 (1) van toepassing is, wat 24 uur of langer gedurende die gewone werkure by klousule 23 (1) voorgeskryf in elke week vir sodanige werkgever werk of wat ingevolge klousule 30 (1) (b) geag word 24 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf, in 'n week vir sodanige werkgever te gewerk het.”;

(b) voeg die volgende nuwe paragraaf (c) in:

“(c) By die toepassing van hierdie subklousule en klousule 35 (1) en (4) word 'n werknemer in paragraaf (a) bedoel, geag agt uur te gewerk het op enige openbare vakansiedag by klousule 27 (3) (c) voorgeskryf wat op 'n gewone werkdag val.”.

12. NUWE KLOUSULE 33A VAN DEEL I

Voeg die volgende nuwe klousule 33A in:

“33A. UITREIKING VAN SEËLS AAN ALGEMENE WERKERS, VERVAARDIGINGSWERKERS, TOERUSTINGBEDIENERS EN DRYWERS

(1) Elke algemene werker, vervaardigingswerker, toerustingbediener of drywer wat op 30 Januarie 1994 by 'n werkgever in die Nywerheid in diens is en wat op daardie datum daarop geregtig is om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms te ontvang, is steeds daarop geregtig om die gemelde seëlkategorieë te ontvang solank hy op of na 31 Januarie 1994 nog in diens is by dieselfde werkgever by wie hy op 30 Januarie 1994 in diens was.

(2) Behoudens subklousules (7) en (10) is 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat op of na 31 Januarie 1994 in die Nywerheid in diens geneem word, daarop geregtig om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, met ingang van die aanvangsdatum van sy diens van sy werkgever te ontvang indien—

- (a) hy voorheen in die Nywerheid in die Raad se jurisdiksiegebied in diens was; en
- (b) behoudens subklousule (8), op 31 Januarie 1994 'n rekord verkry het dat hy 'n opgelope totaal van minstens 150 seëls van enige kategorie ontvang het.

(3) Behoudens subklousules (7) en (10) verkry 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat op of na 31 Januarie 1994 in die Nywerheid in diens geneem word, die reg om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, van sy werkgever te ontvang met ingang van die datum waarop—

- (a) hy behoudens subklousule (8) 'n rekord verkry dat hy 'n opgelope totaal van minstens 150 seëls van enige kategorie ontvang het; of

11. CLAUSE 33 OF PART 1: ISSUE OF STAMPS TO EMPLOYEES

In subclause (1) (a) substitute the following for subclause (1) (a):

“(1) *Issue of stamps to be compulsory:* (a) Except in respect of a person who is employed as a general worker, a manufacturing worker, a plant operator or a driver and who is serving an initial employment period in accordance with the provisions of clause 11A (1), and subject to the provisions of paragraph (c), it shall be compulsory for an employer to issue a stamp each week, in the manner prescribed in clauses 33A and 35, to a general worker, a manufacturing worker, a plant operator, a driver, an apprentice, a trainee, an employee for whom wages are prescribed in clauses 29 (1) of Part 1 of the Agreement and 57 (1) of Part II of the Agreement and a foreman or a general foreman to whom the provisions of clause 34 (1) are applicable, who works for such employer for 24 hours or more during the ordinary hours of work prescribed in clause 23 (1) in each week or who, in terms of clause 30 (1) (b), is deemed to have worked for such employer for 24 hours during the ordinary hours of work prescribed in clause 23 (1) in a week.”;

(b) insert the following new paragraph (c):

“(c) For the purposes of the application of this subclause and clause 35 (1) and (4), an employee referred to in paragraph (a) shall be deemed to have worked for 8 hours on any public holiday prescribed in clause 27 (3) (c) which falls on an ordinary working day.”.

12. NEW CLAUSE 33A OF PART 1

Insert the following new clause 33A:

“33A. ISSUE OF STAMPS TO GENERAL WORKERS, MANUFACTURING WORKERS, PLANT OPERATORS AND DRIVERS

(1) Every general worker, manufacturing worker, plant operator or driver who is employed in the Industry by an employer on 30 January 1994 and who, on that date, is entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, shall continue to be entitled to receive the said stamp categories whilst he continues to be employed on or after 31 January 1994 by the same employer by whom he was employed on 30 January 1994.

(2) Subject to the provisions of subclauses (7) and (10), a general worker, a manufacturing worker, a plant operator or a driver who becomes employed in the Industry on or after 31 January 1994, shall be entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement from his employer with effect from the date of commencement of his employment if—

- (a) he has been previously employed in the Industry in the Council's area of jurisdiction; and
- (b) subject to the provisions of subclause (8), on 31 January 1994 he has attained a record of having received an accumulated total of at least 150 stamps of any category.

(3) Subject to the provisions of subclauses (7) and (10), a general worker, a manufacturing worker, a plant operator or a driver who becomes employed in the Industry on or after 31 January 1994, shall become entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement from his employer with effect from the date on which—

- (a) subject to the provisions of subclause (8), he attains a record of having received an accumulated total of at least 150 stamps of any category; or

- (b) hy weer in diens geneem word deur 'n werkgewer: Met dien verstande dat die herindiensname geskied binne 12 maande nadat hy voorheen by dieselfde werkgewer in diens was en hy tydens sy vorige dienstyd by daardie werkgewer daarop geregtig was om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms te ontvang; of
- (c) hy twee jaar opgelope diens by dieselfde werkgewer voltooi: Met dien verstande dat by die toepassing van hierdie paragraaf enige dienstyd gedurende 'n aanvangsdienstyd by 'n werkgewer ooreenkomstig klousule 11A en enige vorige dienstyd by daardie werkgewer, hetsy voor of na 31 Januarie 1994, in aanmerking geneem word ten einde sy opgelope dienstyd te bepaal.
- (4) 'n Algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat ingevolge subklousules (2) en (3) kwalifiseer om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms te ontvang, is nie verplig om 'n aanvangsdienstyd volgens klousule 11A uit te dien by elke nuwe werkgewer deur wie hy in diens geneem word na die datum waarop hy die reg verkry om gemelde seëlkategorieë te ontvang nie.
- (5) Behoudens subklousule (6) is 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat nie op die wyse voorgeskryf by subklousule (2) of (3) kwalifiseer om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms te ontvang nie, daarop geregtig om die seëlkategorieë voorgeskryf by klousule 2 (5) van Aanhangsel A van die Ooreenkoms van sy werkgewer te ontvang met ingang van—
- (a) die datum waarop hy sy aanvangsdienstyd voltooi, indien 'n aanvangsdienstyd ooreenkomstig klousule 11A van toepassing is; of
- (b) die diensaanvangsdatum, indien 'n aanvangsdienstyd nie ooreenkomstig klousule 11A (5) (b) van toepassing is nie.
- (6) 'n Algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer bedoel in subklousule (5) is steeds daarop geregtig om die seëlkategorieë voorgeskryf by klousule 2 (5) van Aanhangsel A van die Ooreenkoms van sy werkgewer te ontvang tot tyd en wyl hy op die wyse voorgeskryf by subklousules (2) en (3) die reg verkry om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms te ontvang.
- (7) Ondanks subklousules (2) en (3) kan 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat nie daarop geregtig is om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms te ontvang nie, deur onderhandelinge onderling ooreenkom met sy werkgewer dat gemelde seëlkategorieë deur sy werkgewer aan hom uitgereik sal word, met ingang van 'n datum waarop hy en sy werkgewer ooreengekom het.
- (8) By die toepassing van subklousules (2) (b) en (3) (a) word enige seëls van enige kategorie wat ontvang is deur 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer deur diens by een of meer werkgewers in die Nywerheid in die Raad se jurisdiksiegebied, met terugwerkende krag tot die datum waarop hy vir die eerste keer in die Nywerheid in gemelde gebied in diens gestel is, en wat óf deur die Raad óf deur die Natal Master Builders' and Allied Industries Association uitgereik is, in aanmerking geneem ten einde die opgelope totaal van seëls wat hy ontvang het, te bepaal.
- (b) he is re-employed by an employer: Provided that the re-employment is within 12 months of him having been previously employed by the same employer and he was entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A of the Agreement during his previous period of employment with that employer; or
- (c) he completes two years' accumulated service with the same employer: Provided that, for the purposes of the application of this paragraph, any period of employment during an initial employment period with an employer in accordance with the provisions of clause 11A and any period of previous employment with that employer, either before or after 31 January 1994, shall be taken into account in order to determine his accumulated period of service.
- (4) A general worker, a manufacturing worker, a plant operator or a driver who, in terms of the provisions of subclauses (2) and (3), qualifies to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, shall not be required to serve an initial employment period under clause 11A by each new employer by whom he may be employed after the date on which he becomes entitled to receive the said stamp categories.
- (5) Subject to the provisions of subclause (6), a general worker, a manufacturing worker, a plant operator or a driver who does not qualify, in the manner prescribed in subclause (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, shall be entitled to receive the stamp categories prescribed in clause 2 (5) of Annexure A to the Agreement from his employer with effect from—
- (a) the date on which he completes his initial period of employment, if an initial period of employment is applicable in accordance with the provisions of clause 11A; or
- (b) the date of commencement of employment, if an initial period of employment is not applicable in accordance with the provisions of clause 11A (5) (b).
- (6) A general worker, a manufacturing worker, a plant operator or a driver referred to in subclause (5) shall continue to be entitled to receive the stamp categories prescribed in clause 2 (4) of Annexure A to the Agreement from his employer until such time as he becomes entitled, in the manner prescribed in subclause (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement.
- (7) Notwithstanding the provisions of subclauses (2) and (3), a general worker, a manufacturing worker, a plant operator or a driver who is not entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, may reach a mutual agreement through negotiation with his employer that the said stamp categories will be issued to him by his employer, with effect from a date agreed upon by himself and his employer.
- (8) For the purposes of the application of subclauses (2) (b) and (3) (a), any stamps of any category that were received by a general worker, a manufacturing worker, a plant operator or a driver through employment with any one or more employers in the Industry in the Council's area of jurisdiction, with retrospective effect from the date on which he first became employed in the Industry in the said area, and which were issued by either the Council or the Natal Master Builders' and Allied Industries Association, shall be taken into account in order to determine the accumulated total of stamps received by him.

(9) Behoudens klousule 11A (5) (c) is 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat ooreenkomstig klousule 11A 'n aanvangsdienstyd uitdien, nie daarop geregtig om enige seëlkatégorie voorgeskryf by klousule 2 van Aanhangel A van die Ooreenkoms gedurende sodanige aanvangsdienstyd te ontvang nie.

(10) 'n Algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat voldoen aan die kwalifiseringsvereistes voorgeskryf by subklousules (2) (b) en (3) (a), gelees met subklousule (8), moet—

- (a) by die Raad aansoek doen dat 'n sertifikaat aan hom uitgereik word ter bevestiging dat hy 'n rekord verkry het dat hy 'n opgelope totaal van minstens 150 seëls van enige katégorie ontvang het; en
- (b) sodanige sertifikaat toon aan elke werkgewer deur wie hy in diens geneem word, ten einde te bewys dat subklousules (2) en (3) en klousule 11A (2) (b) op hom van toepassing moet wees."

13. KLOUSULE 34 VAN DEEL I: UITREIKING VAN SEËLS AAN VOORMANNE, ALGEMENE VOORMANNE EN WERKENDE WERKGEWERS

Vervang subklousule (2) deur die volgende:

"(2) *Werkende werkgewers*: 'n Werkende werkgewer kan vrywillig voldoen aan klousule 35 en—

- (a) kan elke week terwyl hy as 'n werkende werkgewer optree, 'n seël van die Raad koop, *mutatis mutandis* op die wyse voorgeskryf in klousule 35 (1), gelees met klousule 35 (6) en (9), asof hy 'n werkgewer is; en
- (b) kan elke week aan homself 'n seël uitreik terwyl hy as 'n werkende werkgewer optree, *mutatis mutandis* op die wyse voorgeskryf klousule 35 (10), gelees met klousule 35 (6), asof hy 'n vakman is."

14. KLOUSULE 35 VAN DEEL I: BYVOORDELE EN SEËLS

(1) In subklousule (1)—

(a) vervang al die woorde voor die Tabel deur die volgende:

"(1) Met uitsondering van 'n werknemer wat minder as 24 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf, in 'n enkele week vir 'n werkgewer werk, en behoudens subklousules (6), (7) en (17) en klousules 33 (1) (c) en (2) en 43 (6) (b), moet elke werkgewer elke week die totale bedrag in item (h) hieronder voorgeskryf, ten opsigte van elke werknemer in klousule 33 (1) (a) bedoel, aan die Sekretaris van die Raad betaal: Met dien verstande dat sodanige bedrag toegewys moet word soos in die Tabel hieronder aangedui: Met dien verstande voorts dat die bedrag in subklousule (2) bedoel, gevoeg moet word by die bedrag wat ingevolge hierdie subklousule betaalbaar is:"

(b) in die Tabel, skrap item (g) en hernommer items (h) en (i) tot onderskeidelik (g) en (h).

(2) Vervang subklousule (4) deur die volgende:

"(4) Behalwe ten opsigte van 'n werknemer wat minder as 24 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf, in 'n enkele week vir 'n werkgewer werk, en behoudens subklousule (6), (7) en (17) en klousule 33 (1) (c) en (2), moet elke werkgewer weekliks van die besoldiging wat verskuldig is aan elke werknemer in klousule 33 (1) (a) bedoel, die toepas-

(9) Subject to the provisions of clause 11A (5) (c), a general worker, a manufacturing worker, a plant operator or a driver who is serving an initial employment period in accordance with the provisions of clause 11A, shall not be entitled to receive any stamp category prescribed in clause 2 of Annexure A to the Agreement during such initial employment period.

(10) A general worker, a manufacturing worker, a plant operator or a driver who meets the qualification requirements prescribed in subclauses (2) (b) and (3) (a) read with subclause (8) shall—

- (a) apply to the Council for a certificate to be issued to him confirming that he has attained a record of having received an accumulated total of at least 150 stamps of any category;
- (b) produce such certificate to each employer by whom he may be employed in order to establish that the provisions of subclauses (2) and (3) and clause 11A (2) (b) shall be applicable to him."

13. CLAUSE 34 OF PART I: ISSUE OF STAMPS TO FOREMEN, GENERAL FOREMEN AND WORKING EMPLOYERS

Substitute the following for subclause (2):

"(2) *Working employers*: A working employer may voluntarily elect to comply with the provisions of clause 35 and

- (a) may purchase a stamp from the Council each week whilst he is operating as a working employer, *mutatis mutandis* in the manner prescribed in clause 35 (1), read with clause 35 (6) and (9), as if he were an employer; and
- (b) may issue a stamp to himself each week whilst he is operating as a working employer, *mutatis mutandis* in the manner prescribed in clause 35 (10) read with clause 35 (6), as if he were a craftsman."

14. CLAUSE 35 OF PART I: FRINGE BENEFITS AND STAMPS

(1) In subclause (1)—

(a) substitute the following for all the words preceding the Table:

"(1) Except in respect of an employee who works for an employer for less than 24 hours during the ordinary hours of work prescribed in clause 23 (1) in any one week and subject to the provisions of subclauses (6), (7) and (17) and clauses 33 (1) (c) and (2) and 43 (6) (b), every employer shall pay to the Secretary of the Council each week in respect of each employee referred to in clause 33 (1) (a), the total sum prescribed in item (h) hereunder: Provided that such sum shall be allocated as indicated in the Table below: Provided further that the amount referred to in subclause (2) shall be added to the sum payable in terms of this subclause:"

(b) in the Table, delete item (g) and renumber items (h) and (i) to be (g) and (h), respectively.

(2) Substitute the following for subclause (4):

"(4) Except in respect of an employee who works for an employer for less than 24 hours during the ordinary hours of work prescribed in clause 23 (1) in any one week and subject to the provisions of subclauses (6), (7) and (17) and clause 33 (1) (c) and (2), every employer shall deduct weekly from the remuneration due to each employee referred to in clause 33 (1) (a)

like bedrae aftrek in Aanhangsel B van hierdie Ooreenkoms voorgeskryf met betrekking tot die werknemer se uurloon (soos in klousule 4 omskryf), watter ook al van toepassing is: Met dien verstande dat die bedrag in subklousule (8) bedoel, gevoeg moet word by die toepaslike bedrag wat ingevolge hierdie subklousule afgetrek moet word."

(3) In subklousule (7), vervang paragraaf (a) deur die volgende:

"(a) in 'n enkele week minder as 24 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf, vir 'n werkgewer gewerk het nie;"

(4) Vervang subklousule (8) deur die volgende:

"(8) Behoudens subklousule (6) en klousule 30(3) kan 'n werkgewer van die besoldiging verskuldig aan 'n werknemer in klousule 33 (1) (a) bedoel wat 24 uur of langer maar minder as 40 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf, in 'n enkele week gewerk het, die toepaslike bedrae in Aanhangsel C van hierdie Ooreenkoms voorgeskryf met betrekking tot die werknemer se uurloon (soos in klousule 4 omskryf), watter ook al van toepassing is, aftrek ten opsigte van elke uur wat die werknemer van sy werk afwesig was sonder die toestemming van die werkgewer of die werkgewer se behoorlik gemagtigde verteenwoordiger, of sonder goeie rede: Met dien verstande dat by die toepassing van hierdie subklousule, 'n werknemer geag word van sy werk afwesig te wees sonder die toestemming van sy werkgewer op enige openbare vakansiedag by klousule 27(3) (c) voorgeskryf."

15. KLOUSULE 37 VAN DEEL I: BETALING VAN BESOLDIGING

In subklousule (1), vervang al die woorde voor voorbehoudsbepaling (i) deur die volgende:

"(1) Behoudens andersluidende bepalings in hierdie Ooreenkoms, of tensy skriftelik anders daartoe deur die Raad gemagtig, moet alle besoldiging wat ten opsigte van 'n enkele betaalweek aan 'n werknemer verskuldig is, weekliks in kontant of by wyse van elektroniese oorplasing betaal word en wel nie later nie as die gewone sluitingstyd op die Vrydag wat volg op die einde van die betaalweek of by diensbeëindiging as dit voor die gewone betaaldag van die werknemer plaasvind: Met dien verstande dat—."

16. KLOUSULE 40 VAN DEEL I: ADMINISTRASIE VAN EN BEHEER OOR FONDSE

(1) Vervang subklousule (5) deur die volgende:

"(5) (a) Ingeval hierdie Ooreenkoms weens verloop van tyd verstryk of om 'n ander rede gestaak word, moet die Raad voortgaan om die Vakansiefonds te administreer totdat dit óf gelikwider is soos in subklousule (8) (a) voorgeskryf óf deur die Raad oorgedra word na 'n ander fonds wat vir dieselfde doel ingestel is as dié waarvoor die oorspronklike Fonds gestig is.

(b) Ingeval hierdie Ooreenkoms of 'n verlenging daarvan verstryk en 'n daaropvolgende ooreenkoms vir die voortsetting van die Bystandsfonds nie binne 'n tydperk van 12 maande vanaf die datum van sodanige verstryking beding word nie of die Fonds nie binne sodanige tydperk deur die Raad oorgedra word na 'n ander fonds wat vir dieselfde doel ingestel is as dié waarvoor die oorspronklike Fonds gestig is nie, moet die Fonds deur die Bestuurskomitee wat dan bestaan, gelikwider word soos in subklousule (8) (b) voorgeskryf. Die Fonds moet gedurende genoemde tydperk van 12 maande of totdat dit oorgedra word na 'n ander fonds soos hierbo bedoel, geadministreer word deur die Bestuurskomitee wat dan bestaan.

the relevant amounts prescribed in Annexure B to this Agreement in relation to the employee's hourly wage (as defined in clause 4), whichever are applicable: Provided that the amount referred to in subclause (8) shall be added to the applicable sum deductible in terms of this subclause."

(3) In subclause (7), substitute the following for paragraph (a):

"(a) works for less than 24 hours during the ordinary hours of work prescribed in clause 23 (1) for an employer in any one week;"

(4) Substitute the following for subclause (8):

"(8) Subject to the provisions of subclause (6) and clause 30 (3), an employer may deduct from the remuneration due to an employee who has worked for 24 hours or more but less than 40 hours during the ordinary hours of work prescribed in clause 23 (1) in any one week, the relevant amounts prescribed in Annexure C to this Agreement in relation to the employee's hourly wage (as defined in clause 4), whichever are applicable, in respect of each hour during which the employee was absent from work without the permission of the employer's duly authorised representative, or without good cause: Provided that, for the purpose of the application of this subclause, an employee shall be deemed to be absent from work without the permission of his employer on any public holiday prescribed in clause 27 (3) (c)."

