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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 808

13 June 1997

WINE AND SPIRIT CONTROL ACT, 1970 (ACT No. 47 OF 1970)

REQUIREMENTS FOR HUSK SPIRIT

I, Derek André Hanekom, Minister of Agriculture, acting under section 9 (2) of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), hereby make known that—

- (a) the requirements set out in the Schedule, that were determined by the Wine and Spirit Board for husk spirit authorised in terms of section 9 (1) (f) of the said Act, have been approved by me; and
- (b) the said requirements shall come into operation on the date of publication hereof.

D. A. HANEKOM

Minister of Agriculture

SCHEDULE

Definitions

1. Any word or expression in this Schedule to which a meaning has been assigned in the Act shall have that meaning and—

“husks” means the pomace of the fruits of plants of *Vitis vinifera*;

“husk spirit” means husk spirit authorised in terms of section 9 (1) (f) of the Act;

"the Act" means the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970); and

"wine spirit" means the wine spirit referred to in section 9 (1) (b) (i) of the Act.

Requirements for husk spirit

2. (1) Husk spirit shall consist of—

(a) a blend of wine spirit and a spirit that—

- (i) has been distilled from fermented sugar derived solely from husks, with or without the addition of water;
- (ii) has been distilled at at least 95 per cent of alcohol by volume; and
- (iii) has been approved by the Wine and Spirit Board and certified as a spirit manufactured solely from the produce of the vine; or

(b) a spirit that—

- (i) has been distilled from fermented sugar derived solely from husks, with or without the addition of water;
- (ii) has been distilled at at least 95 per cent of alcohol by volume; and
- (iii) has been approved by the Wine and Spirit Board and certified as a spirit manufactured solely from the produce of the vine.

(2) Husk spirit shall be used for the same purposes as wine spirit as set out in section 9 (1) (c) of the Act.

No. R. 808

13 Junie 1997

WET OP BEHEER OOR WYN EN SPIRITUS, 1970 (WET No. 47 VAN 1970)

VEREISTES VIR DOPSPIRITUS

Ek, Derek André Hanekom, Minister van Landbou, handelende kragtens artikel 9 (2) van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970), maak hierby bekend dat—

- (a) ek die vereistes in die Bylae uiteengesit, wat deur die Wyn- en Spiritusraad voorgeskryf is vir dopspiritus wat ingevolge artikel 9 (1) (f) van genoemde Wet gemagtig is, goedgekeur het; en
- (b) dat genoemde vereistes op datum van publikasie hiervan in werking tree.

D. A. HANEKOM

Minister van Landbou

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en beteken—

"die Wet" die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet No. 47 van 1970);

"doppe" die pulp wat oorbly nadat die sap uit die vrugte van plante van *Vitis vinifera* gepers is;

"dopspiritus" dopspiritus wat ingevolge artikel 9 (1) (f) van die Wet gemagtig is;

"wynspiritus" wynspiritus in artikel 9 (1) (b) (i) van die Wet bedoel.

Vereistes vir dopspiritus

2. (1) Dopspiritus moet bestaan uit—

(a) 'n mengsel van wynspiritus en 'n spiritus wat—

- (i) gedistilleer is van gegiste suiker uitsluitlik verkry van doppe, met of sonder die byvoeging van water;
- (ii) gedistilleer is by minstens 95 persent alkohol volgens volume; en
- (iii) deur die Wyn- en Spiritusraad goedgekeur en gesertifiseer is as 'n spiritus was uitsluitlik van die produk van die wingerdstok vervaardig is; of

(b) 'n spiritus wat—

- (i) gedistilleer is van gegiste suiker uitsluitlik verkry van doppe, met of sonder die byvoeging van water;
- (ii) gedistilleer is by minstens 95 persent alkohol volgens volume; en
- (iii) deur die Wyn- en Spiritusraad goedgekeur en gesertifiseer is as 'n spiritus was uitsluitlik van die produk van die wingerdstok vervaardig is.

(2) Dopsiritus moet aangewend word vir dieselfde doeleindes as wynspiritus soos uiteengesit in artikel 9 (1) (c) van die Wet.

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 795

13 June 1997

JUDICIAL SERVICE COMMISSION ACT, 1994

PROCEDURE OF COMMISSION

Under section 5 of the Judicial Service Commission Act, 1994 (Act No. 9 of 1994), I, Abdulah Mohamed Omar, Minister of Justice, hereby make known the amendment to the particulars of the procedure of the Judicial Service Commission, which the Judicial Service Commission has determined in terms of section 178 (6) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), in the Schedule.

A. M. OMAR

Minister of Justice

SCHEDULE

Definitions

1. In this notice "the Procedure" means the procedure of the Judicial Service Commission published by Government Notice No. R. 114 of 2 February 1996.