15. CLAUSE 37 OF PART I: PAYMENT OF REMUNERATION

In subclause (1), substitute the following for all the words preceding proviso (i):

"(1) Except where otherwise provided in this Agreement, or unless otherwise authorised by the Council, in writing, all remuneration due to an employee in respect of any one pay-week shall be paid weekly in cash or by electronic transfer not later than the normal finishing time on the Friday following the end of the pay-week or on termination of employment if this takes place before the ordinary pay-day of the employee: Provided that—."

16. CLAUSE 40 OF PART I: ADMINISTRATION AND CONTROL OF FUNDS

(1) Substitute the following for subclause (5):

"(5) (a) In the event of the expiration of this Agreement by effluxion of time or cessation for any other cause, the Holiday Fund shall continue to be administered by the Council until it is either liquidated, in the manner set forth in subclause (8) (a), or transferred by the Council to any other fund constituted for the same purpose as that for which the original Fund was created.

(b) In the event of the expiration of this Agreement or any extension thereof and a subsequent agreement for the continuation of the Benefit Fund not being negotiated within a period of 12 months from the date of such expiration or the Fund not being transferred by the Council within such period to any other fund constituted for the same purpose as that for which the original Fund was created, the Fund shall be liquidated in the manner set forth in subclause (8) (b) by the Management Committee in office at the time. The Fund shall during the said period of 12 months or until such time as it is transferred to any other fund referred to above, be administered by the Management Committee in office at the time.

(c) Ingeval die verstryking van of die Pietermaritzburgse Ooreenkoms of die Port Natalse Ooreenkoms of beide Ooreenkomste of 'n verlenging daarvan en daaropvolgende ooreenkomste vir die voortsetting van die Mediese Hulpfonds nie binne 'n tydperk van 12 maande vanaf die datum van sodanige verstryking beding word nie, of die Fonds nie binne sodanige tydperk deur die Rade oorgedra word, op sodanige voorwaardes as wat die Rade bepaal, na 'n ander fonds of fondse wat vir dieselfde doel ingestel is as dié waarvoor die oorspronklike Fonds gestig is, nie, moet die Fonds, behoudens paragraaf (c), deur die Uitvoerende Komitee wat dan bestaan, gelikwieder word soos in subklousule (8) (b) voorgeskryf. Die Fonds moet gedurende genoemde tydperk van 12 maande of totdat dit oorgedra word na 'n ander fonds of fondse soos hierbo bedoel, geadminestreer word deur die Uitvoerende Komitee wat dan bestaan."

(2) Vervang subklousule (6) deur die volgende:

"(6) (a) Ingeval die Raad ontbind word of ophou om te funksioneer gedurende die tydperk waarin hierdie Ooreenkoms ingevolge artikel 34 (2) van die Wet bindend is, kan die Nywerheidsregistrator 'n komitee uit die geledere van die werkgewers en werknemers in die Nywerheid aanstel op grondslag van gelyke verteenwoordiging van beide kante om die Vakansiefonds te administreer, terwyl die Bystandsfonds nog geadminestreer moet word deur die Bestuurskomitee wat dan bestaan. 'n Vakature in 'n komitee kan uit die geledere van die werkgewers of die werknemers, na gelang van die geval, deur die Registrator op so 'n manier gevul word dat gelyke verteenwoordiging van die werkgewers en die werknemers in daardie komitee verseker word.

(b) Ingeval sodanige komitee nie daartoe in staat is nie of onwillig is om sy pligte uit te voer of ingeval hy voor 'n dooie punt te staan kom wat die administrasie van die Vakansiefonds en/of die Bystandsfonds na die mening van die Registrator ondoenlik of onwenslik maak, kan hy 'n trustee of trustees aanstel om die pligte van die komitee uit te voer, en sodanige trustee of trustees het vir sodanige doel al die bevoegdhede van die komitee.

(c) Ingeval daar geen Raad meer bestaan nie, moet die Vakansiefonds en die Bystandsfonds by verstryking van hierdie Ooreenkoms deur die komitee wat ingevolge hierdie subklousule funksioneer, of die trustee of trustees, na gelang van die geval, gelikwieder word soos in subklousule (8) uiteengesit, en as die sake van die Raad by die verstryking van die Ooreenkoms reeds gelikwieder en sy bates verdeel is, moet die saldo van die fondse ooreenkomstig artikel 34 (4) van die Wet verdeel word asof dit deel van die algemene fondse van die Raad uitgemaak het."

(3) Hernommer subklousule (7) tot subklousule (8).

(c) In the event of the expiration of either the Pietermaritzburg Agreement or the Port Natal Agreement or both Agreements or any extension thereof and subsequent agreements for the continuation of the Medical Aid Fund not being negotiated within a period of 12 months from the date of such expiration or the Fund not being transferred by the Councils, on such terms and conditions as may be determined by the Councils, within such period to any other fund or funds constituted for the same purpose as that for which the original Fund was created, the Fund shall, subject to the provisions of subclause (7) (e), be liquidated in the manner set forth in subclause (8) (b) by the Executive Committee in office at the time. The Fund shall, during the said period of 12 months or until such time as it is transferred to any other fund or funds referred to above, be administered by the Executive Committee in office at the time."

(2) Substitute the following for subclause (6):

"(6) (a) In the event of the dissolution of the Council or in the event of its ceasing to function during any period in which this Agreement is binding in terms of section 34 (2) of the Act, the Industrial Registrar may appoint a committee from employers and employees in the Industry on the basis of equal representation on both sides to administer the Holiday Fund while the Benefit Fund shall continue to be administered by the Management Committee in office at the time. Any vacancy occurring on any committee may be filled by the Registrar from employers or employees, as the case may be, so as to ensure an equality of employer and employee representatives on that committee.

(b) In the event of any such committee being unable or unwilling to discharge its duties or a deadlock arising thereon which renders the administration of the Holiday Fund and/or the Benefit Fund impracticable or undesirable in the opinion of the Registrar, he may appoint a trustee or trustees to carry out the duties of the committee and such trustee or trustees shall possess all the powers of the committee for such purpose.

(c) In the event of there being no Council in existence, the Holiday Fund and the Benefit Fund shall be liquidated upon the expiration of this Agreement by the committee functioning in terms of this subclause or the trustee or trustees, as the case may be, in the manner set forth in subclause (8), and if upon the expiration of the Agreement the affairs of the Council have already been wound up and its assets distributed, the balance of the funds shall be distributed as provided for in section 34 (4) of the Act as if it formed part of the general funds of the Council."

(3) Renumber subclause (7) to be subclause (8).

(4) Voeg die volgende nuwe subklousule (7) in:

“(7) (a) Ingeval die Pietermaritzburgse Raad of die Port Natalse Raad of beide Rade ontbind word of ingeval die een Raad of die ander of beide Rade ophou om te funksioneer gedurende enige tydperk waarin die Pietermaritzburgse en die Port Natalse Ooreenkoms ingevolge artikel 34 (2) van die Wet bindend is, moet die Mediese Hulpfonds steeds geadminestreer word deur die Uitvoerende Komitee wat dan dien. ’n Vakature wat in ’n komitee ontstaan, kan uit die geledere van die werkgewers of die werknemers, na gelang van die geval, deur die Registrateur op so ’n wyse gevul word dat ’n gelyke getal werkgewer- en werknemerverteenwoordigers in daardie komitee verseker word.

(b) Ingeval sodanige komitee nie daartoe in staat is nie of onwillig is om sy pligte uit te voer of ingeval hy voor ’n dooie punt te staan kom wat die administrasie van die Mediese Hulpfonds na die mening van die Registrateur ondoenlik of onwenslik maak, kan hy ’n trustee of trustees aanstel om die pligte van die komitee uit te voer, en sodanige trustee of trustees het vir sodanige doel al die bevoegdhede van die komitee.

(c) Ingeval die een Raad bestaan en die ander Raad nie meer bestaan nie, moet die Mediese Hulpfonds, behoudens paragraaf (e), by verstryking van óf die Pietermaritzburgse Ooreenkoms óf die Port Natalse Ooreenkoms, na gelang van die geval, deur die komitee wat kragtens hierdie subklousule funksioneer, of die trustee of trustees, na gelang van die geval, gelikwedeer word en moet met die saldo van die Fonds gehandel word *mutatis mutandis* op die wyse uiteengesit—

(i) in subklousule (5) (c) met betrekking tot die Raad wat bestaan; en

(ii) in paragraaf (d) met betrekking tot die Raad wat nie meer bestaan nie.

(d) Ingeval daar geen Rade meer bestaan nie, moet die Mediese Hulpfonds, behoudens paragraaf (e), by verstryking van die Pietermaritzburgse en die Port Natalse Ooreenkoms deur die komitee wat kragtens hierdie subklousule funksioneer, of die trustee of trustees, na gelang van die geval, gelikwedeer word op die wyse in subklousule (8) (b) uiteengesit, en as die sake van die Rade by verstryking van die Ooreenkomste reeds gelikwedeer is en hul bates verdeel is, moet die saldo van die Fonds soos bepaal by artikel 34 (4) van die Wet verdeel word asof dit deel van die algemene fondse van die Rade uitgemaak het.

(e) By die toepassing van hierdie subklousule en subklousule (5) (c) moet die saldo van die Fonds aan die Pietermaritzburgse Raad en aan die Port Natalse Raad toegeken word in verhouding tot die getal geregistreerde lede van die Fonds in elke Raad se regsgebied op die datum waarop die Mediese Hulpfonds gelikwedeer word.”

(5) Vervang subklousule (8) deur die volgende:

“(8) (a) By likwidasie van die Vakansiefonds ingevolge subklousules (5) (a) en (6) moet die geld wat nog op krediet van die Fonds staan nadat alle eise teen die Fonds, met inbegrip van administrasie- en likwidasiekoste, betaal is, in die algemene fondse van die Raad gestort word.

(4) Insert the following new subclause (7):

“(7) (a) In the event of the dissolution of either the Pietermaritzburg Council or the Port Natal Council or both Councils or in the event of one or other or both of them ceasing to function during any period in which the Pietermaritzburg and Port Natal Agreements are binding in terms of section 34 (2) of the Act, the Medical Aid Fund shall continue to be administered by the Executive Committee in office at the time. Any vacancy occurring on any committee may be filled by the Registrar from employers or employees, as the case may be, so as to ensure an equality of employer and employee representatives on that committee.

(b) In the event of any such committee being unable or unwilling to discharge its duties or a deadlock arising thereon which renders the administration of the Medical Aid Fund impracticable or undesirable in the opinion of the Registrar, he may appoint a trustee or trustees to carry out the duties of the committee and such trustee or trustees shall possess all the powers of the committee for such purpose.

(c) In the event of one Council being in existence and the other Council not being in existence, the Medical Aid Fund shall, subject to the provisions of paragraph (e), be liquidated upon the expiration of either the Pietermaritzburg Agreement or the Port Natal Agreement, as the case may be, by the committee functioning in terms of this subclause or the trustee or trustees, as the case may be, and the balance of the Fund shall be dealt with *mutatis mutandis* in the manner set forth—

(i) in subclause (5) (c) in respect of the Council that is in existence; and

(ii) in paragraph (d) in respect of the Council that is not in existence.

(d) In the event of there being no Councils in existence, the Medical Aid Fund shall, subject to the provisions of paragraph (e), be liquidated upon the expiration of the Pietermaritzburg and Port Natal Agreements by the committee functioning in terms of this subclause or the trustee or trustees, as the case may be, in the manner set forth in subclause (8) (b), and if upon the expiration of the Agreements the affairs of the Councils have already been wound up and their assets have been distributed, the balance of the Fund shall be distributed as provided for in section 34 (4) of the Act as if it formed part of the general funds of the Councils.

(e) For the purposes of implementing this subclause and subclause (5) (c), the balance of the Fund shall be allocated to the Pietermaritzburg Council and to the Port Natal Council in proportion to the number of registered members of the Fund in each Council's area of jurisdiction at the date on which the Medical Aid Fund is liquidated.”

(5) Substitute the following for subclause (8):

“(8) (a) Upon liquidation of the Holiday Fund in terms of subclauses (5) (a) and (6), the moneys remaining to the credit of the Fund after the payment of all claims against the Fund, including administration and liquidation expenses, shall be paid into the general funds of the Council.

- (b) By likwidasië van die Bystandsfonds en die Mediese Hulpfonds ingevolge subklousules 5 (b) en (c), (6) en (7), is klousule 26 (2), (3) en (4) van die konstitusie van die Raad *mutatis mutandis* van toepassing.”

17. KLOUSULE 42 VAN DEEL I: VAKANSIEFONDS VIR DIE BOUNYWERHEID, PIETERMARITZBURG EN NOORD-NATAL

- (1) Vervang die opskrif van klousule 42 deur die volgende:
 “42. Vakansiefonds vir die Bounywerheid, Pietermaritzburg en Noordelike gebiede”.
- (2) In subklousule (4), vervang paragraaf (b) (ii) deur die volgende:
 “(ii) alle agterstallige geld wat die werknemer ooreenkomstig klousule 44 (5) (f) en die reëls in klousule 44 (5) (a) bedoel, aan die Mediese Hulpfonds skuld;”.

18. KLOUSULE 44 VAN DEEL I: MEDIESE HULPFONDS VIR DIE BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE

- (1) Vervang die opskrif van klousule 44 deur die volgende:
 “44. MEDIESE HULPFONDS VAN DIE BOUNYWERHEID, NATAL”.
- (2) Vervang subklousule (1) deur die volgende:
 “(1) *Amalgamasie en instelling:* (a) Die Fonds wat deur die Raad by Goewermentskennisgewing No. R. 2083 van 7 November 1975 ingestel is, wat voorheen bekend gestaan het as die ‘Mediese Hulpfonds vir die Bounywerheid, Pietermaritzburg en Noordelike Natal’ (hierna die ‘Vorige Pietermaritzburgse Fonds’ genoem), word hierby geamalgameer met die Fonds wat deur die Port Natalse Raad by Goewermentskennisgewing No. R. 1428 van 13 September 1963 en Goewermentskennisgewing No. R. 1624 van 31 Julie 1987 ingestel is en wat voorheen bekend gestaan het as die ‘Mediese Hulpfonds van die Bounywerheid, Port Natal’ (hierna die ‘Vorige Port Natalse Fonds’ genoem), en die ‘Mediese Hulpfonds van die Bounywerheid, Natal’ (hierna die ‘Mediese Hulpfonds’ of die ‘fonds’ genoem) word hierby ingestel.
- (b) Die Mediese Hulpfonds bestaan uit alle geld wat op krediet van die Vorige Pietermaritzburgse Fonds en die Vorige Port Natalse Fonds staan, en dié geld moet aangewend word vir die doel en op die wyse hieronder bepaal.”.
- (3) In subklousule (4), vervang paragraaf (a) deur die volgende:

(4) *Lidmaatskap:* (a) *Verpligte lidmaatskap:* Lidmaatskap van die Fonds is verpligtend vir vakleerlinge, kwekelinge en werknemers vir wie lone in klousule 29 (1) (a) (ii) en (iii), (b) (ii), (iii) en (iv), (c) en (d) van Deel I van die Ooreenkoms en klousule 57(1)(c), (d)(ii) en (iii), (e) en (f) van Deel II van die Ooreenkoms voorgeskryf word en vir voormanne en algemene voormanne op wie klousule 34 (1) van toepassing is, en is vrywillig vir werkende werkgewers wat besluit het om aan klousule 35 te voldoen.”.

- (4) Vervang subklousule (5) deur die volgende:

“(5) *Administrasie van die Mediese Hulpfonds:* (a) Die Mediese Hulpfonds moet geadminestreer word volgens die reëls wat die Pietermaritzburgse Raad en die Port Natalse Raad (hierna ‘die Rade’ genoem) vir dié doel van tyd tot tyd voorskryf: Met dien verstande dat die Rade te eniger tyd nuwe reëls kan opstel of ’n bestaande reël kan wysig of herroep: Met dien verstande voorts dat kopieë van die reëls wat van krag is en besonderhede van alle wysigings daarvan, by die Direkteur-generaal: Mannekrag ingedien moet word.

- (b) Upon liquidation of the Benefit Fund and Medical Aid Fund in terms of subclauses (5) (b) and (c), (6) and (7), the provisions of clause 26 (2), (3) and (4) of the Council’s Constitution shall *mutatis mutandis* apply.”.

17. CLAUSE 42 OF PART I: PIETERMARITZBURG AND NORTHERN NATAL BUILDING INDUSTRY HOLIDAY FUND

- (1) Substitute the following for the heading to clause 42:
 “42. Pietermaritzburg and Northern areas Building Industry Holiday Fund”.
- (2) In subclause (4), substitute the following for paragraph (b) (ii):
 “(ii) all overdue moneys which are owing by the employee to the Medical Aid Fund in accordance with the provisions of clause 44 (5) (f) and the rules referred to in clause 44 (5) (a);”.

18. CLAUSE 44 OF PART I: PIETERMARITZBURG AND NORTHERN AREAS BUILDING INDUSTRY MEDICAL AID FUND

- (1) Substitute the following for the heading to clause 44:
 “44. BUILDING INDUSTRY MEDICAL AID FUND, NATAL”.
- (2) Substitute the following for subclause (1):
 “(1) *Amalgamation and establishment:* (a) The Fund established by the Council under Government Notice No. R. 2083 of 7 November 1975, known as the ‘Pietermaritzburg and Northern Areas Building Industry Medical Aid Fund’ (hereinafter referred to as the ‘Former Pietermaritzburg Fund’) is hereby amalgamated with the Fund established by the Port Natal Council under Government Notice No. R. 1428 of 13 September 1963 and Government Notice No. R. 1624 of 31 July 1987, formerly known as the ‘Building Industry Medical Aid Fund, Port Natal’ (hereinafter referred to as the ‘Former Port Natal Fund’), and the ‘Building Industry Medical Aid Fund, Natal’ (hereinafter referred to as the ‘Medical Aid Fund’ or the ‘Fund’) is hereby established.
- (b) The Medical Aid Fund shall consist of all moneys standing to the credit of the Former Pietermaritzburg Fund and the Former Port Natal Fund and such moneys shall be applied for the purpose and in the manner hereinafter set out.”.
- (3) In subclause (4), substitute the following for paragraph (a):

(4) *Membership:* (a) *Compulsory members:* Membership of the fund shall be compulsory for apprentices, trainees and employees for whom wages are prescribed in clause 29 (1) (a) (ii) and (iii), (b) (ii), (iii) and (iv), (c) and (d) of Part I of the Agreement and clause 57(1)(c), (d) (ii) and (iii), (e) and (f) of Part II of the Agreement and for foremen and general foremen to whom the provisions of clause 34 (1) are applicable, and shall be voluntary for working employers who have elected to comply with the provisions of clause 35.”.

- (4) Substitute the following for subclause (5):

“(5) *Administration of the Medical Aid Fund:* (a) The Medical Aid Fund shall be administered in accordance with the rules prescribed for that purpose by the Pietermaritzburg and Port Natal Councils (hereinafter referred to as “the Councils”) from time to time: Provided that the Councils may at any time make new rules or alter or repeal any existing rules: Provided further that copies of the rules in force and particulars of all amendments thereto shall be lodged with the Director-General: Manpower.

(b) Die Rade moet, behoudens die reëls deur die Rade ingevolge paragraaf (a) voorgeskryf, 'n Uitvoerende Komitee aanstel wat bestaan uit gelyke getalle verteenwoordigers van werknemers en werkgewers wat partye by die Rade is, soos deur die Rade van tyd tot tyd bepaal.

(c) Die Uitvoerende Komitee kan enige van of al die voordele weier en/of weerhou van 'n lid en/of sy afhanklikes wat na die mening van die Komitee opgetree het op 'n wyse wat daarop bereken is om die belange van die Fonds of die lede daarvan te benadeel of wat dit na alle redelike waarskynlikheid sal benadeel: Met dien verstande dat sodanige lid die geleentheid gebied moet word om teen die beslissing van die Uitvoerende Komitee appél aan te teken by die Rade, wie se beslissing finaal is.