Amendment of paragraph 2 of the Procedure

2. Paragraph 2 (e) of the Procedure is hereby amended by the insertion after the expression "The screening committee" of the expression "may in its discretion receive and consider nominations received after the specified closing date and".

Amendment of paragraph 3 of the Procedure

3. Paragraph 3 (e) of the Procedure is hereby amended by the insertion after the expression "The screening committee" of the expression "may in its discretion receive and consider nominations received after the specified closing date and".

No. R. 795

13 Junie 1997

WET OP DIE REGTERLIKE DIENSKOMMISSIE, 1994

PROSEDURE VAN KOMMISSIE

Kragtens artikel 5 van die Wet op die Regterlike Dienskommissie, 1994 (Wet No. 9 van 1994), maak ek, Abdulah Mohamed Omar, Minister van Justisie, hierby die wysiging van die besonderhede van die prosedure van die Regterlike Dienskommissie bepaal deur die Regterlike Dienskommissie ingevolge artikel 178 (6) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), in die Bylae bekend.

A. M. OMAR

Minister van Justisie

BYLAE

Woordomskrywing

1. In hierdie kennisgewing beteken "die Prosedure" die prosedure van die Regterlike Dienskommissie afgekondig by Goewermetskennisgewing No. R. 114 van 2 Februarie 1996.

Wysiging van paragraaf 2 van die Prosedure

2. Paragraaf 2 (e) van die Prosedure word hierby gewysig deur die uitdrukking " , wat 'n diskresie het om nominasies wat ontvang is na die bepaalde sluitingsdatum te ontvang en oorweeg," na die uitdrukking "Die siftingskomitee" in te voeg.

Wysiging van paragraaf 3 van die Prosedure

3. Paragraaf 3 (e) van die Prosedure wat hierby gewysig deur die uitdrukking " , wat 'n diskresie het om nominasies wat ontvang is na die bepaalde sluitingsdatum te ontvang en oorweeg," na die uitdrukking "Die siftingskomitee" in te voeg.

DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 803

13 June 1997

ROAD TRANSPORTATION ACT, 1977 (ACT No. 74 OF 1977)

AMENDMENT OF THE ROAD TRANSPORTATION REGULATIONS

The Minister of Transport has, under section 30 of the Road Transportation Act, 1977 (Act No. 74 of 1977), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, "the Regulations" means the Road Transportation Regulations, 1977, published by Government Notice No. R. 2653 of 30 December 1977, as amended by Government Notices Nos. R. 1491 of 21 July 1978, R. 2136 of 27 October 1978, R. 1516 of 13 July 1979, R. 772 of 11 April 1980, R. 2258 of 31 October 1980, R. 565 of 13 March 1981, R. 2233 of 23 October 1981, R. 1844 of 27 August 1982, R. 838 of 22 April 1983, R. 2677 of 30 November 1987, R. 235 of 9 February 1990, R. 2470 of 18 October 1991 and R. 1157 of 4 August 1995.

Amendment of regulation 18 of the Regulations

2. Regulation 18 of the Regulations is hereby amended—

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

"(1) Any person who, in terms of the Act, lodges an application with the commission for the grant, renewal, amendment or transfer of any permit shall, together with such application, pay the following fees to the commission, as the case may be:

(a) In the case of an application for, respectively, the grant, renewal or transfer of—

(i) a public permit or a private permit—

(aa) in respect of a vehicle which is registered in the Republic of Zambia, R1 500 per vehicle;

(bb) in respect of any other vehicle, R100 per vehicle;

(ii) in the case of a temporary permit—

(aa) in respect of a vehicle which is registered in the Republic of Zambia, R750 per vehicle;

(bb) in respect of any other vehicle, R50 per vehicle;

(b) In the case of an application for the amendment of any such public permit—

(i) in respect of a vehicle registered in the Republic of Zambia, R1 500 per vehicle for each amendment to such public permit;

(ii) in respect of any other vehicle, R100 per vehicle for each amendment to such permit.

which amount shall be forfeited in full, irrespective of whether the application is granted, refused or withdrawn.";

(b) by the substitution for subregulation (3) of the following subregulation:

"(3) No fees shall be payable in respect of an appeal in terms of section 8 of the Act, against the refusal of an application as contemplated in section 7 (3) of the Act.";

(c) by the substitution for subregulation (4) of the following subregulation:

"(4) Subject to the provisions of subregulation (3), any person who appeals in terms of section 8 of the Act against an act, direction or decision of a board shall, with his or her appeal, deposit the amount of R800 with the commission."; and

(d) by the substitution for subregulation (7) of the following subregulation:

"(7) Whenever an applicant for a public permit or a private permit, or an interested party who has submitted representations in support of or in opposition to an application, requests the commission to supply him with a copy of the relevant application or of a document which the applicant has submitted with his application or of representations in support of or in opposition to such application, or when any person in terms of section 22 of the Act requests the commission to supply him with a copy of a permit and every amendment thereto, the following fees shall be payable to the commission:

(a) R10 per file, which includes the making of a copy thereof to a maximum of 10 pages; and

(b) 50c for each subsequent page."

Short title and commencement

3. (1) These regulations shall be called the Fourteenth Amendment of the Road Transportation Regulations.

(2) These Regulations shall come into operation on 1 July 1997.

No. R. 803

13 Junie 1997

WET OP PADVERVOER, 1977 (WET No. 74 VAN 1977)

WYSIGING VAN DIE PADVERVOERREGULASIES

Die Minister van Vervoer het kragtens artikel 30 van die Wet op Padvervoer, 1977 (Wet No. 74 van 1977), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken "die Regulasies" die Padvervoerregulasies, 1977, afgekondig by Goewermentskennisgewing No. R. 2653 van 30 Desember 1977, soos gewysig by die Goewermentskennisgewings Nos. R. 1491 van 21 Julie 1978, R. 2136 van 27 Oktober 1978, R. 1516 van 13 Julie 1979, R. 772 van 11 April 1980, R. 2258 van 31 Oktober 1980, R. 565 van 13 Maart 1981, R. 2233 van 23 Oktober 1981, R. 1844 van 27 Augustus 1982, R. 838 van 22 April 1983, R. 2677 van 30 November 1987, R. 235 van 9 Februarie 1990, R. 2470 van 18 Oktober 1991 en R. 1157 van 4 Augustus 1995.

Wysiging van regulasie 18 van die Regulasies

2. Regulasie 18 van die Regulasies word hierby gewysig—

(a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Iemand wat ingevolge die Wet 'n aansoek om die toestaan, hernuwing, wysiging of oordrag van 'n permit by die Kommissie indien, moet saam met sy aansoek die volgende gelde aan die Kommissie, na gelang van die geval, betaal:

(a) In die geval van 'n aansoek om, onderskeidelik, die toestaan, hernuwing of oordrag van—

(i) 'n openbare permit of 'n privaat permit—

(aa) ten opsigte van 'n voertuig wat in die Republiek van Zambia geregistreer is, R1 500 per voertuig;

(bb) ten opsigte van enige ander voertuig, R100 per voertuig;

(ii) in die geval van 'n tydelike permit—

(aa) ten opsigte van 'n voertuig wat in die Republiek van Zambia geregistreer is, R750 per voertuig;

(bb) ten opsigte van enige ander voertuig, R50 per voertuig;

(b) In die geval van 'n aansoek om die wysiging van sodanige permit—

(i) ten opsigte van 'n voertuig wat in die Republiek van Zambia geregistreer is R1 500 per voertuig vir elke wysiging van so 'n openbare permit;

(ii) ten opsigte van enige ander voertuig, R100 per voertuig vir elke wysiging van so 'n openbare permit,

welke bedrag in sy geheel verbeur word ongeag of die aansoek toegestaan, geweier of teruggetrek word.”;

(b) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Geen gelde is betaalbaar ten aansien van 'n appèl ingevolge artikel 8 van die Wet, teen die weiering van 'n aansoek bedoel in artikel 7 (3) van die Wet nie.”;

(c) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) Behoudens die bepalings van subregulasie (3), moet iemand wat ingevolge artikel 8 van die Wet teen 'n handeling, opdrag of beslissing van 'n raad appelleer, saam met sy of haar appèl die bedrag van R800 by die kommissie deponeer.”; en

(d) deur subregulasie (7) deur die volgende subregulasie te vervang:

"(7) Wanneer 'n aansoeker om 'n openbare permit of privaatpermit, of 'n belanghebbende wat verhoë ter ondersteuning of bestryding van 'n aansoek gerig het, die kommissie versoek om 'n afskrif van die betrokke aansoek of van 'n stuk wat die aansoeker saam met sy aansoek ingedien het of van verhoë ter bestryding of ondersteuning van sodanige aansoek aan hom te voorsien, of wanneer iemand kragtens artikel 22 van die Wet die kommissie versoek om 'n afskrif van 'n permit en elke wysiging daarvan aan hom te voorsien, is die volgende gelde betaalbaar aan die kommissie:

(a) R10 per lêer, wat die maak van 'n afskrif daarvan van hoogstens 10 bladsye insluit; en

(b) 50c vir elke daaropvolgende bladsy.”.

Kort titel

3. (1) Hierdie regulasies heet die Veertiende Wysiging van die Padvervoerregulasies.

(2) Hierdie Regulasies tree in werking op 1 Julie 1997.