(d) Geskille oor die uitleg, betekenis of bedoeling van enigeen van die bepalings van hierdie klousule of oor die administrasie van die Mediese Hulpfonds wat die Uitvoerende Komitee nie kan besleg nie, moet na die Rade verwys word vir hul beslissing.

(e) Die lede van die Uitvoerende Komitee, die sekretaris, ampsdraers en werknemers van die Fonds is nie vir die skulde en laste van die Fonds aanspreeklik nie en word hierby deur die Fonds gevrywaar teen alle verliese en uitgawes wat hulle in of in verband met die *bona fide* uitvoering van hul pligte gely of aangegaan het.

(f) Die Rade kan alle agterstallige geld wat 'n lid volgens die reëls van die Fonds aan die Mediese Hulpfonds skuld, aftrek van die vakansiebesoldiging en vakansietoelae wat aan sodanige lid verskuldig is, en wel op die wyse in klousule 42 (4) (b) (ii) voorgeskryf.

(g) Waar die Mediese Hulpfonds volgens die reëls van die Fonds geld aan 'n lid skuld en sodanige geld vir 'n tydperk van minstens 12 agtereenvolgende kalendermaande onopgeëis gebly het en die Fonds daarna nie die lid by sy jongste adres soos aangeteken by die Fonds, kan opspoor nie, word sodanige bedrag verbeurd verklaar en val dit aan die opgehoopde fondse van die Fonds toe. Die Fonds moet egter enige aansoek om die terugbetaling van 'n verbeurde bedrag oorweeg en kan sodanige bedrag aan die betrokke lid betaal."

19. KLOUSULE 45 VAN DEEL I: PENSIOENSKEMA VAN DIE BOUNYWERHEID, PIETERMARITZBURG EN NOORDELIKE GEBIEDE

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

"(2) *Bydraes*: Die bedrae wat werkgewers ingevolge klousule 35 (1) (c) betaal, min invorderingsgeld van 4 persent, welke bedrag aan die algemene fondse van die Raad toeval, moet deur die Raad aan die versekeringsmaatskappy of -maatskappye met wie 'n ooreenkoms of ooreenkomste bedoel in subklousule (5) (a) aangegaan is, betaal word vir aanwending ter verwesenliking van die doelstellings van die Pensioenskema."

(2) In subklousule (4), vervang paragraaf (a) deur die volgende:

"(4) *Lidmaatskap*: (a) *Verpligte lidmaatskap*: Lidmaatskap van die Skema is verpligtend vir elke werknemer in klousule 33 (1) (a) bedoel en is vrywillig vir werkende werkgewers wat besluit het om aan klousule 35 te voldoen."

20. KLOUSULE 46 VAN DEEL I: NASIONALE ONTWIKKELINGSFONDS VIR DIE BOUNYWERHEID

Skrap klousule 46.

(b) The Councils shall, subject to the provisions contained in the rules prescribed by the Councils in terms of paragraph (a), appoint an Executive Committee consisting of an equal number of representatives of employers and employees who are parties to the Councils, as may be determined by the Councils from time to time.

(c) The Executive Committee may refuse and/or withhold any or all benefits from any member and/or his dependants, who in its opinion has acted in a manner calculated or reasonably likely to injure the interests of the Fund or its members: Provided that such member shall be given the opportunity of submitting an appeal against the decision of the Executive Committee to the Councils, whose decision shall be final.

(d) Any dispute concerning the interpretation, meaning or intention of any of the provisions of this clause or concerning the administration of the Medical Aid Fund, which the Executive Committee is unable to settle, shall be referred to the Councils for their decision.

(e) The members of the Executive Committee, the secretary, officers and employees of the Fund shall not be liable for the debts and liabilities of the Fund and they are hereby indemnified by the Fund against all losses and expenses incurred by them in or about the *bona fide* discharge of their duties.

(f) All overdue moneys which are owing by a member to the Medical Aid Fund in accordance with the rules of the Fund may be deducted by the Councils from any holiday pay and holiday allowance due to such member, in the manner prescribed in clause 42 (4) (b) (ii).

(g) Where moneys are owing by the Medical Aid Fund to a member in accordance with the provisions of the rules of the Fund, and such moneys have remained unclaimed for a period of at least 12 consecutive calendar months, and the Fund is subsequently unable to trace the member at his latest address on record with the Fund, such amount shall become forfeit and shall accrue to the accumulated funds of the Fund. The Fund shall, however, consider any application for the refund of a forfeited amount, and may pay such amount to the member concerned."

19. CLAUSE 45 OF PART 1: PIETERMARITZBURG AND NORTHERN AREAS BUILDING INDUSTRY PENSION SCHEME

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

"(2) *Contributions*: The amounts paid by employers in terms of clause 35 (1) (c), less a collection fee of 4 per cent, which amount shall accrue to the general funds of the Council, shall be paid by the Council to the insurance company or companies with which an agreement or agreements referred to in subclause (5) (a) has or have been entered into for application to the objects of the Pension Scheme."

(2) In subclause (4), substitute the following for paragraph (a):

"(4) *Membership*: (a) *Compulsory members*: Membership of the Scheme shall be compulsory for every employee referred to in clause 33 (1) (a) and shall be voluntary for working employers who have elected to comply with the provisions of clause 35."

20. CLAUSE 46 OF PART 1: NATIONAL DEVELOPMENT FUND FOR THE BUILDING INDUSTRY

Delete clause 46.

21. KLOUSULE 48 VAN DEEL I: SPESIALE LIDMAATSKAPHEFFING: WERKGEWERS

Vervang klousule 48 deur die volgende:

"Die bedrae wat deur werkgewers ingevolge klousule 35 (1) (g) betaal word, min invorderingsgeld van 2,5 per sent, welke bedrag aan die algemene fondse van die Raad toeval, moet deur die Raad aan die versekeringsmaatskappy of -maatskappye betaal word met wie 'n ooreenkoms of ooreenkomste in subklousule (5) (a) bedoel, aangegaan is, vir aanwending ter verwesenliking van die doelstellings van die Pensioenskema."

22. KLOUSULE 51 VAN DEEL II: SEKERE BEPALINGS VAN DEEL I VAN DIE OOREENKOMS WAT OOK VAN TOEPASSING IS OP DEEL II VAN DIE OOREENKOMS

Vervang subklousule (1) deur die volgende:

"(1) Behoudens subklousule (2)–

- (a) is klousules 3, 5, 6, 7 (5) en (6), 8, 9, 11A, 14, 15 [uitgesonderd subklousule (1) (a)], 16, 17 [uitgesonderd subklousule (6) (b)], 18, 19, 19A, 20 tot en met 24, 26, 31 tot en met 33, 33A, 34, 35 [uitgesonderd subklousule (1) (g)], 36 [uitgesonderd subklousule (4)], 37, 40, 41, 42 [uitgesonderd subklousule (4) (b) (iii)], 43 tot en met 45 en 47 van Deel 1 van die Ooreenkoms en Aanhangsels A tot en met C [uitgesonderd klousule 4(9) van Aanhangsel A] van die Ooreenkoms *mutatis mutandis* op hierdie Deel van toepassing;
- (b) is klousule 2, 7 (1) tot en met (4), 15 (1) (a), 17 (6) (b), 35 (1) (g), 36 (4), 42 (4) (b) (iii), 48 en 49 van Deel 1 van die Ooreenkoms en klousule 4(9) van Aanhangsel A van die Ooreenkoms *mutatis mutandis* op hierdie Deel van toepassing."

23. KLOUSULE 56 VAN DEEL II: VAKANSIETYDPERK EN OPENBARE VAKANSIEDAE

Skrap die tweede voorbehoudbepaling van klousule 56.

24. KLOUSULE 57 VAN DEEL II: LOONSKALE

Vervang die loontabel deur die volgende:

21. CLAUSE 48 OF PART 1: SPECIAL MEMBERSHIP LEVY: EMPLOYERS

Substitute the following for clause 48:

"The amounts paid by employers in terms of clause 35 (1) (g) less a collection fee of 2,5 per cent, which amount shall accrue to the general funds of the Council, shall be paid by the Council monthly to the Natal Master Builders' and Allied Industries Association (Pietermaritzburg Division)."

22. CLAUSE 51 OF PART II: CERTAIN PROVISIONS OF PART I OF THE AGREEMENT ALSO APPLICABLE TO PART II OF THE AGREEMENT

Substitute the following for subclause (1):

"(1) Subject to the provisions of subclause (2)–

- (a) the provisions of clauses 3, 5, 6, 7 (5) and (6), 8, 9, 11A, 14, 15 [excluding subclause (1) (a)], 16, 17 [excluding subclause (6) (b)], 18, 19, 19A, 20 to 24 inclusive, 26, 31 to 33, inclusive, 33A, 34, 35 [excluding subclause (1) (g)], 36 [excluding subclause (4)], 37, 40, 41, 42 [excluding subclause (4) (b) (iii)], 43 to 45 inclusive and 47 of Part 1 of the Agreement and Annexures A to C, inclusive, [excluding clause 4 (9) of Annexure A] to the Agreement shall *mutatis mutandis* apply to this Part;
- (b) the provisions of clauses 2, 7 (1) to (4), inclusive, 15 (1) (a), 17 (6) (b), 35 (1) (g), 36 (4), 42 (4) (b) (iii), 48 and 49 of Part 1 of the Agreement and clause 4 (9) of Annexure A to the Agreement shall *mutatis mutandis* apply to this Part."

23. CLAUSE 56 OF PART II: HOLIDAY PERIOD AND PUBLIC HOLIDAYS

Delete the second proviso to clause 56.

24. CLAUSE 57 OF PART II: WAGE RATES

In subclause (1), substitute the following for the table of wage rates:

"Kategorie werknemer"	Loon per uur m.i.v. 31 Januarie 1994	Loon per uur m.i.v. 4 Julie 1994
(a) Skrynwermonteerders	R 5,26	R 5,61
(b) Kwekeling-masjienbedieners wat diens doen ooreenkomstig kwekelingkontrakte wat ingevolge klousule 53 (1) geregistreer is:		
(i) Eerste jaar	4,28	4,56
(ii) Tweede jaar	5,26	5,61
(c) Masjienbedieners	7,57	8,06
(d) Kwekeling-skrynwerkers wat diens doen ooreenkomstig kwekelingkontrakte wat ingevolge klousule 53 (2) geregistreer is en wat geslaag het in die volgende modules van 'n erkende modulêre opleidingskema wat op vaardigheid gebaseer is:		
(i) Minder as 33 persent	4,61	4,91
(ii) 33 persent of meer maar minder as 66 persent	6,58	7,01
(iii) 66 persent of meer	8,55	9,11
(e) Ambagsgesel-skrynwerker en -houtmasjienwerkers klas 1	10,40	11,08
(f) Vakman-skrynwerkers en -houtmasjienwerkers en werknemers in alle ander ambagte en beroepe wat nie elders hierin gespesifiseer word nie, uitgesonderd kwekelinge	13,16	14,02
(g) Werknemers wat in diens is gedurende die proeftydperk wat kragtens die Wet op Mannekragopleiding, 1981, toegelaat word	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991
(h) Vakleerlinge wie se kontrakte van vakleerskap aangegaan is tussen 11 Februarie 1991 en 13 Oktober 1991, of op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981"

"Category of employee"	Wage per hour w.e.f. 31 January 1994	Wage per hour w.e.f. 4 July 1994
(a) Joinery assemblers	R 5,26	R 5,61
(b) Trainee machine operators serving under contract of traineeship registered in terms of clause 53 (1):		
(i) First year.....	4,28	4,56
(ii) Second year	5,26	5,61
(c) Machine operators.....	7,57	8,06
(d) Trainee joiners serving under contracts of traineeship registered in terms of clause 53 (2) and who have passed the following modules in a recognised competence-based modular training scheme:		
(i) Less than 33 per cent.....	4,61	4,91
(ii) 33 per cent or more but less than 66 per cent.....	6,58	7,01
(iii) 66 per cent or more.....	8,55	9,11
(e) Tradesmen, Class 1 (joiners and wood machinists).....	10,40	11,08
(f) Craftsmen joiners and wood machinists and employees in all other trades and occupations not elsewhere herein specified, excluding trainees	13,16	14,02
(g) Employees employed during the probationary period allowed under the Manpower Training Act, 1981	The rate laid down for apprentices whose contracts of apprenticeship were entered into on or after 14 October 1991	The rate laid down for apprentices whose contracts of apprenticeship were entered into on or after 14 October 1991
(h) Apprentices whose contracts of apprenticeship were entered into between 11 February 1991 and 13 October 1991, or on or after 14 October 1991	The rate laid down for apprentices under the Manpower Training Act, 1981	The rate laid down for apprentices under the Manpower Training Act, 1981"

25. AANHANGSEL A VAN DIE OOREENKOMS

Vervang Aanhangel A van die Ooreenkoms deur die volgende:

**"AANHANGSEL A
SEËLWAARDES**

[Behoudens subklousule 35 (1) en (6) van Deel I van die Ooreenkoms en klousule 51 (1) (a) van Deel II van die Ooreenkoms]

1. (1) 'n Seëlkategorie soos vasgestel op die wyse voorgeskryf in klousule 2 van hierdie Aanhangel word ten opsigte van elke loonband wat in klousule 3 van hierdie Aanhangel voorgeskryf word, geskep.
- (2) Die seëelwaarde van toepassing op elke seëlkategorie word bereken met betrekking tot die hoogste loonskaal in die loonband wat met elke seëlkategorie verband hou, op die wyse in klousule 4 van hierdie Aanhangel voorgeskryf.

2. Seëlkategorieë word soos volg geskep:

- (1) Seëlkategorieë van A01 tot en met A99:

Die seëlkategorieë van toepassing op algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers wat voldoen aan die kwalifiseringsvereistes voorgeskryf by klousule 33A (1), (2) of (3) en op werknemers vir wie lone voorgeskryf word by klousule 29 (1) (a) (i) en (b) (i) van Deel 1 van die Ooreenkoms en klousule 57 (1) (a), (b) en (d) (i) van Deel II van die Ooreenkoms, word vasgestel deur die letter A as 'n voorvoegsel by elke loonbandnommer te voeg.

- (2) Seëlkategorieë van B01 tot en met B99:

Die seëlkategorieë van toepassing op vakleerlinge, kwekelinge en werknemers vir wie lone in klousule 29 (1) (a) (ii), (b) (ii), (iii) en (iv), (c) en (d) van Deel 1 van die Ooreenkoms en klousule 57 (1) (c), (d) (ii) en (iii), (e), (f) en (g) van Deel II van die Ooreenkoms voorgeskryf word, word vasgestel deur die letter B as 'n voorvoegsel by elke loonbandnommer te voeg.

25. ANNEXURE A TO THE AGREEMENT

Substitute the following for Annexure A to the Agreement:

**"ANNEXURE A
STAMP VALUES**

[Subject to the provisions of clause 35 (1) and (6) of Part I of the Agreement and clause 51 (1) (a) of Part II of the Agreement]

1. (1) A stamp category, as determined in the manner prescribed in clause 2 of this Annexure, shall be created in respect of each wage band prescribed in clause 3 of this Annexure.
- (2) The stamp values applicable to each stamp category shall be calculated in relation to the highest wage rate in the wage band relating to each stamp category, in the manner prescribed in clause 4 of this Annexure.

2. Stamp categories shall be created as follows:

- (1) Stamp categories from A01 to A99, inclusive:

The stamp categories applicable to general workers, manufacturing workers, plant operators and drivers who meet the qualification requirements prescribed in clause 33A (1), (2) or (3) and to employees for whom wages are prescribed in clause 29 (1) (a) (i) and (b) (i) of Part 1 of the Agreement and clause 57 (1) (a), (b) and (d) (i) of Part II of the Agreement shall be determined by adding the letter A as a prefix to each wage band number.

- (2) Stamp categories from B01 to B99, inclusive:

The stamp categories applicable to apprentices, trainees and employees from whom wages are prescribed in clause 29 (1) (a) (ii) and (iii), (b) (ii), (iii) and (iv), (c) and (d) of Part 1 of the Agreement and clause 57 (1) (c), (d) (ii) and (iii), (e), (f) and (g) of Part II of the Agreement shall be determined by adding the letter B as a prefix to each wage band number.

(3) Seëlkategorieë van C01 tot en met C99:

Die seëlkategorieë van toepassing op voormanne en algemene voormanne op wie klousule 34 (1) van Deel I van die Ooreenkoms, gelees met klousule 51 (1) (a) van Deel II van die Ooreenkoms, van toepassing is, word vasgestel deur die letter C as 'n voorvoegsel by elke loonbandnommer te voeg.

(4) Seëlkategorieë van D01 tot en met D99:

Die seëlkategorieë van toepassing op werkende werknemers op wie klousule 34 (2) van Deel I van die Ooreenkoms van toepassing is, word vasgestel deur die letter D as 'n voorvoegsel by elke loonbandnommer te voeg.

(5) Seëlkategorieë van E01 tot en met E99:

Die seëlkategorieë van toepassing op algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers wat voldoen aan die kwalifiseringsvereistes voorgeskryf by klousule 33A (5), word vasgestel deur die letter E as 'n voorvoegsel by elke loonbandnommer te voeg.

3. Die volgende loonbande is van toepassing:

Loonband-nommer	Loonband-urloon		Loonband-nommer	Loonband-urloon		Loonband-nommer	Loonband-urloon	
	Van	Tot		Van	Tot		Van	Tot
	R	R		R	R		R	R
01	Tot	1,80	25	4,76	5,15	49	13,31	14,50
03	1,81	2,00	27	5,16	5,60	51	14,51	15,85
05	2,01	2,20	29	5,61	6,15	53	15,86	17,25
07	2,21	2,40	31	6,16	6,70	55	17,26	18,80
09	2,41	2,60	33	6,71	7,30	57	18,81	20,50
11	2,61	2,80	35	7,31	7,95	59	20,51	22,35
13	2,81	3,05	37	7,96	8,65	61	22,36	24,35
15	3,06	3,35	39	8,66	9,45	63	24,36	26,55
17	3,36	3,65	41	9,46	10,30	65	26,56	28,90
19	3,66	4,00	43	10,31	11,20	67	28,91	31,55
21	4,01	4,35	45	11,21	12,20	69	31,56	34,35
23	4,36	4,75	47	12,21	13,30	71	34,36	37,45

4. Behoudens klousule 5 en 6 van hierdie Aanhangsel word die seëlwaares wat van toepassing is op die werkende werkgewers en die werknemers in klousule 2 van hierdie Aanhangsel bedoel, met betrekking tot elke werknemer se uurloon bereken ooreenkomstig die stappe en formules soos hieronder voorgeskryf ten opsigte van elke seëlkategorie:

(1) Vakansiebesoldiging soos bedoel in klousule 35 (1) (a) (i) van Deel I van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkategorieë van D01 tot en met D99 nie.

(a) Bepaal die berekende vakansiebesoldiging per week soos volg:

$$\text{Berekende vakansiebesoldiging per week} = R \quad \frac{(\text{Verlofgeregtigheid} \times \text{ure per dag} \times \text{loon-tarief per uur})}{\text{Werkweke per jaar}}$$

(b) Bepaal die uurtarief vir vakansiebesoldiging soos volg:

$$\text{Uurtarief vir vakansiebesoldiging} = R \quad \frac{\text{Berekende vakansiebesoldiging per week}}{\text{Ure per week}}$$

(c) Bepaal die werklike vakansiebesoldiging per week soos volg:

$$\text{Werklike vakansiebesoldiging per week} = R \quad (\text{Uurtarief vir vakansiebesoldiging} \times \text{ure per week})$$

(3) Stamp categories from C01 to C99, inclusive:

The stamp categories applicable to foremen and general foremen to whom the provisions of clause 34 (1) of Part I of the Agreement read with clause 51 (1) (a) of Part II of the Agreement are applicable shall be determined by adding the letter C as a prefix to each wage band number.

(4) Stamp categories from D01 to D99, inclusive:

The stamp categories applicable to working employers to whom the provisions of clause 34 (2) of Part I of the Agreement are applicable shall be determined by adding the letter D as a prefix to each wage band number.

(5) Stamp categories from E01 to E99, inclusive:

The stamp categories applicable to general workers, manufacturing workers, plant operators and drivers who meet the qualification requirements prescribed in clause 33A (5) shall be determined by adding the letter E as a prefix to each wage band number.

3. The following wage bands shall apply:

Wage band number	Wage band hourly wage		Wage band number	Wage band hourly wage		Wage band number	Wage band hourly wage	
	From	To		From	To		From	To
	R	R		R	R		R	R
01	To	1,80	25	4,76	5,15	49	13,31	14,50
03	1,81	2,00	27	5,16	5,60	51	14,51	15,85
05	2,01	2,20	29	5,61	6,15	53	15,86	17,25
07	2,21	2,40	31	6,16	6,70	55	17,26	18,80
09	2,41	2,60	33	6,71	7,30	57	18,81	20,50
11	2,61	2,80	35	7,31	7,95	59	20,51	22,35
13	2,81	3,05	37	7,96	8,65	61	22,36	24,35
15	3,06	3,35	39	8,66	9,45	63	24,36	26,55
17	3,36	3,65	41	9,46	10,30	65	26,56	28,90
19	3,66	4,00	43	10,31	11,20	67	28,91	31,55
21	4,01	4,35	45	11,21	12,20	69	31,56	34,35
23	4,36	4,75	47	12,21	13,30	71	34,36	37,45

4. Subject to the provisions of clauses 5 and 6 of this Annexure, the stamp values that will apply to the working employers and to the employees referred to in clause 2 of this Annexure in relation to each employee's hourly wage shall be calculated in accordance with the steps and formulae prescribed hereunder in respect of each stamp category:

(1) Holiday pay as referred to in clause 35 (1) (a) (i) of Part 1 of the Agreement:

Note: The provions of this subclause shall not apply to stamp categories from D01 to D99, inclusive.

(a) Determine the calculated holiday pay per week as follows:

$$\text{Calculated holiday pay per week} = R \quad \frac{(\text{Leave entitlement} \times \text{hours per day} \times \text{wage rate per hour})}{\text{Working weeks per year}}$$

(b) Determine the hourly holiday pay rate as follows:

$$\text{Hourly holiday pay rate} = R \quad \frac{\text{Calculated holiday pay per week}}{\text{Hours per week}}$$

(c) Determine the actual holiday pay per week as follows:

$$\text{Actual holiday pay per week} = R \quad (\text{Hourly holiday pay rate} \times \text{hours per week})$$

- (2) Openbare vakansiedaebesoldiging soos bedoel in klousule 35 (1) (a) (ii) van Deel 1 van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkateregories van D01 tot en met D99 nie.

- (a) Bepaal die berekende openbare vakansiedaebesoldiging per week soos volg:

Berekende openbare vakansiedaebesoldiging per week =

$$\frac{(\text{Openbare vakansiedaegeregtigheid} \times \text{ure per dag} \times \text{loontarief per uur})}{\text{Werkweke per jaar}}$$

- (b) Bepaal die uurtarief vir openbare vakansiedaebesoldiging soos volg:

Uurtarief vir openbare vakansiedaebesoldiging =

$$\frac{\text{Berekende openbare vakansiedaebesoldiging per week}}{\text{Ure per week}}$$

- (c) Bepaal die werklike openbare vakansiedaebesoldiging per week soos volg:

Werklike openbare vakansiedaebesoldiging per week = R (Uurtarief vir openbare vakansiedaebesoldiging $\times$ ure per week).

- (3) Vakansietoelae soos bedoel in klousule 35 (1) (b) van Deel I van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkateregories van D01 tot en met D99 en van E01 tot en met E99 nie.

- (a) Bepaal die berekende vakansietoelae per week soos volg:

Berekende vakansietoelae per week =

$$\frac{[(\text{Ure per week} \times \text{weke per jaar} \times \text{R} \times \text{loontarief per uur}) \times 4\%]}{\text{Werkweke per jaar}}$$

- (b) Bepaal die uurtarief vir vakansietoelae soos volg:

Uurtarief vir vakansietoelae =

$$\frac{\text{R Berekende vakansietoelae per week}}{\text{Ure per week}}$$

- (c) Bepaal die werklike vakansietoelae per week soos volg:

Werklike vakansietoelae per week = R (Uurtarief vir vakansietoelae $\times$ ure per week).

- (4) Bydraes tot die Pensioenskema soos bedoel in klousule 35 (1) (c) van Deel 1 van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkateregories van E01 tot en met E99 nie.

- (a) Bepaal die berekende bydrae tot die Pensioenskema per week soos volg:

Berekende bydrae tot Pensioenskema per week = R (Loontarief per uur $\times$ 640%)

- (b) Bepaal die uurtarief vir bydrae tot die Pensioenskema soos volg:

$$\frac{\text{Uurtarief vir bydrae tot Pensioenskema} = \text{Berekende bydrae tot Pensioenskema per week}}{\text{Ure per week}}$$

- (2) Public holiday pay as referred to in clause 35 (1) (a) (ii) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from D01 to D99, inclusive.

- (a) Determine the calculated public holiday pay per week as follows:

Calculated public holiday pay per week =

$$\frac{(\text{Public holiday entitlement} \times \text{hours} \times \text{R} \times \text{per day} \times \text{wage rate per hour})}{\text{Working weeks per year}}$$

- (b) Determine the hourly public holiday pay rate as follows:

Hourly public holiday pay rate =

$$\frac{\text{R Calculated public holiday pay per week}}{\text{Hours per week}}$$

- (c) Determine the actual public holiday pay per week as follows:

Actual public holiday pay per week = R (Hourly public holiday pay rate $\times$ hours per week).

- (3) Holiday allowance as referred to in clause 35 (1) (b) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from D01 to D99, inclusive and from E01 to E99, inclusive.

- (a) Determine the calculated holiday allowance per week as follows:

Calculated holiday allowance per week =

$$\frac{[(\text{Hours per week} \times \text{weeks per year} \times \text{R} \times \text{wage rate per hour}) \times 4\%]}{\text{Working weeks per year}}$$

- (b) Determine the hourly holiday allowance rate as follows:

Hourly holiday allowance rate =

$$\frac{\text{R Calculated holiday allowance per week}}{\text{Hours per week}}$$

- (c) Determine the actual holiday allowance per week as follows:

Actual holiday allowance per week = R (Hourly holiday allowance rate $\times$ hours per week).

- (4) Pension Scheme contributions as referred to in clause 35 (1) (c) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from E01 to E99, inclusive.

- (a) Determine the calculated Pension Scheme Contribution per week as follows:

Calculated Pension Scheme contribution per week = R (Wage rate per hour $\times$ 640%)

- (b) Determine the hourly Pension Scheme contribution rate as follows:

Hourly Pension Scheme contribution rate =

$$\frac{\text{Calculated Pension Scheme contribution per week}}{\text{Hours per week}}$$

- (4) (c) Bepaal die werklike bydrae tot die Pensioenskema per week soos volg:

Werklike bydrae tot Pensioenskema per week = R (Uurtarief vir bydrae tot Pensioenskema $\times$ ure per week).

- (5) Bydraes tot Bystandsfonds soos bedoel in klousule 35 (1) (d) van Deel I van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkateregroeie van D01 tot en met D99 nie.

- (a) Bepaal die berekende bydrae tot die Bystandsfonds per week soos volg:

(i) R0,90c per week ten opsigte van loonbande 01–15.

(ii) R1,20 per week ten opsigte van loonbande 17–23.

(iii) Bepaal die berekende bydrae tot Bystandsfonds per week vir loonbande 25–71 soos volg:

Berekende bydrae tot Bystandsfonds per week = R (Loontarief per uur $\times$ 25%).

- (b) Bepaal die uurtarief vir die bydrae tot Bystandsfonds soos volg:

Uurtarief vir bydrae tot Bystandsfonds =

$$\frac{\text{Vasgestelde of berekende bydrae tot R Bystandsfonds per week}}{\text{Ure per week}}$$

- (c) Bepaal die werklike bydrae tot die Bystandsfonds per week soos volg:

Werklike bydrae tot Bystandsfonds per week = R (Uurtarief vir bydrae tot Bystandsfonds $\times$ ure per week).

- (6) Bydraes tot Mediese Hulpfonds soos bedoel in klousule 35 (1) (e) van Deel I van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkateregroeie van A01 tot en met A99 en van E01 tot en met E99 nie.

- (a) Bepaal die berekende bydrae tot Mediese Hulpfonds per week soos volg:

Berekende bydrae tot Mediese Hulpfonds per week = R (Loontarief per uur $\times$ 325%)

- (b) Bepaal die uurtarief vir bydrae tot Mediese Hulpfonds soos volg:

Uurtarief vir bydrae tot Mediese Hulpfonds =

$$\frac{\text{Berekende bydrae tot Mediese R Hulpfonds per week}}{\text{Ure per week}}$$

- (c) Bepaal die werklike bydrae tot Mediese Hulpfonds per week soos volg:

Werklike bydrae tot Mediese Hulpfonds per week = R (Uurtarief vir bydrae tot Mediese Hulpfonds $\times$ ure per week).

- (7) Bydraes tot administrasie-uitgawes soos bedoel in klousule 35 (1) (f) van Deel I van die Ooreenkoms:

Die bydrae tot administrasie-uitgawes per week sal soos volg wees:

Bydrae tot administrasie-uitgawes per week = R3,25 ten opsigte van loonbande 01–29
= R6,50 ten opsigte van loonbande 31–71

- (c) Determine the actual Pension Scheme contribution per week as follows:

Actual Pension Scheme contribution per week = R (Hourly Pension Scheme contribution rate $\times$ hours per week).

- (5) Benefit Fund contributions as referred to in clause 35 (1) (d) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from D01 to D99, inclusive.

- (a) The Benefit Fund contribution per week will be as follows:

(i) R0,90c per week for wage bands 01–15.

(ii) R1,20 per week for wage bands 17–23.

(iii) Determine the calculated Benefit Fund contribution per week for wage bands 25–71 as follows:

Calculated Benefit Fund contribution per week = R (Wage rate per hour $\times$ 25%).

- (b) Determine the hourly Benefit Fund contribution rate as follows:

Hourly Benefit Fund contribution rate =

$$\frac{\text{Fixed or Calculated Benefit Fund R contribution per week}}{\text{Hours per week}}$$

- (c) Determine the actual Benefit Fund contribution per week as follows:

Actual Benefit Fund contribution per week = R (Hourly Benefit Fund contribution rate $\times$ hours per week).

- (6) Medical Aid Fund contributions as referred to in clause 35 (1) (e) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from A01 to A99, inclusive, and from E01 to E99, inclusive.

- (a) Determine the calculated Medical Aid Fund contribution per week as follows:

Calculated Medical Aid Fund contribution per week = R (Wage rate per hour $\times$ 325%)

- (b) Determine the hourly Medical Aid Fund contribution rate as follows:

Hourly Medical Aid Fund contribution rate =

$$\frac{\text{Calculated Medical Aid Fund R contribution per week}}{\text{Hours per week}}$$

- (c) Determine the actual Medical Aid Fund contribution per week as follows:

Actual Medical Aid Fund contribution per week = R (Hourly Medical Aid Fund contribution rate $\times$ hours per week).

- (7) Contributions to administration expenses as referred to in clause 35 (1) (f) of Part 1 of the Agreement:

The contribution to administration expenses per week will be as follows:

Contribution to administration expenses per week = R3,25 for wage bands 01–29
= R6,50 for wage bands 31–71

- (8) Bydraes tot die Opleidingsfonds van die Bounywerheid soos bedoel in klousule 35 (2) van Deel I van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkatte van C01 tot en met C99 nie.

Bepaal die bydrae tot die Opleidingsfonds van die Bounywerheid soos volg:

Bydrae tot Opleidingsfonds van die Bounywerheid per week = R (Loontarief per uur × ure per week × OB-bydraetarief).

- (9) Spesiale lidmaatskapheffing soos bedoel in klousule 35 (1) (g) van Deel I van die Ooreenkoms:

Let wel: Hierdie subklousule is nie van toepassing op seëlkatte van C01 tot en met C99 nie.

Die spesiale lidmaatskapheffing is R0,85 per week.

5. (1) Die bedrae wat bepaal word deur die formules voorgeskryf in klousule 4 (1) (a), (2) (a), (3) (a), (4) (a), (5) (a) (iii), (6) (a) en (8) van hierdie Aanhangel toe te pas, moet opwaarts of afwaarts tot die naaste sent afgerond word.
- (2) Die bedrae wat bepaal word deur die formules voorgeskryf in klousule 4 (1) (b), (2) (b), 3 (b), (4) (b), (5) (b) en (6) (b) van hierdie Aanhangel toe te pas, moet opwaarts of afwaarts tot die naaste een-tiende van 'n sent afgerond word.
- (3) Bedrae wat bepaal word deur die formules voorgeskryf in hierdie Aanhangel toe te pas, is met uitsluiting van belasting op toegevoegde waarde.

6. By die toepassing van hierdie Aanhangel beteken die uitdrukking—

- (1) 'OB-bydraetarief' die bydraetarief voorgeskryf in klousule 7 (3) van Goewermentskennisgewing No. R. 1948 van 11 September 1987 en enige Goewermentskennisgewing wat voorsiening maak vir die voortsetting of vervanging van die Opleidingsfonds van die Bounywerheid;
- (2) 'uurloon' die werknemer se uurloon soos in klousule 4 van Deel I van die Ooreenkoms omskryf;
- (3) 'ure per dag' die gewone werkure per dag voorgeskryf in klousule 23 (1) van Deel I van die Ooreenkoms;
- (4) 'ure per week' die gewone werkure per week voorgeskryf in klousule 23 (1) van Deel I van die Ooreenkoms;
- (5) 'verlofgeregtigheid' die aantal werkdade betaalde verlof waarop 'n werknemer wat 'n volle jaar gewerk het, geregtig is, soos voorgeskryf in klousule 27 (1) (a) van Deel I van die Ooreenkoms;
- (6) 'openbare vakansiedaegeregtigheid' die aantal betaalde openbare vakansiedade waarop 'n werknemer wat 'n volle jaar gewerk het, geregtig is, soos voorgeskryf in klousule 27 (1) (b) van Deel I van die Ooreenkoms;
- (7) 'loontarief per uur' die hoogste uurloon in elke loonband voorgeskryf in klousule 3 van hierdie Aanhangel;
- (8) 'weke per jaar' die totale aantal weke wat binne 'n seëljaar val, soos voorgeskryf in klousule 27 (3) (a) van Deel I van die Ooreenkoms;
- (9) 'werkweke per jaar' die aantal werkweke wat binne 'n seëljaar val, soos voorgeskryf in klousule 27 (3) (a) van Deel I van die Ooreenkoms."

26. AANHANGSEL B VAN DIE OOREENKOMS

Vervang Aanhangel B van die Ooreenkoms deur die volgende:

- (8) Contributions to the Building Industry Training Fund as referred to in clause 35 (2) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from C01 to C99, inclusive.

Determine the contribution to the Building Industry Fund as follows:

Contribution to Building Industry Training Fund per week = R (Wage rate per hour × hours per week × BITF contribution rate).

- (9) Special membership levy as referred to in clause 35 (1) (g) of Part 1 of the Agreement:

Note: The provisions of this subclause shall not apply to stamp categories from C01 to C99, inclusive.

The special membership levy shall be R0,85 per week.

5. (1) The amounts determined by applying the formulae prescribed in clause 4 (1) (a), (2) (a), (3) (a), (4) (a), (5) (a) (iii), (6) (a) and (8) of this Annexure shall be rounded upwards or downwards to the nearest cent.
- (2) The amounts determined by applying the formulae prescribed in clause 4 (1) (b), (2) (b), (3) (b), (4) (b), (5) (b) and (6) (b) of this Annexure shall be rounded upwards or downwards to the nearest one-tenth of a cent.
- (3) Any amounts determined by applying the formulae prescribed in this Annexure shall be exclusive of Value-Added Tax.

6. For the purposes of this Annexure, the expression—

- (1) 'BITF contribution rate' means the contribution rate prescribed in clause 7 (3) of Government Notice No. R. 1948 of 11 September 1987, or any Government Notice which provides for the continuation or substitution of the Building Industry Training Fund;
- (2) 'hourly wage' means the employee's hourly wage as defined in clause 4 of Part 1 of the Agreement;
- (3) 'hours per day' means the ordinary hours of work per day prescribed in clause 23 (1) of Part 1 of the Agreement;
- (4) 'hours per week' means the ordinary hours of work per week prescribed in clause 23 (1) of Part 1 of the Agreement;
- (5) 'leave entitlement' means the number of working days' paid leave to which an employee who has worked a full year is entitled, as prescribed in clause 27 (1) (a) of Part 1 of the Agreement;
- (6) 'public holiday entitlement' means the number of paid public holidays to which an employee who has worked a full year is entitled, as prescribed in clause 27 (1) (b) of Part 1 of the Agreement;
- (7) 'wage rate per hour' means the highest wage rate in each wage band prescribed in clause 3 of this Annexure;
- (8) 'weeks per year' means the total number of weeks falling within a stamp year, as prescribed in clause 27 (3) (a) of Part 1 of the Agreement;
- (9) 'working weeks per year' means the number of working weeks falling within a stamp year, as prescribed in clause 27 (3) (a) of Part 1 of the Agreement."

26. ANNEXURE B TO THE AGREEMENT

Substitute the following for Annexure B to the Agreement:

"AANHANGSEL B VOORGESKREWE AFTREKKINGS

[Behoudens klousule 35 (4) en (6) van Deel I van die Ooreenkoms en klousule 51 (1) (a) van Deel II van die Ooreenkoms]

1. Die weeklikse aftrekkings soos bepaal op die wyse in klousule 3 van hierdie Aanhangsel voorgeskryf, is op werknemers van toepassing maar is nie op werkende werkgewers nie.
2. Klousules 2 (1), (2), (3) en (5), 3, 5 (3) en 6 van Aanhangsel A van die Ooreenkoms is *mutatis mutandis* op hierdie Aanhangsel van toepassing.
3. Behoudens klousules 2 en 4 van hierdie Aanhangsel word die weeklikse aftrekkings wat van toepassing is op werknemers bedoel in klousule 2 (1), (2) en (3) van Aanhangsel A van die Ooreenkoms, met betrekking tot elke werknemer se uurloon bereken ooreenkomstig die stappe en formules hieronder voorgeskryf ten opsigte van elke seëlkategorie:

(1) Werknemers se bydraes tot Pensioenskema:

Let wel: Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 nie.

(a) Seëlkategorieë van A01 tot en met B99:

- (i) Bepaal die werknemer se uurtarief vir bydrae tot die Pensioenskema soos volg:

Werknemer se uurtarief vir bydrae tot Pensioenskema = R (Uurtarief vir bydrae tot Pensioenskema soos bepaal ooreenkomstig klousule 4 (4) (b) van Aanhangsel A van die Ooreenkoms $\times$ 30%).

- (ii) Bepaal die werknemer se weeklikse bydrae tot die Pensioenskema soos volg:

Werknemer se weeklikse bydrae tot Pensioenskema = R (Werknemer se uurtarief vir bydrae tot Pensioenskema $\times$ ure per week).

(b) Seëlkategorieë van C01 tot en met C99:

- (i) Bepaal die werknemer se uurtarief vir bydrae tot die Pensioenskema soos volg:

Werknemer se uurtarief vir bydrae tot pensioenskema = R (Uurtarief vir bydrae tot Pensioenskema soos bepaal ooreenkomstig klousule 4 (4) (b) van Aanhangsel A van die Ooreenkoms $\times$ 40 %).

- (ii) Bepaal die werknemer se weeklikse bydrae tot die Pensioenskema soos volg:

Werknemer se weeklikse bydrae tot Pensioenskema = R (Werknemer se uurtarief vir bydrae tot Pensioenskema $\times$ ure per week).

(2) Werknemers se bydraes tot die Bystandsfonds:

- (a) Bepaal die werknemer se uurtarief vir sy bydrae tot die Bystandsfonds soos volg:

Werknemer se uurtarief vir bydrae tot Bystandsfonds = R (Uurtarief vir bydrae tot Bystandsfonds soos bepaal ooreenkomstig klousule 4 (5) (b) van Aanhangsel A van die Ooreenkoms $\times$ 25%).