No. R. 804**13 June 1997****TRANSPORTATION DEREGULATION ACT, 1988 (ACT No. 80 OF 1988)****AMENDMENT OF THE SOUTHERN AFRICAN CUSTOMS UNION MEMORANDUM OF UNDERSTANDING ROAD
TRANSPORTATION REGULATIONS**

The Minister of Transport has, under section 7 of the Transportation Deregulation Act, 1988 (Act No. 80 of 1988), made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, unless the context otherwise indicates, "the Regulations" means the Southern African Customs Union Memorandum of Understanding Road Transportation Regulations, 1991, published by Government Notice No. R. 2557 of 25 October 1991, as amended by Government Notice No. R. 2351 of 21 August 1992.

Substitution of regulation 6 of the Regulations

2. The following regulation is substituted for regulation 6 of the Regulations:

"FEES PAYABLE UPON APPLICATION

6. A person who, in terms of the Act and these regulations, lodges an application for, or pertaining to, a permit with the Commission shall, with his application, pay the amount of R50 per mechanically propelled vehicle to the Commission, which amount shall be forfeited to the Commission irrespective of whether the application is granted, refused or withdrawn."

Short title

3. (1) These regulations shall be called the Second Amendment of the Southern African Customs Union Memorandum of Understanding Road Transportation Regulations.

(2) These Regulations shall come into operation on 1 July 1997.

No. R. 804**13 Junie 1997****WET OP DEREGULERING VAN VERVOER, 1988 (WET No. 80 VAN 1988)****WYSIGING VAN DIE SUIDER-AFRIKAANSE DOEANE-UNIE MEMORANDUM VAN VERSTANDHOUDING PADVERVOER-
REGULASIES**

Die Minister van Vervoer het kragtens artikel 7 van die Wet op Deregulering van Vervoer, 1988 (Wet No. 80 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken "die Regulasies" die Suider-Afrikaanse Doeane-Unie Memorandum van Verstandhouding Padvervoerregulasies, 1991, afgekondig by Goewermentskennisgewing No. R. 2557 van 25 Oktober 1991, soos gewysig by Goewermentskennisgewing No. R. 2351 van 21 Augustus 1992.

Vervanging van regulasie 6 van die Regulasies

2. Regulasie 6 van die Regulasies word hierby vervang deur die volgende regulasie:

"AANSOEKFOOIE BETAALBAAR

6. Iemand wat kragtens die Wet en hierdie regulasies 'n aansoek om of met betrekking tot 'n permit by die Kommissie indien, moet tesame met sy aansoek 'n bedrag van R50 per meganies aangedrewe voertuig aan die Kommissie betaal welke bedrag aan die Kommissie verbeur word ongeag of die aansoek toegestaan, geweier of teruggetrek word."

Kort titel

3. (1) Hierdie regulasies heet die Tweede Wysiging van die Suider-Afrikaanse Doeane-Unie Memorandum van Verstandhouding Padvervoerregulasies.

(2) Hierdie Regulasies tree in werking op 1 Julie 1997.

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
DEPARTEMENT VAN WATERWESE EN BOSBOU****No. R. 811****13 June 1997****THREE RIVERS IRRIGATION DISTRICT, DISTRICT OF WORCESTER, WESTERN CAPE PROVINCE: ESTABLISHMENT
IN TERMS OF SECTION 72 OF THE WATER ACT, 1956 (ACT No. 54 of 1956)**

By virtue of the powers vested in me by section 72 (3) (a) of the Water Act, 1956 (Act No. 54 of 1956), I, Kader Asmal, in my capacity as Minister of Water Affairs and Forestry, hereby declare the area described in the Schedule hereto to be an irrigation district, with an irrigation board, which shall be known as the Three Rivers District and the Three Rivers Irrigation Board.

K. ASMAL**Minister of Water Affairs and Forestry****SCHEDULE****DESCRIPTION OF THE AREA CONSTITUTING THE THREE RIVERS IRRIGATION DISTRICT, SITUATED IN THE
DISTRICT OF WORCESTER, WESTERN CAPE PROVINCE**

The following farms with all subdivisions:

Zanddriftkloof 78.
Kanetvlei 80.
Roode Zand 82.
Klipheuvel 85.
Klipheuvel 86.
Roodezand Jourd 596.
Farm 620.
Farm 621.
Remainder of Portion 1 of New Glen Heatlie 183.

No. R. 811**13 Junie 1997****DRIE RIVIERE-BESPROEIINGSDISTRIK, DISTRIK WORCESTER, WES-KAAP-PROVINSIE: INSTELLING
KRAGTENS ARTIKEL 72 VAN DIE WATERWET, 1956 (WET No. 54 VAN 1956)**

Kragtens die bevoegdheid my verleen by artikel 72 (3) (a) van die Waterwet, 1956 (Wet No. 54 van 1956), verklaar ek, Kader Asmal, in my hoedanigheid as Minister van Waterwese en Bosbou, die gebied beskryf in die Bylae hiervan as 'n besproeiingsdistrik met 'n besproeiingsraad wat as die Drie Riviere-besproeiingsdistrik en die Drie Riviere-besproeiingsraad bekend sal staan.