- (b) Bepaal die werknemer se weeklikse bydrae tot die Bystandsfonds soos volg:

Werknemer se weeklikse bydrae tot Bystandsfonds = R (Werknemer se uurtarief vir bydrae tot Bystandsfonds $\times$ ure per week).

"ANNEXURE B PRESCRIBED DEDUCTIONS

[Subject to the provisions of clause 35 (4) and (6) of Part 1 of the Agreement and clause 51 (1) (a) of Part II of the Agreement]

1. The weekly deductions, as determined in the manner prescribed in clause 3 of this Annexure, shall apply to employees but shall not apply to working employers.
2. The provisions of clauses 2 (1), (2), (3) en (5), 3, 5 (3) and 6 of Annexure A to the Agreement shall *mutatis mutandis* apply to this Annexure.
3. Subject to the provisions of clauses 2 and 4 of this Annexure, the weekly deductions that shall apply to the employees referred to in clause 2 (1), (2), (3) and (5) of Annexure A to the Agreement in relation to each employee's hourly wage shall be calculated in accordance with the steps and formulae prescribed hereunder in respect of each stamp category:

(1) Employees' contributions to the Pension Scheme:

Note: The provisions of this subclause shall not apply to stamp categories from E01 to E99, inclusive.

(a) Stamp categories from A01 to B99, inclusive:

- (i) Determine the employee's hourly Pension Scheme contribution rate as follows:

Employee's hourly Pension Scheme contribution rate = R (Hourly Pension Scheme contribution rate as determined in accordance with the provisions of clause 4 (4) (b) of Annexure A to the Agreement $\times$ 30 %).

- (ii) Determine the employee's weekly Pension Scheme contribution as follows:

Employee's weekly Pension Scheme contribution = R (Employee's hourly Pension Scheme contribution rate $\times$ hours per week).

(b) Stamp categories from C01 to C99, inclusive:

- (i) Determine the employee's hourly Pension Scheme contribution rate as follows:

Employee's hourly Pension Scheme contribution rate = R (Hourly Pension Scheme contribution rate as determined in accordance with the provisions of clause 4 (4) (b) of Annexure A to the Agreement $\times$ 40 %).

- (ii) Determine the employee's weekly Pension Scheme contribution as follows:

Employee's weekly Pension Scheme contribution = R (Employee's hourly Pension Scheme contribution rate $\times$ hours per week).

(2) Employees' contributions to the Benefit Fund:

- (a) Determine the employee's hourly Benefit Fund contribution rate as follows:

Employee's hourly Benefit Fund contribution rate = R (Hourly Benefit Fund Contribution rate as determined in accordance with the provisions of clause 4 (5) (b) of Annexure A to the Agreement $\times$ 25 %).

- (b) Determine the employee's weekly Benefit Fund contribution as follows:

Employee's weekly Benefit Fund contribution = R (Employee's hourly Benefit Fund contribution rate $\times$ hours per week).

(3) Werknemers se bydraes tot die Mediese Hulpfonds:

Let wel: Hierdie subklousule is nie van toepassing op seëlkategorieë van A01 tot en met A99 en van E01 tot en met E99 nie.

(a) Bepaal die werknemer se uurtarief vir bydrae tot die Mediese Hulpfonds soos volg:

Werknemer se uurtarief vir bydrae tot Mediese Hulpfonds = R (Uurtarief vir bydrae tot Mediese Hulpfonds soos bepaal ooreenkomstig klousule 4 (6) (b) van Aanhangel A van die Ooreenkoms $\times$ 50%).

(b) Bepaal die werknemer se weeklikse bydrae tot die Mediese Hulpfonds soos volg:

Werknemer se weeklikse bydrae tot Mediese Hulpfonds = R (Werknemer se uurtarief vir bydrae tot Mediese Hulpfonds $\times$ ure per week).

(4) Werknemers se bydraes tot administrasie-uitgawes:

Bepaal die werknemer se weeklikse bydrae tot administrasie-uitgawes soos volg:

Werknemer se weeklikse bydrae tot administrasie-uitgawes = R (Bydrae tot administrasieuitgawes per week soos bepaal ooreenkomstig klousule 4 (7) van Aanhangel A van die Ooreenkoms $\times$ 50 %).

4. Die bedrae wat bepaal word deur die formules voorgeskryf in klousule 3 (1) (a) (i) en (b) (i), (2) (a) en (3) (a) van hierdie Aanhangel toe te pas, moet opwaarts of afwaarts tot die naaste een-tiende van 'n sent afgerond word."

27. AANHANGSEL C VAN DIE OOREENKOMS

Vervang Aanhangel C van die Ooreenkoms deur die volgende:

"AANHANGSEL C**OPSIONELE ADDISIONELE AFTREKKINGS**

[Behoudens klousule 35 (6) en (8) van Deel I van die Ooreenkoms en klousule 51 (1) (a) van Deel II van die Ooreenkoms]

1. Die uurlikse opsionele addisionele aftrekkings, soos bepaal op die wyse voorgeskryf in klousule 3 van hierdie Aanhangel, is van toepassing op werknemers maar is nie van toepassing op werkende werkgewers nie.
2. Klousules 2 (1), (2), (3) en (5), 3, 5 (3) en 6 van Aanhangel A van die Ooreenkoms is *mutatis mutandis* op hierdie Aanhangel van toepassing.
3. Behoudens klousules 2 en 4 van hierdie Aanhangel word die uurtariewe vir opsionele addisionele aftrekkings wat van toepassing is op die werknemers bedoel in klousule 2 (1), (2), (3) en (5) van Aanhangel A van hierdie Ooreenkoms, met betrekking tot elke werknemer se uurloon bereken ooreenkomstig die stappe en formules hieronder voorgeskryf ten opsigte van elke seëlkategorie:

(1) Vakansiebesoldiging, openbare vakansiedaebesoldiging en vakansietoelae:

Let wel: Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 nie.

Bepaal die tariewe per uur vir opsionele addisionele aftrekkings ten opsigte van vakansiebesoldiging, openbare vakansiedaebesoldiging en vakansietoelae soos volg:

Tariewe per uur vir opsionele addisionele aftrekkings ten opsigte van vakansiebesoldiging, openbare vakansiedaebesoldiging en vakansietoelae = R [Uurtariewe vir vakansiebesoldiging, uurtariewe vir openbare vakansiedaebesoldiging en uurtariewe vir vakansietoelae soos bepaal ooreenkomstig onderskeidelik klousule 4 (1) (b), (2) (b) en (3) (b) van Aanhangel A van die Ooreenkoms].

(3) Employees' contributions to the Medical Aid Fund:

Note: The provisions of this subclause shall not apply to stamp categories from A01 to A99, inclusive and from E01 to E99, inclusive.

(a) Determine the employee's hourly Medical Aid Fund contribution rate as follows:

Employee's hourly Medical Aid Fund contribution rate = R (Hourly Medical Aid Fund contribution rate as determined in accordance with the provisions of clause 4 (6) (b) of Annexure A to the Agreement $\times$ 50 %).

(b) Determine the employee's weekly Medical Aid Fund contribution as follows:

Employee's weekly Medical Aid Fund contribution = R (Employee's hourly Medical Aid Fund contribution rate $\times$ hours per week).

(4) Employees' contributions to administration expenses:

Determine the employee's weekly contribution to administration expenses as follows:

Employee's weekly contribution to administration expenses = R (Contribution to administration expenses per week as determined in accordance with the provisions of clause 4 (7) of Annexure A to the Agreement $\times$ 50 %).

4. The amounts determined by applying the formulae prescribed in clause 3 (1) (a) (i) and (b) (i), (2) (a) and (3) (a) of this Annexure, shall be rounded upwards or downwards to the nearest one-tenth of a cent."

27. ANNEXURE C TO THE AGREEMENT

Substitute the following for Annexure C to the Agreement:

"ANNEXURE C**OPTIONAL ADDITIONAL DEDUCTIONS**

[Subject to the provisions of clause 35 (6) and (8) of Part 1 of the Agreement and clause 51 (1) (a) of Part II of the Agreement]

1. The hourly optional additional deductions, as determined in the manner prescribed in clause 3 of this Annexure, shall apply to employees but shall not apply to working employers.
2. The provisions of clauses 2 (1), (2), (3) and (5), 3, 5 (3) and 6 of Annexure A to this Agreement shall *mutatis mutandis* apply to this Annexure.
3. Subject to the provisions of clauses 2 and 4 of this Annexure, the optional additional deduction rates per hour that shall apply to the employees referred to in clause 2 (1), (2), (3) and (5) of Annexure A to the Agreement in relation to each employee's hourly wage shall be calculated in accordance with the steps and formulae prescribed hereunder in respect of each stamp category:

(1) Holiday pay, public holiday pay and holiday allowance:

Note: The provisions of this subclause relating to the holiday allowance shall not apply to stamp categories from E01 to E99, inclusive.

Determine the holiday pay, public holiday pay and holiday allowance optional additional deduction rates per hour as follows:

The holiday pay, public holiday pay and holiday allowance optional additional deduction rates per hour = R [Hourly holiday pay rates, hourly public holiday pay rates and hourly holiday allowance rates, respectively, as determined in accordance with the provisions of clause 4 (1) (b), (2) (b) and (3) (b) respectively of Annexure A to the Agreement].

(2) Bydraes tot Pensioenskema:

Let wel: Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 nie.

Bepaal die tarief per uur vir opsionele addisionele aftrekkings ten opsigte van die Pensioenskema soos volg:

(a) Seëlkategorieë van A01 tot en met B99:

Tarief per uur vir opsionele addisionele aftrekkings ten opsigte van Pensioenskema = R (Uurtarief vir bydrae tot Pensioenskema soos bepaal ooreenkomstig klousule 4 (4) (b) van Aanhangsel A van die Ooreenkoms x 70%).

(b) Seëlkategorieë van C01 tot en met C99:

Tarief per uur vir opsionele addisionele aftrekkings ten opsigte van Pensioenskema = R (Uurtarief vir bydrae tot Pensioenskema soos bepaal ooreenkomstig klousule 4 (4) (b) van Aanhangsel A van die Ooreenkoms x 60%).

(3) Bydraes tot Bystandsfonds:

Bepaal die tarief per uur vir opsionele addisionele aftrekkings ten opsigte van die Bystandsfonds soos volg:

Tarief per uur vir opsionele addisionele aftrekkings ten opsigte van Bystandsfonds = R (Uurtarief vir bydrae tot Bystandsfonds soos bepaal ooreenkomstig klousule 4 (5) (b) van Aanhangsel A van die Ooreenkoms x 75%).

(4) Bydrae tot Mediese Hulpfonds:

Let wel: Hierdie subklousule is nie van toepassing op seëlkategorieë van A01 tot en met A99 en van E01 tot en met E99 nie.

Bepaal die tarief per uur vir opsionele addisionele aftrekkings ten opsigte van die Mediese Hulpfonds soos volg:

Tarief per uur vir opsionele addisionele aftrekkings ten opsigte van Mediese Hulpfonds = R (Uurtarief vir bydrae tot Mediese Hulpfonds soos bepaal ooreenkomstig klousule 4 (6) (b) van Aanhangsel A van die Ooreenkoms x 50%).

4. Die bedrae wat bepaal word deur die formules voorgeskryf in klousule 3 (2) (a) en (b), (3) en (4) van hierdie Aanhangsel toe te pas, moet opwaarts of afwaarts tot die naaste een-tiende van 'n sent afgerond word."

Namens die partye op hede die 28ste dag van Oktober 1993 te Pietermaritzburg onderteken.

B. HOFFMANN-JENSEN,

Voorsitter.

M. L. HOSKINS,

Lid.

C. P. DAVIS,

Sekretaris.

(2) Pension Scheme contributions:

Note: The provisions of this subclause shall not apply to stamp categories from E01 to E99, inclusive.

Determine the Pension Scheme optional additional deduction rate per hour as follows:

(a) Stamp categories from A01 to B99, inclusive:

Pension Scheme optional additional deduction rate per hour = R (Hourly Pension Scheme contribution rate as determined in accordance with the provisions of clause 4 (4) (b) of Annexure A to the Agreement x 70%).

(b) Stamp categories from C01 to C99, inclusive:

Pension Scheme optional additional deduction rate per hour = R (Hourly Pension Scheme contribution rate as determined in accordance with the provisions of clause 4 (4) (b) of Annexure A to the Agreement x 60%).

(3) Benefit Fund contributions:

Determine the Benefit Fund optional additional deduction rate per hour as follows:

Benefit Fund optional deduction rate per hour = R (Hourly Benefit Fund contribution rate as determined in accordance with the provisions of clause 4 (5) (b) of Annexure A to the Agreement x 75%).

(4) Medical Aid Fund contributions:

Note: The provisions of this subclause shall not apply to stamp categories from A01 to A99, inclusive, and E01 to E99, inclusive.

Determine the Medical Aid Fund optional additional deduction rate per hour as follows:

Medical Aid Fund optional additional deduction rate per hour = R (Hourly Medical Aid Fund contribution rate as determined in accordance with the provisions of clause 4 (6) (b) of Annexure A to the Agreement x 50%).

4. The amounts determined by applying the formula prescribed in clause 3 (2) (a) and (b), (3) and (4) of this Annexure shall be rounded upwards or downwards to the nearest one-tenth of a cent."

Signed at Pietermaritzburg, on behalf of the parties, this 28th day of October 1993.

B. HOFFMANN-JENSEN,

Chairman.

M. L. HOSKINS,

Member.

C. P. DAVIS,

Secretary.

No. R. 172

28 Januarie 1994

WET OP ARBEIDSVERHOUDINGE, 1956

BOUNYWERHEID, PORT NATAL: WYSIGING
VAN OOREENKOMS

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by

No. R. 172

28 January 1994

LABOUR RELATIONS ACT, 1956

BUILDING INDUSTRY, PORT NATAL: AMENDMENT
OF AGREEMENT

I, Leon Wessels, Minister of Manpower, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations 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 Undertaking, Industry, Trade or Occupation referred to

hierdie kennisgewing vermeld, met ingang van 31 Januarie 1994 en vir die tydperk wat op 30 Oktober 1994 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; en

- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 1 (1) (a) en 11 (1) (b) met ingang van 31 Januarie 1994 en vir die tydperk wat op 30 Oktober 1994 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 Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

L. WESSELS,

Minister van Mannekrag.

BYLAE

NYWERHEIDSRaad VIR DIE BOUNYWERHEID, PORT NATAL

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Natal Master Builders' and Allied Industries Association

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

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

Blanke Bouwerkersvakbond

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

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Port Natal,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1624 van 31 Julie 1987, hierna die Hofooreenkoms genoem, soos gewysig, verbeter en verleng by Goewermentskennisgewings Nos. R. 1950 van 11 September 1987, R. 2447 van 30 Oktober 1987, R. 849 van 29 April 1988, R. 2215 en R. 2216 van 28 Oktober 1988, R. 2298 van 11 November 1988, R. 842 van 28 April 1989, R. 1149 van 9 Junie 1989, R. 2333 en R. 2334 van 27 Oktober 1989, R. 2356 van 5 Oktober 1990, R. 2500 van 26 Oktober 1990, R. 2457 van 11 Oktober 1991, R. 2794 van 22 November 1991, R. 3035 van 30 Oktober 1992, R. 3417 van 24 Desember 1992 en R. 2044 en R. 2045 van 29 Oktober 1993.

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Bounywerheid nagekom word—

- (a) deur alle werkgewers en werknemers wat lede van onderskeidelik die werkgewersorganisasie en enige van die vakverenigings is,
- (b) in die landdrostdistrikte Durban (uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. 1401 van 16 Augustus 1968 binne die landdrostdistrik Umlazi geval het), Chatsworth, Pinetown en Inanda.

in the heading to this notice, shall be binding, with effect from 31 January 1994 and for the period ending 30 October 1994, 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; and

- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1 (1) (a) and 11 (1) (b), shall be binding, with effect from 31 January 1994 and for the period ending 30 October 1994, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

L. WESSELS,

Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY, PORT NATAL

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Natal Master Builders' and Allied Industries Association

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

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

Blanke Bouwerkersvakbond

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

being the parties to the Industrial Council for the Building Industry, Port Natal,

to amend the Agreement published under Government Notice No. R. 1624 of 31 July 1987, hereinafter referred to as the Main Agreement, as amended, corrected and extended by Government Notices Nos. R. 1950 of 11 September 1987, R. 2447 of 30 October 1987, R. 849 of 29 April 1988, R. 2215 and R. 2216 of 28 October 1988, R. 2298 of 11 November 1988, R. 842 of 28 April 1989, R. 1149 of 9 June 1989, R. 2333 and R. 2334 of 27 October 1989, R. 2356 of 5 October 1990, R. 2500 of 26 October 1990, R. 2457 of 11 October 1991, R. 2794 of 22 November 1991, R. 3035 of 30 October 1992, R. 3417 of 24 December 1992 and R. 2044 and R. 2045 of 29 October 1993.

1. SCOPE OF APPLICATION

(1) the terms of this Agreement shall be observed in the Building Industry—

- (a) by all employers and employees who are members of the employers' organisation and any of the trade unions respectively;
- (b) in the Magisterial Districts of Durban (excluding that portion which, prior to the publication of Government Notice No. 1401 of 16 August 1968, fell within the Magisterial District of Umlazi), Chatsworth, Pinetown and Inanda.

(2) Ondanks subklousule (1) (a) is hierdie Ooreenkoms—

(a) van toepassing op alle klasse werknemers, uitgesonderd die volgende:

- (i) Klerklike of administratiewe personeel;
- (ii) voormanne en algemene voormanne wat toesighoudende personeel is, soos in klousule 4 van die Hofooreenkoms omskryf;
- (iii) universiteit- en technikonstudente, konstruksie-toesighouers, bouopmeters en ander persone wat besig is met praktiese werk ter voltooiing van hul akademiese opleiding;

(b) van toepassing op vakleerlinge en kwekelinge slegs vir sover dit nie strydig is nie met die Wet op Mannekragopleiding, 1981, of met voorwaardes wat daarkragtens voorgeskryf of kennisgewings wat daarkragtens beteken is;

(c) van toepassing op voormanne en algemene voormanne wat nie toesighoudende personeel, soos in klousule 4 van die Hofooreenkoms omskryf, is nie;

(d) op werkende werkgewers van toepassing.

2. INDELING VAN OOREENKOMS

In die Indeling van die Ooreenkoms—

(a) voeg die volgende nuwe item 11A in:

“11A. Aanvangsdienstyd vir algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers ... 11”;

(b) voeg die volgende nuwe item 33A in:

“33A Uitreiking van seëls aan algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers ... 23”.

3. KLOUSULE 11A VAN DEEL I: AANVANGSDIENSTYD VIR ALGEMENE WERKERS, VERVAARDIGINGSWERKERS, TOERUSTINGBEDIENERS EN DRYWERS

Voeg die volgende nuwe klousule 11A in:

“11A. AANVANGSDIENSTYD VIR ALGEMENE WERKERS, VERVAARDIGINGSWERKERS, TOERUSTINGBEDIENERS EN DRYWERS

(1) Behoudens subklousules (2) tot en met (7) en klousule 33A (4) kan 'n werkgewer vereis dat 'n persoon wat 'n nuwe werknemer is en wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens gestel gaan word, 'n aanvangsdienstyd van hoogstens 12 weke uitdien.

(2) Behoudens klousule 33A (10) is 'n aanvangsdienstyd nie van toepassing nie—

(a) indien die persoon wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens gestel gaan word, nie 'n nuwe werknemer is nie;

(b) indien, op die datum waarop 'n werkgewer 'n persoon as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens wil stel, daardie persoon op die wyse voorgeskryf by klousule 33A (2) of (3) kwalifiseer om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, te ontvang.

(3) Waar 'n aanvangsdienstyd ingevolge subklousule (1) toegepas kan word ten opsigte van 'n persoon wat 'n nuwe werknemer is en wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens gestel gaan word, kan sodanige persoon verplig word om 'n aanvangsdienstyd uit te dien deur elke nuwe werkgewer deur wie hy in diens geneem word, tot tyd en wyl hy op die wyse voorgeskryf by klousule 33A (2) of (3) kwalifiseer om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, te ontvang.