K. ASMAL**Minister van Waterwese en Bosbou****BYLAE****BESKRYWING VAN DIE GEBIED WAT DIE DRIE RIVIERE-BESPROEIINGSDISTRIK UITMAAK**

Die volgende plase met alle onderverdelings:

Zanddriftkloof 78.
Kanetvlei 80.
Roode Zand 82.
Klipheuvel 85.
Klipheuvel 86.
Roodezand Jourd 596.
Farm 620.
Farm 621.
Restant van Gedeelte 1 van New Glen Heatlie 183.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 794

13 June 1997

MANPOWER TRAINING ACT, 1981

TEXTILE INDUSTRY: DESIGNATION OF TRADES AND PRESCRIPTION OF CONDITIONS OF APPRENTICESHIP

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, hereby—

- (a) withdraw, with effect from the date of publication of this notice, Government Notice No. R. 2708 of 15 November 1991, as amended by Government Notices Nos. R. 1943 of 10 July 1992, R. 2780 of 2 October 1992, R. 719 of 30 April 1993, R. 1420 of 6 August 1993, R. 941 of 30 June 1995, R. 1856 of 1 December 1995 and R. 2035 of 13 December 1996; and
- (b) designate in the Textile Industry in the Republic of South Africa the undermentioned trades as trades in respect of which the Act shall apply:

TRADES

1. Weaving Mechanician—Rapier Loom;
2. Weaving Mechanician—Airjet Loom;
3. Weaving Mechanician—Shuttle Loom;
4. Weaving Mechanician—Projectile Loom;
5. Spinning Mechanician—Long Staple;
6. Spinning Mechanician—Short Staple: Blowroom and Cards;
7. Spinning Mechanician—Short Staple: Preparation: Drawframe and Speedframe;
8. Spinning Mechanician—Short Staple: Combing and Combing Preparation;
9. Spinning Mechanician—Short Staple: Ringframe, Ringdoubling and Two-for-one-Uptwister;
10. Spinning Mechanician—Short Staple: Open End;
11. Spinning Mechanician—Short Staple: Winding;
12. Spinning Mechanician—Short Staple: Rotor Spinning;
13. Knitting Mechanician—Weft;
14. Technical Dyer—Finisher;
15. Technical Printer—Finisher;
16. Spinning Mechanician—Semi Worsted—Finishing;
17. Spinning Mechanician—Semi Worsted—Winding and Twisting;
18. Spinning Mechanician—Semi Worsted—Roving and Spinning;
19. Spinning Mechanician—Semi Worsted—Preparation;
20. Spinning Mechanician—Woollen System—Blending—Carding and Drawing;
21. Spinning Mechanician—Woollen System—Ringframe—Open End and Twisting;
22. Spinning Mechanician—Woollen System—Ringframe—Winding;
23. Spinning Mechanician—Woollen System—Ringframe—Dreft and Twisting;
24. Weaving Mechanician—Narrow Loom;
25. Weaving Preparation—Technical Controller;
26. Knitting Mechanician—Warp; and

- (c) prescribe, with effect from the second Monday after the date of publication of this notice, the conditions set out hereunder as conditions of apprenticeship in respect of the trades designated in paragraph (a) in the Industry and the area mentioned therein.

For the purposes of this notice "*Textile Industry*" or "*Industry*" means the industry in which employers and their employees are associated for the purposes of carrying out operations of the hereunder defined nature, including work commonly known as subcontract work and the like:

The manufacture of synthetic fibres and of yarns and thread of man-made and natural fibres or any blends of these; the manufacture of woven and knitted fabrics; the manufacture of domestic and household textiles (towels, bed-linen, table-linen and kitchen-linen) from fabrics of own manufacture; the manufacture of blankets and rugs other than carpeting rugs; all dyeing, printing and finishing processes directly connected with any or all of the above-mentioned manufacturing activities and includes industrial commission dyeing, printing and finishing of fibres, yarns, threads and woven and knitted fabrics,

but excludes—

the manufacture of carpets, rugs, mats, matting and linoleums, cables, cordagers, ropes and twines and any yarn production processes directly and solely based on any or all of the above excluded processes; the manufacture of household and domestic textiles from fabrics not of own production of knitted garments and hosiery; the manufacture of bags and sacks; wool scouring and combing; cotton ginning and fibre working; the manufacture of tents and tarpaulins from fabrics not of own manufacture and the manufacture of pressed felts and paddings.

T. T. MBOWENI

Minister of Labour

CONDITIONS OF APPRENTICESHIP

1. Qualifications for commencing apprenticeship

The minimum age and educational qualifications for commencing apprenticeship shall be—

- (a) 16 years; and
- (b)
 - (i) Standard 8 certificate with a pass in Mathematics and Science;
 - (ii) Standard 9 certificate with a pass in Mathematics;
 - (iii) National Technical Certificate, Part II (N2), with an acceptable trade theory; or
 - (iv) such other certificate as the Textile Industry Training Board (TITB) may accept as appropriate and sufficient.