(2) Notwithstanding the provisions of subclause (1) (a), the terms of this Agreement shall—

(a) apply to all classes of employees other than the following:

- (i) Clerical or administrative employees;
- (ii) foremen and general foremen who are supervisory staff as defined in clause 4 of the Main Agreement;
- (iii) university and technikon students, construction supervisors, building surveyors and other persons doing practical work in the completion of their academic training;

(b) apply to apprentices and trainees only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any conditions prescribed or any notice served in terms thereof;

(c) apply to foremen and general foremen who are not supervisory staff as defined in clause 4 of the Main Agreement;

(d) apply to working employers.

2. ARRANGEMENT OF AGREEMENT

In the Arrangement of the Agreement—

(a) insert the following new item 11A:

“11A. Initial employment period for general workers, manufacturing workers, plant operators and drivers ... 11”;

(b) insert the following new item 33A:

“33A Issue of stamps to general workers, manufacturing workers, plant operators and drivers ... 23”.

3. CLAUSE 11A OF PART I: INITIAL EMPLOYMENT PERIOD FOR GENERAL WORKERS, MANUFACTURING WORKERS, PLANT OPERATORS AND DRIVERS

Insert the following new clause 11A:

“11A. INITIAL EMPLOYMENT PERIOD FOR GENERAL WORKERS, MANUFACTURING WORKERS, PLANT OPERATORS AND DRIVERS

(1) Subject to the provisions of subclauses (2) to (7), inclusive, and clause 33A (4) an employer may require a person who is a new employee and who is to be employed as a general worker, a manufacturing worker, a plant operator or a driver to serve an initial employment period not exceeding 12 weeks.

(2) Subject to the provisions of clause 33A (10), an initial employment period shall not apply—

- (a) if the person to be employed as a general worker, a manufacturing worker, a plant operator or a driver is not a new employee;
- (b) if, on the date on which an employer wishes to employ a person as a general worker, a manufacturing worker, a plant operator or a driver, that person qualifies, in the manner prescribed in clause 33A (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement.

(3) Where an initial employment period be applied in terms of subclause (1) in respect of a person who is a new employee and who is to be employed as a general worker, a manufacturing worker, a plant operator or a driver, such person may be required to serve an initial employment period by each new employer by whom he is employed until such time as he qualifies, in the manner prescribed in clause 33A (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement.

(4) Behoudens subklousule (5) (c) is 'n persoon wat 'n nuwe werknemer is en wat as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in diens geneem is, gedurende enige aanvangsdienstyd—

- (a) nie daarop geregtig om enige seëlkategorie voorgeskryf by klousule 2 van Aanhangsel A van die Ooreenkoms ten opsigte van enige week gedurende sodanige aanvangsdienstyd, te ontvang nie;
- (b) daarop geregtig om ten opsigte van sy diens gedurende sodanige aanvangsdienstyd al die voordele betaal te word waarop hy kragtens die Wet op Basiese Diensvoorwaardes, 1983, geregtig sal wees, op die wyse voorgeskryf in genoemde Wet;
- (c) onderworpe aan al die bepalings vervat in hierdie Ooreenkoms, met uitsondering van klousules 27, 30, 33, 33A en 35 van Deel I van die Ooreenkoms en klousule 56 van Deel II van die Ooreenkoms.

(5) Ondanks subklousules (1) en (4) (a) kan 'n persoon op wie hierdie klousule van toepassing is, deur onderhandeling onderling met sy werkgever ooreenkom dat—

- (a) 'n aanvangsdienstyd van minder as 12 weke uitgedien sal word; of
- (b) 'n aanvangsdienstyd nie van toepassing sal wees nie; of
- (c) die seëlkategorieë voorgeskryf by klousule 2 (1) of (5) van Aanhangsel A van die Ooreenkoms gedurende sy aanvangsdienstyd aan hom uitgereik sal word.

(6) By die toepassing van hierdie klousule beteken die uitdrukking 'n 'nuwe werknemer' 'n persoon wat in diens gestel gaan word as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer en wat nie voorheen in diens was by dieselfde werkgever binne die voorafgaande drie jaar nie.

(7) Hierdie klousule is nie van toepassing nie op vakleerlinge, kwekelinge en werknemers bedoel in klousule 29 (1) van Deel I van die Ooreenkoms en klousule 57 (1) van Deel II van die Ooreenkoms."

4. KLOUSULE 17 VAN DEEL I: SLEGS-ARBEID-SUBKONTRAKTE

Voeg die volgende nuwe subklousules (6) en (7) in:

"(6) 'n Prinsipaal, 'n kontrakteur of 'n subkontrakteur, ongeag of daardie prinsipaal, kontrakteur of subkontrakteur self 'n werkgever is of nie, moet—

- (a) aantekening hou van die volgende besonderhede ten opsigte van elke persoon aan wie werk op 'n slegs-arbeid-subkontrak uitbestee word:

- (i) Sy voornaam en sy van;
- (ii) sy handelsnaam;
- (iii) sy besigheidsadres en/of woonadres;
- (iv) sy telefoonnommer;

- (b) wanneer 'n agent dit versoek sodanige rekords aan die agent voorlê.

(7) Iemand bedoel in subklousule (2) moet die besonderhede aangeteken in subklousule (6) (a) (i) tot en met (iv), verstrek aan 'n prinsipaal, 'n kontrakteur of 'n subkontrakteur vir wie hy kragtens 'n slegs-arbeid-subkontrak werk in die Bounywerheid onderneem en moet bedoelde prinsipaal, kontrakteur of subkontrakteur van enige veranderings in sodanige besonderhede in kennis stel."

5. KLOUSULE 29 VAN DEEL I: LOONSKALE

In subklousule (1), vervang die loontabel deur die volgende:

(4) Subject to the provisions of subclause (5) (c), during any initial employment period, a person who is a new employee and who is employed as a general worker, a manufacturing worker, a plant operator or a driver—

- (a) shall not be entitled to receive any stamp category prescribed in clause 2 of Annexure A to the Agreement in respect of any week during such initial employment period;
- (b) shall, in respect of his employment during such initial employment period, be entitled to be paid all the benefits to which he will be entitled under the Basic Conditions of Employment Act, 1983, in the manner prescribed in the said Act;
- (c) shall be subject to all the provisions contained in this Agreement, except clauses 27, 30, 33, 33A and 35 of Part I of the Agreement and clause 56 of Part II of the Agreement.

(5) Notwithstanding the provisions of subclauses (1) and (4) (a), a person to whom this clause is applicable may reach a mutual agreement through negotiation with his employer that—

- (a) an initial employment period of less than 12 weeks will be served; or
- (b) an initial employment period will not be applicable; or
- (c) the stamp categories prescribed in clause 2 (1) or (5) of Annexure A to the Agreement will be issued to him during his initial employment period.

(6) For the purposes of this clause, the expression 'new employee' means a person who is to be employed as a general worker, a manufacturing worker, a plant operator or a driver and who has not been previously employed by the same employer within the last three years.

(7) The provisions of this clause shall not apply to apprentices, trainees and employees mentioned in clause 29 (1) of Part I of the Agreement and 57 (1) of Part II of the Agreement."

4. CLAUSE 17 OF PART I: LABOUR-ONLY SUBCONTRACTS

Insert the following new subclauses (6) and (7):

"(6) A principal, a contractor or a subcontractor, whether or not that principal, contractor or subcontractor is himself an employer, shall—

- (a) keep a record of the following particulars in respect of each person to whom work is given out in a labour-only subcontract:

- (i) His first name and his surname;
- (ii) his trading name;
- (iii) his business address and/or residential address;
- (iv) his telephone number;

- (b) upon being requested to do so by an agent, produce such records to the agent.

(7) Any person referred to in subclause (2) shall furnish the particulars recorded in subclause (6) (a) (i) to (iv), inclusive, to a principal, a contractor or a subcontractor for whom he undertakes work in the Building Industry in terms of a labour-only subcontract and shall notify the said principal, contractor or subcontractor of any changes in such particulars."

5. CLAUSE 29 OF PART I: WAGE RATES

In subclause (1), substitute the following for the table of wage rates:

"Kategorie werknemer"	Van 31 Januarie 1994 tot 3 Julie 1994	Vanaf 4 Julie 1994
	Per uur	Per uur
	R	R
(a) Kwekeling-ambagsgeselle wat diens doen ooreenkomstig kwekeling-kontrakte wat ingevolge klousule 12 (1) geregistreer is en wat geslaag het in die volgende modules van 'n erkende modulêre opleidingskema gebaseer op vaardigheid:		
(i) Minder as 33 persent	4,75	5,07
(ii) 33 persent of meer maar minder as 66 persent	6,79	7,24
(iii) 66 persent of meer	8,84	9,42
(b) Ambagsgeselle:		
(i) Klas 4	Die loon wat ooreen- komstig subklousule (3) bepaal word	Die loon wat ooreen- komstig subklousule (3) bepaal word
(ii) Klas 3	6,79	7,24
(iii) Klas 2	8,84	9,42
(iv) Klas 1	10,38	11,06
(c) Vakmanne en werknemers in alle ander ambagte en beroepe wat nie elders hierin gespesifiseer word nie, uitgesonderd kwekelinge	13,59	14,48
(d) Werknemers wat in diens is gedurende die proeftydperk wat kragtens die Wet op Mannekragopleiding, 1981, toegelaat word	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991
(e) Vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is voor 11 Februarie 1991:		
Derde jaar	7,86	8,37
(i) Vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is tussen 11 Februarie 1991 en 13 Oktober 1991, of op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981

"Category of employee"	From 31 January 1994 to 3 July 1994	From 4 July 1994
	Per hour	Per hour
	R	R
(a) Trainee tradesmen serving under contracts of traineeship registered in terms of clause 12 (1) and who have passed the following modules in a recognised competence-based modular training scheme:		
(i) Less than 33 per cent	4,75	5,07
(ii) 33 per cent or more but less than 66 per cent	6,79	7,24
(iii) 66 per cent or more	8,84	9,42
(b) Tradesmen:		
(i) Class 4	The rate as determined in accordance with the provisions of subclause (3)	The rate as determined in accordance with the provisions of subclause (3)
(ii) Class 3	6,79	7,24
(iii) Class 2	8,84	9,42
(iv) Class 1	10,38	11,06
(c) Craftsmen and employees in all other trades and occupations not elsewhere herein specified, excluding trainees	13,59	14,48
(d) Employees employed during the probationary period allowed under the Manpower Training Act, 1981	The rate laid down for apprentices whose contracts were entered into on or after 14 October 1991	The rate laid down for apprentices whose contracts were entered into on or after 14 October 1991
(e) Apprentices whose contracts of apprenticeship were entered into prior to 11 February 1991:		
Third year	7,86	8,37
(i) Apprentices whose contracts of apprenticeship were entered into between 11 February 1991 and 13 October 1991, or on or after 14 October 1991	The rate laid down for apprentices under the Manpower Training Act, 1981	The rate laid down for apprentices under the Manpower Training Act, 1981

6. KLOUSULE 33 VAN DEEL I: UITREIKING VAN SEËLS AAN WERKNEMERS

In subklousule (1), vervang paragraaf (a) deur die volgende:

“(1) *Die uitreiking van seëls is verpligtend:* (a) Behalwe ten opsigte van 'n persoon wat in diens is as 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer en wat ooreenkomstig klousule 11A 'n aanvangsdienstyd uitdien, en behoudens paragraaf (c) is 'n werkgewer verplig om elke week 'n seël uit te reik, op die wyse by klousules 33A en 35 voorgeskryf, aan 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener, 'n drywer, 'n vakleerling, 'n kwekeling, 'n werknemer vir wie lone by klousule 29 (1) van Deel I van die Ooreenkoms en klousule 57 (1) van Deel II van die Ooreenkoms voorgeskryf word en 'n voorman of 'n algemene voorman op wie klousule 34 (1) van toepassing is, wat 24 uur of langer gedurende die gewone werkure by klousule 23 (1) voorgeskryf in elke week vir sodanige werkgewer werk of wat ingevolge klousule 30 (1) (b) geag word 24 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf, in 'n week vir sodanige werkgewer te gewerk het.”

7. KLOUSULE 33A VAN DEEL I: UITREIKING VAN SEËLS AAN ALGEMENE WERKERS, VERVAARDIGINGSWERKERS, TOERUSTINGBEDIENERS EN DRYWERS

Voeg die volgende nuwe klousule 33A in:

“33A. UITREIKING VAN SEËLS AAN ALGEMENE WERKERS, VERVAARDIGINGSWERKERS, TOERUSTINGBEDIENERS EN DRYWERS

(1) Elke algemene werker, vervaardigingswerker, toerustingbediener of drywer wat op 30 Januarie 1994 by 'n werkgewer in die Nywerheid in diens is en wat op daardie datum daarop geregtig is om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, te ontvang, is steeds daarop geregtig om die gemelde seëlkategorieë te ontvang solank hy op of na 31 Januarie 1994 nog in diens is by dieselfde werkgewer by wie hy op 30 Januarie 1994 in diens was.

(2) Behoudens subklousules (7) en (10) is 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat op of na 31 Januarie 1994 in die Nywerheid in diens geneem word, daarop geregtig om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, met ingang van die aanvangsdatum van sy diens van sy werkgewer te ontvang indien—

- (a) hy voorheen in die Nywerheid in die Raad se jurisdiksiegebied in diens was; en
- (b) hy behoudens subklousule (8), op 31 Januarie 1994 'n rekord verkry het dat hy 'n opgelope totaal van minstens 150 seëls van enige kategorie ontvang het.

(3) Behoudens subklousules (7) en (10) verkry 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat op of na 31 Januarie 1994 in die Nywerheid in diens geneem word, die reg om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, van sy werkgewer te ontvang met ingang van die datum waarop—

- (a) hy behoudens subklousule (8) 'n rekord verkry dat hy 'n opgelope totaal van minstens 150 seëls van enige kategorie ontvang het; of
- (b) hy weer in diens geneem word deur 'n werkgewer: Met dien verstande dat die herindiensname geskied binne 12 maande nadat hy voorheen by dieselfde werkgewer in diens was en hy tydens sy vorige dienstyd by daardie werkgewer daarop geregtig was om die seëlkategorieë voorgeskryf by klousule 2 (1) van Aanhangsel A van die Ooreenkoms, te ontvang; of

6. CLAUSE 33 OF PART I: ISSUE OF STAMPS TO EMPLOYEES

In subclause (1), substitute the following for paragraph (a):

“(1) *Issue of stamps to be compulsory:* (a) Except in respect of a person who is employed as a general worker, a manufacturing worker, a plant operator or a driver and who is serving an initial employment period in accordance with the provisions of clause 11A (1), and subject to the provisions of paragraph (c), it shall be compulsory for an employer to issue a stamp each week, in the manner prescribed in clauses 33A and 35, to a general worker, a manufacturing worker, a plant operator, a driver, an apprentice, a trainee, an employee for whom wages are prescribed in clauses 29 (1) of Part I of the Agreement and 57 (1) of Part II of the Agreement and a foreman or a general foreman to whom the provisions of clause 34 (1) are applicable, who works for such employer for 24 hours or more during the ordinary hours of work prescribed in clause 23 (1) in each week or who, in terms of clause 30 (1) (b), is deemed to have worked for such employer for 24 hours during the ordinary hours of work prescribed in clause 23 (1) in a week.”

7. CLAUSE 33A OF PART I: ISSUE OF STAMPS TO GENERAL WORKERS, MANUFACTURING WORKERS, PLANT OPERATORS AND DRIVERS

Insert the following new clause 33A:

“33A. ISSUE OF STAMPS TO GENERAL WORKERS, MANUFACTURING WORKERS, PLANT OPERATORS AND DRIVERS

(1) Every general worker, manufacturing worker, plant operator or driver who is employed in the Industry by an employer on 30 January 1994 and who, on that date, is entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, shall continue to be entitled to receive the said stamp categories whilst he continues to be employed on or after 31 January 1994 by the same employer by whom he was employed on 30 January 1994.

(2) Subject to the provisions of subclauses (7) and (10), a general worker, a manufacturing worker, a plant operator or a driver who becomes employed in the Industry on or after 31 January 1994, shall be entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement from his employer with effect from the date of commencement of his employment if—

- (a) he has been previously employed in the Industry in the Council's area of jurisdiction; and
- (b) subject to the provisions of subclause (8), on 31 January 1994 he has attained a record of having received an accumulated total of at least 150 stamps of any category.

(3) Subject to the provisions of subclauses (7) and (10), a general worker, a manufacturing worker, a plant operator or a driver who becomes employed in the Industry on or after 31 January 1994, shall become entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement from his employer with effect from the date on which—

- (a) subject to the provisions of subclause (8), he attains a record of having received an accumulated total of at least 150 stamps of any category; or
- (b) he is re-employed by an employer: Provided that the re-employment is within twelve months of him having been previously employed by the same employer and he was entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A of the Agreement during his previous period of employment with that employer; or

- (c) hy twee jaar opgelope diens by dieselfde werkgewer voltooi: Met dien verstande dat by die toepassing van hierdie paragraaf enige dienstyd gedurende 'n aanvangsdienstyd by 'n werkgewer ooreenkomstig klousule 11A en enige vorige dienstyd by daardie werkgewer, hetsy voor of na 31 Januarie 1994, in aanmerking geneem word ten einde sy opgelope dienstyd te bepaal.
- (4) 'n Algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat ingevolge subklousules (2) en (3) kwalifiseer om die seëlkatteorieë voorgeskryf by klousule 2 (1) van Aanhangel A van die Ooreenkoms te ontvang, is nie verplig om 'n aanvangsdienstyd volgens klousule 11A uit te dien by elke nuwe werkgewer deur wie hy in diens geneem kan word na die datum waarop hy die reg verkry om die gemelde seëlkatteorieë te ontvang nie.
- (5) Behoudens subklousule (6) is 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat nie op die wyse voorgeskryf by subklousule (2) of (3) kwalifiseer om die seëlkatteorieë voorgeskryf by klousule 2 (1) van Aanhangel A van die Ooreenkoms te ontvang nie, daarop geregtig om die seëlkatteorieë voorgeskryf by klousule 2 (5) van Aanhangel A van die Ooreenkoms, van sy werkgewer te ontvang met ingang van—
- (a) die datum waarop hy sy aanvangsdienstyd voltooi, indien 'n aanvangsdienstyd ooreenkomstig klousule 11A van toepassing is; of
- (b) die diensaanvangsdatum, indien 'n aanvangsdienstyd nie ooreenkomstig klousule 11A (5) (b) van toepassing is nie.
- (6) 'n Algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer in subklousule (5), is steeds daarop geregtig om die seëlkatteorieë voorgeskryf by klousule 2 (5) van Aanhangel A van die Ooreenkoms, van sy werkgewer te ontvang tot tyd en wyl hy op die wyse voorgeskryf by subklousules (2) en (3), die reg verkry om die seëlkatteorieë voorgeskryf by klousule 2 (1) van Aanhangel A van die Ooreenkoms, te ontvang.
- (7) Ondanks subklousules (2) en (3) kan 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat nie daarop geregtig is om die seëlkatteorieë voorgeskryf by klousule 2 (1) van Aanhangel A van die Ooreenkoms, te ontvang nie, deur onderhandeling onderling ooreenkom met sy werkgewer dat die gemelde seëlkatteorieë deur sy werkgewer aan hom uitgereik sal word, met ingang van 'n datum waarop hy en sy werkgewer ooreengekom het.
- (8) By die toepassing van subklousules (2) (b) en (3) (a) word enige seëls van enige katteorie wat ontvang is deur 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer deur diens by een of meer werkgewers in die Nywerheid in die Raad se jurisdiksiegebied, met terugwerkende krag tot die datum waarop hy vir die eerste keer in die Nywerheid in die gemelde gebied in diens gestel is, en wat of deur die Raad of deur die Natal Master Builders' and Allied Industries Association uitgereik is, in aanmerking geneem ten einde die opgelope totaal van seëls wat hy ontvang het, te bepaal.
- (9) Behoudens klousule 11A (5) (c) is 'n algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat ooreenkomstig klousule 11A 'n aanvangsdienstyd uitdien, nie daarop geregtig om enige seëlkatteorieë voorgeskryf by klousule 2 van Aanhangel A van die Ooreenkoms, gedurende sodanige aanvangsdienstyd te ontvang nie.
- (10) 'n Algemene werker, 'n vervaardigingswerker, 'n toerustingbediener of 'n drywer wat voldoen aan die kwalifiseringsvereistes voorgeskryf by subklousules (2) (b) en (3) (a), gelees met subklousule (8), moet—
- (a) by die Raad aansoek doen dat 'n sertifikaat aan hom uitgereik word ter bevestiging dat hy 'n rekord verkry het dat 'n opgelope totaal van minstens 150 seëls van enige katteorie ontvang het;
- (b) sodanige sertifikaat toon aan elke werkgewer deur wie hy in diens geneem word, ten einde te bewys dat subklousules (2) en (3) en klousule 11A (2) (b) op hom van toepassing moet wees."
- (c) he completes two years' accumulated service with the same employer: Provided that, for the purposes of the application of this paragraph, any period of employment during an initial employment period with an employer in accordance with the provisions of clause 11A and any period of previous employment with that employer, either before or after 31 January 1994, shall be taken into account in order to determine his accumulated period of service.
- (4) A general worker, a manufacturing worker, a plant operator or a driver who, in terms of the provisions of subclauses (2) and (3), qualifies to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, shall not be required to serve an initial employment period under clause 11A by each new employer by whom he may be employed after the date on which he becomes entitled to receive the said stamp categories.
- (5) Subject to the provisions of subclause (6), a general worker, a manufacturing worker, a plant operator or a driver who does not qualify, in the manner prescribed in subclauses (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, shall be entitled to receive the stamp categories prescribed in clause 2 (5) of Annexure A to the Agreement from his employer with effect from—
- (a) the date on which he completed his initial period of employment, if an initial period of employment is applicable in accordance with the provisions of clause 11A; or
- (b) the date of commencement of employment, if an initial period of employment is not applicable in accordance with the provisions of clause 11A (5) (b).
- (6) A general worker, a manufacturing worker, a plant operator or a driver referred to in subclause (5) shall continue to be entitled to receive the stamp categories prescribed in clause 2 (5) of Annexure A to the Agreement from his employer until such time as he becomes entitled, in the manner prescribed in subclause (2) or (3), to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement.
- (7) Notwithstanding the provisions of subclauses (2) and (3), a general worker, a manufacturing worker, a plant operator or a driver who is not entitled to receive the stamp categories prescribed in clause 2 (1) of Annexure A to the Agreement, may reach a mutual agreement through negotiation with his employer that the said stamp categories will be issued to him by his employer, with effect from a date agreed upon by himself and his employer.
- (8) For the purposes of the application of subclause (2) (b) and (3) (a), any stamps of any category that were received by a general worker, a manufacturing worker, a plant operator or a driver through employment with any one or more employers in the Industry in the Council's area of jurisdiction, with retrospective effect from the date on which he first became employed in the Industry in the said area, and which were issued by either the Council or the Natal Master Builders' and Allied Industries Association, shall be taken into account in order to determine the accumulated total of stamps received by him.
- (9) Subject to the provision of clause 11A (5) (c), a general worker, a manufacturing worker, a plant operator or a driver who is serving an initial employment period in accordance with the provisions of clause 11A, shall not be entitled to receive any stamp category prescribed in clause 2 of Annexure A to the Agreement during such initial employment period.
- (10) A general worker, a manufacturing worker, a plant operator or a driver who meets the qualification requirements prescribed in subclauses (2) (b) and (3) (a) read with subclause (8) shall—
- (a) apply to the Council for a certificate to be issued to him confirming that he has attained a record of having received an accumulated total of at least 150 stamps of any category;
- (b) produce such certificate to each employer by whom he may be employed in order to establish that the provisions of subclauses (2) and (3) and clause 11A (2) (b) shall be applicable to him."

8. KLOUSULE 35 VAN DEEL I: BYVOORDELE EN SEËLS

Vervang subklousule (8) deur die volgende:

“(8) Behoudens subklousule (6) en klousule 30 (3) kan 'n werkgever van die besoldiging verskuldig aan 'n werknemer in klousule 33 (1) (a) bedoel wat 24 uur of langer maar minder as 40 uur gedurende die gewone werkure by klousule 23 (1) voorgeskryf in 'n enkele week gewerk het, die toepaslike bedrae in Aanhangsel C van hierdie Ooreenkoms voorgeskryf met betrekking tot die werknemer se uurloon (soos in klousule 4 omskryf), watter ook al van toepassing is, aftrek ten opsigte van elke uur wat die werknemer van sy werk afwesig was sonder die toestemming van die werkgever of die werkgever se behoorlik gemagtigde verteenwoordiger, of sonder goeie rede: Met dien verstande dat, by die toepassing van hierdie subklousule, 'n werknemer geag word van sy werk afwesig te wees sonder die toestemming van sy werkgever op enige openbare vakansiedag by klousule 27 (3) (c) voorgeskryf.”

9. KLOUSULE 44 VAN DEEL I: MEDIESE HULPFONDS VAN DIE BOUNYWERHEID, NATAL

In subklousule (4), vervang paragraaf (a) deur die volgende:

“(4) *Lidmaatskap: (a) Verpligte lidmaatskap:* Lidmaatskap van die Fonds is verpligtend vir vakleerlinge, kweklinge en werknemers vir wie lone in klousule 29 (1) (a) (ii) en (iii), (b) (ii), (iii) en (iv), (c) en (d) van Deel I van die Ooreenkoms en klousule 57 (1) (c), (d) (ii) en (iii), (e) en (f) van Deel II van die Ooreenkoms voorgeskryf word en vir voormanne en algemene voormanne op wie klousule 34 (1) van toepassing is, en is vrywillig vir werkende werkgevers wat besluit het om aan klousule 35 te voldoen.”

10. KLOUSULE 45 VAN DEEL I: PENSIOENSKEMA VAN DIE BOUNYWERHEID, PORT NATAL

In subklousule (4), vervang paragraaf (a) deur die volgende:

“(4) *Lidmaatskap: (a) Verpligte lidmaatskap:* Lidmaatskap van die Skema is verpligtend vir elke werknemer in klousule 33 (1) (a) bedoel, en is vrywillig vir werkende werkgevers wat besluit het om aan klousule 35 te voldoen.”

11. KLOUSULE 51 VAN DEEL II: SEKERE BEPALINGS VAN DEEL I VAN DIE OOREENKOMS WAT OOK VAN TOEPASSING IS OP DEEL II VAN DIE OOREENKOMS

Vervang subklousule (1) deur die volgende:

“(1) Behoudens subklousule (2) —

(a) is klousules 3, 5, 6, 7 (5) en (6), 8, 9, 11A, 14, 15 [uitgesonderd subklousule (1) (a)], 16, 17 [uitgesonderd subklousule (6) (b)], 18, 19, 19A, 20 tot en met 24, 26, 31 tot en met 33, 33A, 34, 35 [uitgesonderd subklousule (1) (g)], 36 [uitgesonderd subklousule (4)], 37, 40, 41, 42 [uitgesonderd subklousule (4) (b) (iii)], 43 tot en met 45 en 47 van Deel I van die Ooreenkoms en Aanhangsel A tot en met C [uitgesonderd klousule 4 (9) van Aanhangsel A] van die Ooreenkoms *mutatis mutandis* op hierdie Deel van toepassing;

(b) is klousules 2, 7 (1) tot en met (4), 15 (1) (a), 17 (6) (b), 35 (1) (g), 36 (4), 42 (4) (b) (iii), 48 en 49 van Deel I van die Ooreenkoms en klousule 4 (9) van Aanhangsel A van die Ooreenkoms *mutatis mutandis* op hierdie Deel van toepassing.”

12. KLOUSULE 57 VAN DEEL II: LOONSKALE

In subklousule (1), vervang die loontabel deur die volgende:

8. CLAUSE 35 OF PART I: FRINGE BENEFITS AND STAMPS

Substitute the following for subclause (8):

“(8) Subject to the provisions of subclause (6) and clause 30 (3), an employer may deduct from the remuneration due to an employee, referred to in clause 33 (1) (a) who has worked for 24 hours or more but less than 40 hours during the ordinary hours of work prescribed in clause 23 (1) in any one week, the relevant amounts prescribed in Annexure C to this Agreement in relation to the employee's hourly wage (as defined in clause 4), whichever are applicable, in respect of each hour during which the employee was absent from work without the permission of the employer or the employer's duly authorised representative, or without good cause: Provided that, for the purposes of the application of this subclause, an employee shall be deemed to be absent from work without the permission of his employer on any public holiday prescribed in clause 27 (3) (c).”

9. CLAUSE 44 OF PART I: BUILDING INDUSTRY MEDICAL AID FUND, NATAL

In subclause (4), substitute the following for paragraph (a):

“(4) *Membership: (a) Compulsory members:* Membership of the fund shall be compulsory for apprentices, trainees and employees for whom wages are prescribed in clause 29 (1) (a) (ii) and (iii), (b) (ii), (iii) and (iv), (c) and (d) of Part I of the Agreement and clause 57 (1) (c) (d) (ii) and (iii), (e) and (f) of part II of the Agreement and for foremen and general foremen to whom the provisions of clause 34 (1) are applicable, and shall be voluntary for working employers who have elected to comply with the provisions of clause 35.”

10. CLAUSE 45 OF PART I: BUILDING INDUSTRY PENSION SCHEME, PORT NATAL

In subclause (4), substitute the following for paragraph (a):

“(4) *Membership: (a) Compulsory members:* Membership of the Scheme shall be compulsory for every employee referred to in clause 33 (1) (a) and shall be voluntary for working employers who have elected to comply with the provisions of clause 35.”

11. CLAUSE 51 OF PART II: CERTAIN PROVISIONS OF PART I OF THE AGREEMENT ALSO APPLICABLE TO PART II OF THE AGREEMENT

Substitute the following for subclause (1):

“(1) Subject to the provisions of subclause (2) —

(a) the provisions of clauses 3, 5, 6, 7 (5) and (6), 8, 9, 11A, 14, 15 [excluding subclause (1) (a)], 16, 17 [excluding subclause (6) (b)], 18, 19, 19A, 20 to 24, inclusive, 26, 31 to 33, inclusive, 33A, 34, 35 [excluding subclause (1) (g)], 36 [excluding subclause (4)], 37, 40, 41, 42 [excluding subclause (4) (b) (iii)], 43 to 45, inclusive, 47 of Part I of the Agreement and Annexures A to C inclusive [excluding clause 4 (9) of Annexure A] to the Agreement shall *mutatis mutandis* apply to this Part;

(b) the provisions of clauses 2, 7 (1) to (4), inclusive, 15 (1) (a), 17 (6) (b), 35 (1) (g), 36 (4), 42 (4) (b) (iii), 48 and 49 of Part I of the Agreement and clause 4 (9) of Annexure A to the Agreement shall *mutatis mutandis* apply to this Part.”

12. CLAUSE 57 OF PART II: WAGE RATES

In subclause (1), substitute the following for the table of wage rates:

"Kategorie werknemer	Van 31 Januarie 1994 tot 3 Julie 1994	Vanaf 4 Julie 1994
	Per uur	Per uur
(a) Skrynwermonteerders	R 5,43	R 5,79
(b) Kwekeling-masjienbedieners wat diens doen ooreenkomstig kwekeling-kontrakte wat ingevolge klousule 53 (1) geregistreer is:		
(i) Eerste jaar	4,42	4,71
(ii) Tweede jaar	5,43	5,79
(c) Masjienbedieners	7,81	8,32
(d) Kwekeling-skrynwerkers wat diens doen ooreenkomstig kwekelingkontrakte wat ingevolge klousule 53 (2) geregistreer is en wat geslaag het in die volgende modules van 'n erkende modulêre opleidingskema wat op vaardigheid gebaseer is:		
(i) Minder as 33 persent	4,75	5,07
(ii) 33 persent of meer maar minder as 66 persent	6,79	7,24
(iii) 66 persent of meer	8,84	9,42
(e) Ambagsgesel-skrynwerkers en -houtmasjienwerkers klas 1	10,83	11,54
(f) Vakman-skrynwerkers en -houtmasjienwerkers en werknemers in alle ander ambagte en beroepe wat nie elders hierin gespesifiseer word nie, uitgesonderd kwekelinge	13,59	14,48
(g) Werknemers wat in diens is gedurende die proeftydperk wat kragtens die Wet op Mannekragopleiding, 1981, toegelaat word	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is op of na 14 Oktober 1991
(h) Vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is voor 11 Februarie 1991:		
Derde jaar	7,86	8,37
(i) Vakleerlinge wie se kontrakte van vakleerlingskap aangegaan is tussen 11 Februarie 1991 en 13 Oktober 1991, of op of na 14 Oktober 1991	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981	Die loon wat voorgeskryf word vir vakleerlinge kragtens die Wet op Mannekragopleiding, 1981"

"Category of employee	From 31 January 1994 to 3 July 1994	From 4 July 1994
	Per hour	Per hour
(a) Joinery assemblers	R 5,43	R 5,79
(b) Trainee machine operators serving under contracts of traineeship registered in terms of clause 53 (1):		
(i) First year	4,42	4,71
(ii) Second year	5,43	5,79
(c) Machine operators	7,81	8,32
(d) Trainee joiners serving under contracts of traineeship registered in terms of clause 53 (2) and who have passed the following modules in a recognised competence based modular training scheme:		
(i) Less than 33 per cent	4,75	5,07
(ii) 33 per cent or more but less than 66 per cent	6,79	7,24
(iii) 66 per cent or more	8,84	9,42
(e) Tradesmen, Class 1 (joiners and wood machinists)	10,83	11,54
(f) Craftsmen joiners and wood machinists and employees in all other trades and occupations not elsewhere herein specified, excluding trainees	13,59	14,48
(g) Employees employed during the probationary period allowed under the Manpower Training Act, 1981	The rate laid down for apprentices whose contracts of apprenticeship were entered into on or after 14 October 1991	The rate laid down for apprentices whose contracts of apprenticeship were entered into on or after 14 October 1991
(h) Apprentices whose contracts of apprenticeship were entered into prior to 11 February 1991:		
Third year	7,86	8,37
(i) Apprentices whose contracts of apprenticeship were entered into between 11 February 1991 and 13 October 1991, or on or after 14 October 1991	The rate laid down for apprentices under the Manpower Training Act, 1981	The rate laid down for apprentices under the Manpower Training Act, 1981"

13. AANHANGSEL A VAN DIE OOREENKOMS**(1) In klousule 2—****(a) Vervang subklousule (1) deur die volgende:**

“(1) Seëlkategorieë van A01 tot en met A99:

Die seëlkategorieë van toepassing op algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers wat voldoen aan die kwalifiseringsvereistes voorgeskryf by klousule 33A (1), (2) of (3) en op werknemers vir wie lone voorgeskryf word by klousule 29 (1) (a) (i) en (b) (i) van Deel 1 van die Ooreenkoms en klousule 57 (1) (a), (b) en (d) (i) van Deel II van die Ooreenkoms, word vasgestel deur die letter A as 'n voorvoegsel by elke loonbandnommer te voeg.”;

(b) voeg die volgende nuwe subklousule (5) in:

“(5) Seëlkategorieë van E01 tot en met E99:

Die seëlkategorieë van toepassing op algemene werkers, vervaardigingswerkers, toerustingbedieners en drywers wat voldoen aan die kwalifiseringsvereistes voorgeskryf by klousule 33A (5), word vasgestel deur die letter E as 'n voorvoegsel by elke loonbandnommer te voeg.”.

(2) In klousule 4—**(a) vervang die nota in subklousule (3) deur die volgende:**

“**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van D01 tot en met D99 en van E01 tot en met E99 nie.”;

(b) voeg die volgende nuwe nota in by subklousule (4), voor paragraaf (a):

“**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 nie.”;

(c) vervang die nota in subklousule (6) deur die volgende:

“**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van A01 tot en met A99 en van E01 tot en met E99 nie.”.

14. AANHANGSEL B VAN DIE OOREENKOMS**(1) Vervang klousule 2 deur die volgende:**

“2. Klousules 2 (1), (2), (3) en (5), 3, 5 (3) en 6 van Aanhangel A van die Ooreenkoms is *mutatis mutandis* op hierdie Aanhangel van toepassing.”.

(2) In klousule 3—**(a) vervang al die woorde voor subklousule (1) deur die volgende:**

“3. Behoudens klousules 2 en 4 van hierdie Aanhangel word die weeklikse aftrekkings wat van toepassing is op die werknemers in klousule 2 (1), (2), (3) en (5) van Aanhangel A van die Ooreenkoms bedoel, met betrekking tot elke werknemer se uurloon bereken ooreenkomstig die stappe en formules hieronder voorgeskryf ten opsigte van elke seëlkategorie.”;

(b) voeg die volgende nuwe nota in by subklousule (1), voor paragraaf (a):

“**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 nie.”;

(c) vervang die nota in subklousule (2) deur die volgende:

“**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van A01 tot en met A99 en van E01 tot en met E99 nie.”.

13. ANNEXURE A TO THE AGREEMENT**(1) In clause 2—****(a) substitute the following for subclause (1):**

“(1) Stamp categories from A01 to A99 inclusive:

The stamp categories applicable to general workers, manufacturing workers, plant operators and drivers who meet the qualification requirements prescribed in clause 33A (1), (2) or (3) and to employees for whom wages are prescribed in clause 29 (1) (a) (i) and (b) (i) of Part 1 of the Agreement and clause 57 (1) (a), (b) and (d) (i) of Part II of the Agreement shall be determined by adding the letter A as a prefix to each wage band number.”;

(b) insert the following new subclause (5):

“(5) Stamp categories from E01 to E99 inclusive:

The stamp categories applicable to general workers, manufacturing workers, plant operators and drivers who meet the qualification requirements prescribed in clause 33A (5) shall be determined by adding the letter E as a prefix to each wage band number.”.

(2) In clause 4—**(a) substitute the following for the note in subclause (3):**

“**Note:** This provisions of this subclause shall not apply to stamp categories from D01 to D99, inclusive, and from E01 to E99 inclusive.”;

(b) insert the following new note in subclause (4), before paragraph (a):

“**Note:** The provisions of this subclause shall not apply to stamp categories from E01 to E99 inclusive.”;

(c) substitute the following for the note in subclause (6):

“**Note:** The provisions of this subclause shall not apply to stamp categories from A01 to A99, inclusive, and from E01 to E99 inclusive.”.

14. ANNEXURE B TO THE AGREEMENT**(1) Substitute the following for clause 2:**

“2. The provisions of clauses 2 (1), (2), (3) and (5), 3, 5 (3) and 6 of Annexure A to this Agreement shall *mutatis mutandis* apply to this Annexure.”.

(2) In clause 3—**(a) substitute the following for all the words preceding subclause (1):**

“3. Subject to the provisions of clauses 2 and 4 of this Annexure, the weekly deductions that will apply to the employees referred to in clause 2 (1), (2), (3) and (5) of Annexure A to the Agreement in relation to each employee's hourly wage shall be calculated in accordance with the steps and formulae prescribed hereunder in respect of each stamp category.”;

(b) insert the following new note in subclause (1), before paragraph (a):

“**Note:** The provisions of this subclause shall not apply to stamp categories from E01 to E99 inclusive.”;

(c) substitute the following for the note in subclause (2):

“**Note:** The provisions of this subclause shall not apply to stamp categories from A01 to A99 inclusive and from E01 to E99 inclusive.”.

15. AANHANGSEL C VAN DIE OOREENKOMS

(1) Vervang klousule 2 deur die volgende:

"2. Klousules 2 (1), (2), (3) en (5), 3, 5 (3) en 6 van Aanhangel A van die Ooreenkoms is *mutatis mutandis* op hierdie Aanhangel van toepassing."

(2) In klousule 3—

(a) vervang al die woorde voor subklousule (1) deur die volgende:

"3. Behoudens klousules 2 en 4 van hierdie Aanhangel word die uurtariewe vir opsionele addisionele aftrekkings wat van toepassing is op die werknemers in klousule 2 (1), (2), (3) en (5) van Aanhangel A van die Ooreenkoms bedoel, met betrekking tot elke werknemer se uurloon bereken ooreenkomstig die stappe en formules hieronder voorgeskryf ten opsigte van elke seëlkategorie:"

(b) voeg die volgende nuwe nota in by subklousule (1), voor die uitdrukking "Bepaal die uurtariewe":

"**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 ten opsigte van vakansietoelae nie."

(c) voeg die volgende nuwe nota in by subklousule (2), voor die uitdrukking "Bepaal die uurtarief":

"**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van E01 tot en met E99 nie."