2. Period of apprenticeship

(1) The period of apprenticeship shall be determined by the apprentice's progress through the training schedules subject to the time limits prescribed in the relevant training schedules for each module and subject to any credits granted by the TITB for previous experience and training and shall include time spent on technical studies until such time as the National Technical Certificate, Part III (N3), has been obtained and the trade test has been passed.

(2) The employer shall forthwith advise the TITB of any other continuous period of absence if such period exceeds 30 days.

(3) Absences referred to in subclause (2) shall be recorded in the logbook prescribed by the TITB.

3. Wages

(1) An employer shall pay an apprentice weekly or monthly in accordance with the apprentice's accredited level of development, at not less than the rates specified below:

Accredited level of the development in accordance with the training schedules:

	<i>Per week</i>	<i>Per month</i>
First level	R340,00	R1 473,22
Second level	R375,00	R1 623,75
Third Level	R447,00	R1 936,85

(2) These rates of remuneration shall be reviewed annually by the TITB and published in the *Government Gazette*.

(3) An apprentice shall be paid at least the rate of remuneration applicable to the accredited level of development within which he falls, regardless of the year of training. The accredited levels of development are defined as follows:

(i) **Level 1:**

On official entry into the apprenticeship scheme.

(ii) **Level 2:**

On completion and passing of all N1 subjects, less any N credits for relevant subjects passed as approved by the TITB:

- One year service Level 1, less any time granted as remission; and
- signing off, of modules totalling 24 weeks minimum time.

(iii) **Level 3:**

On completion and passing of all N2 subjects, less any N credits for relevant subjects passed as approved by the TITB:

- One year service Level 2; and
- signing off, of *additional* modules totalling 36 weeks minimum time.

In the event of any extension being granted for whatever reason, the amount of time relating to the extension will be added to the level at which the apprentice is operating.

4. Technical studies

(1) An apprentice who is not already in possession of the full certificate prescribed in clause 1 (b) (iii) in subjects relating to the trade in which he is indentured, shall follow technical studies appropriate to such trade and in accordance with the syllabi prescribed for the National Technical Certificate, Parts I, II and III (N1, N2 and N3).

(2) An apprentice shall, irrespective of entry qualifications held as stated in clause 1 (b) (i), (ii) and (iii), undertake technical studies until he obtains the National Technical Certificate, Part III (N3), in the four subjects as specified for the trade.

(3) Technical studies may be followed through a correspondence course system.

(4) An apprentice who is required to follow a correspondence course shall be provided with an appropriately equipped area for study purposes at his workplace, and the employer shall release such apprentice for a minimum of 6 hours per week and the time required for examinations.

(5) Where facilities exist for technical class attendance by continuous or part time course of study, an apprentice may be requested by his employer to attend such classes as required during his ordinary hours of work for the duration of the course. In such cases the employer shall be liable for the payment of accommodation and transport costs as determined by the TITB.

(6) Any follow-up of a correspondence course or subsequent attendance of technical classes for any further certificate after an apprentice has complied with the requirements of subclause (2) shall be outside working hours: Provided that the apprentice may, subject to the agreement of his employer, continue to participate in such courses or attend classes during ordinary working hours on the basis prescribed in subclause (7).

(7) An apprentice who attends classes on a full time basis in terms of subclause (5) or (6) shall, for the duration of such course, not be required to report for work.

(8) An apprentice who, because of absence for training or service in terms of the Defence Act, 1957, or the Police Act, 1958, is unable to follow a correspondence course or to attend technical classes for the duration of a continuous course of study for at least half an academic year, as the case may be, shall not be required to pursue his studies during such year.

(9) The provisions of clause 4 (6) shall *mutatis mutandis* apply to the second attempt at any technical examination prescribed by subclause (2).

5. Payment of course or class and examination fees for technical college studies

(1) An employer shall pay to the technical concerned the class or course fees and the examination fees payable by an apprentice who is required in terms of clauses 4 (1) and (2) to take a correspondence course or attend classes or enter for an examination.

(2) Such course or class and examination fees for a designated course shall be paid by the employer at least once.

(3) If an apprentice fails a course or any part thereof, all further course or class and examination fees of such a course shall be paid by the apprentice himself, unless otherwise agreed by the employer.

6. Courses of training

(1) An employer shall provide an apprentice with practical competency based modular training in the trade in which he is indentured in accordance with the specified training schedules for such trade as approved and published by the TITB and issued to the employer from time to time.