(d) vervang die nota in subklousule (4) deur die volgende:

"**Let wel:** Hierdie subklousule is nie van toepassing op seëlkategorieë van A01 tot en met A99 en van E01 tot en met E99 nie."

Namens die partye op hede die 25ste dag van November 1993 te Durban onderteken.

B. HOFFMANN-JENSEN,

Voorsitter.

R. D. PICKLES,

Lid.

K. H. DAVEL,

Skretaris.

DEPARTEMENT VAN NASIONALE GESONDHEID EN BEVOLKINGS- ONTWIKKELING

No. R. 105 28 Januarie 1994

TOEPASSING VAN DEEL III VAN DIE WET OP VOORKOMING VAN LUGBESOEDILING, 1965 (WET No. 45 VAN 1965), IN DIE REGSGEBIED VAN DIE STADSRAAD VAN STANGER

Ek, Barend Leendert Geldenhuys, Adjunkminister vir Nasionale Gesondheid, handelende na oorlegpleging met die Minister van Handel en Nywerheid, verklaar hierby kragtens artikel 14 (1) van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet No. 45 van 1965), dat die bepalings van Deel III van genoemde Wet met ingang van die datum van publikasie hiervan, in die regsgebied van die Stadsraad van Stanger van toepassing is.

B. L. GELDENHUYS,

Adjunkminister vir Nasionale Gesondheid.

15. ANNEXURE C TO THE AGREEMENT

(1) Substitute the following for clause 2:

"2. The provisions of clauses 2 (1), (2), (3) and (5), 3, 5 (3) and 6 of Annexure A to this Agreement shall *mutatis mutandis* apply to this Annexure."

(2) In clause 3—

(a) substitute the following for all the words preceding subclause (1):

"3. Subject to the provisions of clauses 2 and 4 of this Annexure, the optional additional deduction rates per hour that will apply to the employees referred to in clause 2 (1), (2), (3) and (5) of Annexure A to the Agreement in relation to each employee's hourly wage shall be calculated in accordance with the steps and formulae prescribed hereunder in respect of each stamp category:"

(b) insert the following new note in subclause (1), before the expression "Determine the holiday pay":

"**Note:** The provisions of this subclause relating to the holiday allowance shall not apply to stamp categories from E01 to E99 inclusive."

(c) insert the following new note in subclause (2), before the expression "Determine the Pension Scheme":

"**Note:** The provisions of this subclause shall not apply to stamp categories from E01 to E99 inclusive."

(d) substitute the following for the note "**clause (4):**"

"**Note:** The provisions of this subclause shall not apply to stamp categories from A01 to A99 inclusive and from E01 to E99 inclusive."

Signed at Durban, on behalf of the parties, this 25th day of November 1993.

B. HOFFMANN-JENSEN,

Chairman.

R. D. PICKLES,

Member.

K. H. DAVEL,

Secretary.

DEPARTMENT OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

No. R. 105 28 January 1994

APPLICATION OF PART III OF THE ATMOSPHERIC POLLUTION PREVENTION ACT, 1965 (ACT No. 45 OF 1965), IN THE AREA OF JURISDICTION OF THE STANGER TOWN COUNCIL

I, Barend Leendert Geldenhuys, Deputy Minister for National Health, acting after consultation with the Minister of Trade and Industry, hereby declare under section 14 (1) of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), the provisions of Part III of the said Act to be applicable in the area of jurisdiction of the Stanger Town Council with effect from the date of publication hereof.

B. L. GELDENHUYS,

Deputy Minister for National Health.

No. R. 167**28 Januarie 1994**

UITSLUITING VAN SEKERE MEDISYNE VAN DIE TOEPASSING VAN SEKERE BEPALINGS VAN DIE WET OP DIE BEHEER VAN MEDISYNE EN VERWANTE STOWWE, 1965 (WET No. 101 VAN 1965)

Ek, Elizabeth Hendrina Venter, Minister vir Nasionale Gesondheid en Welsyn, sluit hierby kragtens artikel 36 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), op eenparige aanbeveling van die Medisynebeheerraad, die medisyne in die Bylae hiervan vermeld, uit van die toepassing van die daarin vermelde bepalings van die regulasies afgekondig by Goewermentskennisgewing No. R. 352 van 21 Februarie 1975, soos gewysig, onderworpe aan die voorwaardes insgelyks in die Bylae vermeld.

E. H. VENTER,

Minister vir Nasionale Gesondheid en Welsyn.

No. R. 167**28 January 1994**

EXCLUSION OF CERTAIN MEDICINES FROM THE OPERATION OF CERTAIN PROVISIONS OF THE MEDICINES AND RELATED SUBSTANCES CONTROL ACT, 1965 (ACT No. 101 OF 1965)

I, Elizabeth Hendrina Venter, Minister for National Health and Welfare, hereby, under section 36 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), on the unanimous recommendation of the Medicines Control Council, exclude the medicines listed in the Schedule hereto from the operation of the therein listed provisions of the regulations promulgated by Government Notice No. R. 352 of 21 February 1975, as amended, subject to the conditions likewise listed in the Schedule.

E. H. VENTER,

Minister for National Health and Welfare.

BYLAE/SCHEDULE

Registrasie No. Registration No. (a)	Naam van medisyne Name of medicine (b)	Bereidings-vorm Form of preparation (c)	Bepalings waarvan uitgesluit Provisions from which excluded (d)	Voorwaardes vir uitsluiting Conditions of exclusion (e)	Applikant Applicant (f)
U140	Regaine	Oplossing/ Solution	Regulasie 11 (2) (b) Regulation 11 (2) (b)	Die applikant moet die nodige waarskuwings en veiligheidsmaatreëls by elke advertensie insluit soos opgeneem in die voubiljet The applicant must include the necessary warnings and safety measures in every advertisement as stipulated in the package insert.	Upjohn (Pty) Ltd

SENTRALE STATISTIEKDIENS**No. R. 142****28 Januarie 1994**

WET OP STATISTIEKE, 1976

REGULASIES BETREFFENDE STATISTIEKE IN VERBAND MET MYNWESE-INRIGTINGS, 1993

Die Minister van Binnelandse Sake het kragtens artikel 17 van die Wet op Statistieke, 1976 (Wet No. 66 van 1976), saamgelees met Goewermentskennisgewing No. R. 139 van 4 Februarie 1977, die regulasies in die Bylae vervat, uitgevaardig.

BYLAE**Woordomskrywing**

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

“mynwese-inrigting” ’n inrigting wat een of meer werksaamhede verrig in verband met—

- (a) ondergrondse en oop mynbou, met inbegrip van steengroewe, kleigroewe en sandgroewe, en die bedryf van boorgate by olie- en gasbronne, asook alle bykomende werksaamhede vir die bereiding en verwerking van erts en ander onverwerkte stowwe,

CENTRAL STATISTICAL SERVICE**No. R. 142****28 January 1994**

STATISTICS ACT, 1976

REGULATIONS RELATING TO STATISTICS IN CONNECTION WITH MINING ESTABLISHMENTS, 1993

The Minister of Home Affairs has, under section 17 of the Statistics Act, 1976 (Act No. 66 of 1976), read with Government Notice No. R. 139 of 4 February 1977, made the regulations contained in the Schedule.

SCHEDULE**Definitions**

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

“mining establishments” means any establishment carrying out one or more activities in connection with—

- (a) underground and opencast mining, including stone quarries, clay and sand pits, and the operation of boreholes at oil and gas wells, and all supplemental activities for the dressing and beneficiating of ores and other crude materials, such as crushing, screen-

soos vergruising, sif, was, skoonmaak, gradering, maal, flottering, smelt, verkorreling, aftopping en ander vorme van bereiding wat nodig is om die stof bemarkbaar te maak, asook mariene mynbou en die herwinning van minerale uit mynhope en uitgewerkte myne; en

- (b) werksaamhede bykomend by die ekstraheering van olie en gas en by die ontginning van minerale;

en ook 'n inrigting wat administratiewe, klerklike, verkoops-, navorsings- of ander werksaamhede verrig wat regstreeks verband hou met die werksaamhede van 'n mynwese-inrigting;

"persoon in beheer" —

- (a) (i) die eienaar van 'n mynwese-inrigting; of
(ii) indien die toesig of beheer oor of die leiding of bestuur van 'n mynwese-inrigting aan 'n ander persoon as die eienaar daarvan toevertrou is, sodanige ander persoon; of
- (b) indien die mynwese-inrigting —
- (i) deel van 'n insolvente of bestorwe boedel is, die betrokke kurator, eksekuteur of administrateur, na gelang van die geval;
- (ii) 'n maatskappy onder geregtelike bestuur is, die betrokke geregtelike bestuur; of
- (iii) 'n maatskappy, beslote korporasie, vereniging sonder winsoogmerk of koöperasie in likwidasië is, die betrokke likwidateur.

Toepassing van regulasies

2. (1) Hierdie regulasies is van toepassing ten opsigte van die versameling van statistieke in verband met 'n mynwese-inrigting, met inbegrip van die versameling van besonderhede en inligting betreffende die aard van sy werksaamhede, die persone in sy diens en hul vergoeding, sy inkomstestaatgegewens, sy belasting en dividende, sy vaste bates en kapitaaluitgawes en sy uitgawes aan eksplorasië en prospektering.

(2) Die statistieke moet versamel word ten opsigte van die betrokke mynwese-inrigting se finansiële jaar wat op enige datum gedurende die tydperk 1 Januarie 1993 tot en met 31 Desember 1993 geëindig het.

Verstreking van statistieke

3. (1) 'n Persoon in beheer van 'n mynwese-inrigting moet voor of op 31 Maart 1994, of voor of op die latere datum wat die Hoof van die Sentrale Statistiekdiens bepaal, vir die gedeelte van die finansiële jaar waartydens hy in beheer van die inrigting was, die Vraelys in verband met die Sensus van Mynwese, 1993, invul en aan bedoelde Hoof terugstuur.

(2) Bedoelde Vraelys is by die Hoof van die Sentrale Statistiekdiens, Privaat Sak X44, Pretoria, 0001, verkrygbaar.

ing, washing, cleaning, grading, milling, flotation, melting, pelleting, topping and other forms of preparation needed to render the material marketable, and also marine mining and the reclamation of minerals from mine dumps and worked out mines; and

- (b) activities incidental to oil and gas extraction and to the mining of minerals;

and includes any establishment which carries out administrative, clerical, sales, research or other activities which relate directly to the activities of a mining establishment;

"person in charge" means —

- (a) (i) the owner of a mining establishment; or
(ii) if the supervision of, control over or direction or management of a mining establishment is entrusted to a person other than the owner thereof, such other person; or
- (b) if the mining establishment is —
- (i) part of an insolvent or deceased estate, the trustee, executor or administrator concerned, as the case may be;
- (ii) a company under judicial management, the judicial manager concerned; or
- (iii) a company, close corporation, association not for gain or co-operative in liquidation, the liquidator concerned.

Application of regulations

2. (1) These regulations shall apply in respect of the collection of statistics in connection with any mining establishment, including the collection of particulars and information relating to the nature of its activities, the persons employed by it and their remuneration, its income statement information, its tax and dividends, its fixed assets and capital expenditure, and its expenditure on exploration and prospecting.

(2) The statistics shall be collected in respect of the financial year of the mining establishment concerned which ended on any date during the period 1 January 1993 up to and including 31 December 1993.

Furnishing of statistics

3. (1) Any person in charge of a mining establishment shall on or before 31 March 1994, or on or before such later date as may be determined by the Head of the Central Statistical Service, for the portion of the financial year during which he was in charge of the establishment, complete the Questionnaire in connection with the Census of Mining, 1993, and return it to the said Head.

(2) The said Questionnaires can be obtained from the Head of the Central Statistical Service, Private Bag X44, Pretoria, 0001.

Misdrywe en strawwe

4. 'n Persoon in beheer van 'n mynwese-inrigting wat sonder redelike oorsaak versuim om aan 'n bepaling van regulasie 3 (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of, in die geval van 'n voortduurende versuim om daaraan te voldoen, met 'n boete van hoogstens R50 vir elke dag waarop sodanige versuim voortduur.

Herroeping van regulasies

5. Die regulasies afgekondig by Goewermementskennisgewing No. R. 43 van 11 Januarie 1991 word hierby herroep.

DEPARTEMENT VAN VERVOER**No. R. 166****28 Januarie 1994****VERBETERINGSKENNISGEWING**

Goewermementskennisgewing No. R. 2559 in *Staatskoerant* No. 15389 van 31 Desember 1993 word hierby gewysig deur—

1. die uitdrukking "subitem (1)" in reël 1 van subparagraaf (d) van paragraaf 41 deur die uitdrukking "subitem (1)" te vervang;
2. die uitdrukking van die woord "propeller" in reël 13 van subparagraaf (a) van paragraaf 35 van die Engelse teks deur die uitdrukking "propeller logbook" te vervang.

Offences and penalties

4. Any person in charge of a mining establishment who, without reasonable cause, fails to comply with any provision of regulation 3 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or, in the case of a continuing failure to comply therewith, to a fine not exceeding R50 for every day during which such failure continues.

Withdrawal of regulations

5. The regulations published under Government Notice No. R. 43 of 11 January 1991 are hereby withdrawn.

DEPARTMENT OF TRANSPORT**No. R. 166****28 January 1994****CORRECTION NOTICE**

Government Notice No. R. 2559 in *Government Gazette* No. 15389 of 31 December 1993 is hereby amended by—

1. the substitution of the phrase "subitem (1)" in line 1 of subparagraph (d) of paragraph 41 of the phrase "subitem (1)";
2. the substitution of the word "propeller" in line 13 of subparagraph (a) of paragraph 35 of the English text of the phrase "propeller logbook".

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No.		Bladsy No.	Koerant No.
PROKLAMASIES			
R. 10	Wet op die Beheer van Tabakprodukte, 1993: Inwerkingtreding	1	15453
R. 11	Wysiging: Wette wat op die Ontwikkeling van Swart Gemeenskappe betrekking het.....	1	15453
GOEWERMENSKENNISGEWINGS			
Administrasie: Volksraad			
<i>Goewermentskennisgewing</i>			
R. 159	Wysiging van regulasies: Registrasie van en geldelike toekennings aan private skole	4	15453
Finansies, Departement van			
<i>Goewermentskennisgewings</i>			
R. 106	Wysiging van Bylae No. 1 (No. 1/1/656)...	5	15453
R. 107	Wysiging van Bylae No. 1 (No. 1/1/657)...	5	15453
R. 108	Wysiging van Bylae No. 1 (No. 1/4/149)...	6	15453
R. 109	Wysiging van Bylae No. 4 (No. 4/148).....	7	15453
R. 110	Wysiging van Bylae No. 6 (No. 6/67).....	7	15453
R. 111	Wysiging van Bylae No. 6 (No. 6/68).....	8	15453
R. 141	Raad op Finansiële Dienste: Wysiging van regulasies: Pensioenfondse	9	15453
R. 160	Wysiging van Bylae No. 1 (No. 1/1/658)...	9	15453
R. 161	Wysiging van Bylae No. 1 (No. 1/2/74).....	10	15453
R. 162	Wysiging van Bylae No. 4 (No. 4/149).....	10	15453
R. 163	Wysiging van Bylae No. 6 (No. 6/69).....	11	15453
R. 164	Wysiging van Bylae No. 3 (No. 3/246).....	12	15453
R. 165	Wysiging van Bylae No. 6 (No. 6/70).....	13	15453
Handel en Nywerheid, Departement van			
<i>Goewermentskennisgewings</i>			
R. 169	Wysiging van Deel I, II, IV en VI van die regulasies	13	15453
R. 170	Intrekking van Kennisgewing 954 van 11 Desember 1981	19	15453
Landbou, Departement van			
<i>Goewermentskennisgewing</i>			
R. 138	Graansorghumskema: Wysiging.....	19	15453
Mannekrag, Departement van			
<i>Goewermentskennisgewings</i>			
R. 124	Munisipale Onderneming van Port Elizabeth: Nuwe Ooreenkoms	20	15453
R. 125	Wysiging van regulasies ter reëling van gemeenskapdiens.....	64	15453
R. 137	Vakleerlingopleidingsraad vir Plaaslike Owerhede: Wysiging van Leervoerwaardes	70	15453
R. 158	Leernywerheid, Republiek van Suid-Afrika: Wysiging van die Skoelseksie Tegnologie Fondsooreenkoms	71	15453
R. 171	Bounywerheid, Pietermaritzburg en Noordelike Gebiede: Wysiging van Ooreenkoms	73	15453
R. 172	Bounywerheid, Port Natal: Wysiging van Ooreenkoms	97	15453
Nasionale Gesondheid en Bevolkingsontwikkeling, Departement van			
<i>Goewermentskennisgewings</i>			
R. 105	Toepassing van Deel III: Voorkoming van lugbesoedeling: Stadsraad van Stanger	107	15453
R. 167	Uitsluiting van sekere medisyne van die toepassing van sekere bepalings.....	108	15453

CONTENTS

No.		Page No.	Gazette No.
PROCLAMATIONS			
R. 10	Tobacco Products Control Act, 1993: Commencement	1	15453
R. 11	Amendment: Laws relating to the Development of Black Communities	1	15453
GOVERNMENT NOTICES			
Administration: House of Assembly			
<i>Government Notice</i>			
R. 159	Amendment of regulations: Registration of and subsidies to private schools.....	4	15453
Agriculture, Department of			
<i>Government Notice</i>			
R. 138	Grain Sorghum Scheme: Amendment	19	15453
Central Statistical Service			
<i>Government Notice</i>			
R. 142	Regulations: Statistics in connection with mining establishments	108	15453
Finance, Department of			
<i>Government Notices</i>			
R. 106	Amendment of Schedule No. 1 (No. 1/1/656)	5	15453
R. 107	Amendment of Schedule No. 1 (No. 1/1/657)	5	15453
R. 108	Amendment of Schedule No. 1 (No. 1/4/149)	6	15453
R. 109	Amendment of Schedule No. 4 (No. 4/148)	7	15453
R. 110	Amendment of Schedule No. 6 (No. 6/67)	7	15453
R. 111	Amendment of Schedule No. 6 (No. 6/68)	8	15453
R. 141	Financial Services Board: Amendment of regulations: Pension Funds	9	15453
R. 160	Amendment of Schedule No. 1 (No. 1/1/658)	9	15453
R. 161	Amendment of Schedule No. 1 (No. 1/2/74)	10	15453
R. 162	Amendment of Schedule No. 4 (No. 4/149)	10	15453
R. 163	Amendment of Schedule No. 6 (No. 6/69)	11	15453
R. 164	Amendment of Schedule No. 3 (No. 3/246)	12	15453
R. 165	Amendment of Schedule No. 6 (No. 6/70)	13	15453
Manpower, Department of			
<i>Government Notices</i>			
R. 124	Municipal Undertaking of Port Elizabeth: New Agreement.....	20	15453
R. 125	Amendment of regulations governing the community service	64	15453
R. 137	Apprenticeship Training Board for Local Authorities: Amendment of Conditions of Apprenticeship.....	70	15453
R. 158	Leather Industry, Republic of South Africa: Amendment of the Footwear Section Technological Fund Agreement	71	15453
R. 171	Building Industry, Pietermaritzburg and Northern Areas: Amendment of Agreement.....	73	15453
R. 172	Building Industry, Port Natal: Amendment of Agreement	97	15453
National Health and Population Development, Department of			
<i>Government Notices</i>			
R. 105	Application of Part III: Atmospheric pollution prevention: Stanger Town Council	107	15453
R. 167	Exclusion of certain medicines from the operation of certain provisions	108	15453

No.	Bladsy No.	Koerant No.	No.	Page No.	Gazette No.		
Sentrale Statistiekdiens			Trade and Industry, Department of				
<i>Goewermentskennisgewing</i>			<i>Government Notices</i>				
R. 142	Regulasies: Statistieke in verband met mynwese-inrigtings.....	108	15453	R. 169	Amendment of Part I, II, IV and VI of the regulations.....	13	15453
				R. 170	Withdrawal of Notice 954 of 11 December 1981.....	19	15453
Vervoer, Departement van			Transport, Department of				
<i>Goewermentskennisgewing</i>			<i>Government Notice</i>				
R. 166	Verbeteringskennisgewing	110	15453	R. 166	Correction notice.....	110	15453