(2) An apprenticeship shall attend practical competency based modular courses in accordance with the training schedules during the ordinary hours of work for the duration of such courses. He shall be required to pass every competency based modular test within the time limit as specified in the training schedules before progressing to the next module.

(3) An apprentice shall, if so directed by his employer and at the cost of the employer, commence attendance of practical competency based modular training courses at an accredited training institution as from such date and for such period as may be necessary and specified in the training schedules for the trade.

(4) The control over such competency based modular tests shall be the responsibility of the employer.

(5) The employer shall in each case notify the TITB in writing whether the apprentice has passed or failed any competency based modular test as specified within the training schedule.

(6) An apprentice shall be allowed a maximum of three attempts at any competency based modular test: Provided that if the apprentice fails such third attempt, the TITB may after consultation with and at the request of his employer cancel the contract of apprenticeship if the apprentice is deemed to be unfit for further training.

(7) An apprentice shall be trained under the delegated supervision of line management in the company in which he is indentured.

7. Trade tests

- (1) Every apprentice in a designated trade shall pass an approved trade test as directed by the TITB to qualify as an artisan.
- (2) Trade tests shall be conducted at a trade test centre accredited by the TITB on a date determined by the TITB.
- (3) To be accepted as a candidate for a trade test referred to in subclause (1) an apprentice shall—
 - (i) have completed the competency based modular on-the-job programme approved by the TITB for the trade concerned;
 - (ii) have passed all the specified practical competency based modular tests approved by the TITB as specified within the training schedules for the relevant trade;
 - (iii) have obtained at least the National Technical Certificate, Part III (N3), in four subjects as specified for the trade, or have achieved a recognised equivalent; and
 - (iv) if required, supply documentary proof of having met the requirements specified in subclauses (i) to (iii).
- (4) An apprentice who fails his first attempt at the trade test shall be permitted two additional attempts within such further period as approved by the TITB. Failure to pass such trade test within the maximum of three attempts will result in the termination of his contract of apprenticeship.
- (5) All company operating costs of the trade test specified in subclauses (1) and (4) shall be borne by the employer.
- (6) An apprentice undergoing a trade test in terms of subclauses (1) and (4) shall in respect of the period spent in connection with the test be paid his ordinary wage by his employer in respect of such period of absence from work.
- (7) All costs for services provided by the TITB in terms of the first two attempts at the test specified in subclauses (1) and (4) shall be provided free of charge. All costs for services provided in terms of the third attempt shall be borne and paid for by the employer to the TITB.
- (8) An apprentice who has attempted and failed a trade test as specified in subclauses (1) and (4), shall be credited with sections passed and will only be required to be retested on the section/s failed.

8. Trade test certificates

- (1) The TITB shall on the successful completion of the trade test issue the apprentice with a trade test certificate.
- (2) All certificates issued to apprentices who passed a trade test shall be co-signed by the Registrar of Manpower Training and the TITB.

9. General conditions of employment

Subject to these conditions of apprenticeship and the provisions of the Manpower Training Act, 1981, every apprentice shall be subject to the same conditions of employment as any permanent employee in the service of the employer with whom he is indentured.

No. R. 802**13 June 1997**

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY: EXTENSION OF MEDICAL AID FUND AGREEMENT

I, Dennis van der Walt, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby in terms of section 48 (4) (a) (i) of the Labour Relations Act, 1956, extend the periods fixed in Government Notices Nos. R. 1598 of 30 July 1982, R. 2300 of 21 October 1983, R. 772 of 19 April 1984, R. 1319 of 21 June 1985, R. 2843 of 27 December 1985, R. 1330 of 27 June 1986, R. 362 of 20 February 1987, R. 972 of 30 April 1987, R. 1108 of 22 May 1987, R. 1804 of 21 August 1987, R. 747 of 22 April 1988, R. 1490 of 29 June 1990, R. 3137 of 20 December 1991, R. 1667 of 19 June 1992, R. 3219 of 27 November 1992, R. 464 of 26 March 1993, R. 884 of 21 May 1993, R. 930 of 28 May 1993, R. 2249 of 19 November 1993, R. 1171 of 1 July 1994, R. 100 of 27 January 1995, R. 875 of 15 June 1995, R. 1127 of 28 July 1995, R. 1042 of 28 June 1996 and R. 2126 of 27 December 1996 by a further period ending 10 May 1998.

D. VAN DER WALT**Director: Collective Bargaining**

No. R. 802**13 Junie 1997****WET OP ARBEIDSVERHOUDINGE, 1956****MOTORNYWERHEID: VERLENGING VAN MEDIESE HULPFONDSOOREENKOMS**

Ek, Dennis van der Walt, Direkteur: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby kragtens artikel 48 (4) (a) (i) van die Wet op Arbeidsverhoudinge, 1956, die tydperke vasgestel in Goewermentskennisgewings Nos. R. 1598 van 30 Julie 1982, R. 2300 van 21 Oktober 1983, R. 772 van 19 April 1984, R. 1319 van 21 Junie 1985, R. 2843 van 27 Desember 1985, R. 1330 van 27 Junie 1986, R. 362 van 20 Februarie 1987, R. 972 van 30 April 1987, R. 1108 van 22 Mei 1987, R. 1804 van 21 Augustus 1987, R. 747 van 22 April 1988, R. 1490 van 29 Junie 1990, R. 3137 van 20 Desember 1991, R. 1667 van 19 Junie 1992, R. 3219 van 27 November 1992, R. 464 van 26 Maart 1993, R. 884 van 21 Mei 1993, R. 930 van 28 Mei 1993, R. 2249 van 19 November 1993, R. 1171 van 1 Julie 1994, R. 100 van 27 Januarie 1995, R. 875 van 15 Junie 1995, R. 1127 van 28 Julie 1995, R. 1042 van 28 Junie 1996 en R. 2126 van 27 Desember 1996 met 'n verdere tydperk wat op 10 Mei 1998 eindig.

D. VAN DER WALT**Direkteur: Kollektiewe Bedinging****No. R. 809****13 June 1997****MANPOWER TRAINING ACT, 1981****ACCREDITATION OF THE LUMBER MILLING INDUSTRY TRAINING BOARD**

It is hereby notified for general information that the Registrar of Manpower Training, in terms of section 12B of the Act, accredited the Lumber Milling Industry Training Board, Private Bag X686, Isando, 1600, with effect from 5 June 1997, in respect of the Industry as defined in Government Notice No. R. 425 of 20 March 1997.

No. R. 810**13 June 1997****MANPOWER TRAINING ACT, 1981****ACCREDITATION OF THE ROAD PASSENGER INDUSTRY EDUCATION AND TRAINING BOARD**

It is hereby notified for general information that the Registrar of Manpower Training, in terms of section 12B of the Act, accredited the Road Passenger Industry Education and Training Board, P.O. Box 1305, Randburg, 2125, with effect from 5 June 1997, in respect of the Industry as defined in Government Notice No. R. 424 of 20 March 1997.

No. R. 823**13 June 1997****LABOUR RELATIONS ACT, 1956****CANCELLATION OF GOVERNMENT NOTICE****LOCAL GOVERNMENT UNDERTAKING:****PROVIDENT FUND AGREEMENT**

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (5) of the Labour Relations Act, 1956, cancel Government Notice No. R. 3361 of 18 December 1992, with effect from the second Monday after the date of publication of this notice.

T. T. MBOWENI**Minister of Labour****No. R. 823****13 Junie 1997****WET OP ARBEIDSVERHOUDINGE, 1956****INTREKKING VAN GOEWERMENSKENNISGEWING****PLAASLIKE BESTUURSONDERNEMING:****VOORSORGFONDSOOREENKOMS**

Ek, Tito Titus Mboweni, Minister van Arbeid, trek hierby, kragtens artikel 48 (5) van die Wet op Arbeidsverhoudinge, 1956, Goewermentskennisgewing No. R. 3361 van 18 Desember 1992 in, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing.

T. T. MBOWENI**Minister van Arbeid**

No. R. 824

13 June 1997

LABOUR RELATIONS ACT, 1956

LOCAL GOVERNMENT UNDERTAKING: SAAME RETIREMENT FUND AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, 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 Understanding, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1997, upon the employers' organisation and the trade union which entered into the said Agreement and upon the employers and employees who are members of the said organisation or union.

T. T. MBOWENI**Minister of Labour****SCHEDULE****INDUSTRIAL COUNCIL FOR THE LOCAL GOVERNMENT UNDERTAKING:
SAAME RETIREMENT FUND**

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

Municipal Employers' Organisation (MEO)

(hereinafter called the "employers' organisation") on the one hand, and the

South African Association of Municipal Employees (Non-political) (SAAME)

(hereinafter called the "trade union"), on the other hand,

who are the parties to the Industrial Council for the Local Government Undertaking,

to amend the Agreement published under Government Notice No. R. 1615 of 31 July 1983, as re-enacted, renewed and amended by Government Notices Nos. R. 557 of 25 March 1988, R. 2452 of 11 October 1991, R. 2832 of 9 October 1992 and R. 3361 of 18 December 1992.

1. AREA AND SCOPE OF APPLICATION OF AGREEMENT

This Agreement is applicable to all local authorities in the area of jurisdiction of the Industrial Council for the Local Government Undertaking and must be observed by—

- (1) all local authorities under the jurisdiction of the Industrial Council and their employees as permitted from time to time by the Board of Trustees in terms of clause 5;
- (2) all local authorities in the Province of the Transvaal, as it existed immediately prior to the date of coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) (excluding Pretoria and Johannesburg), and the city councils, town councils and health committees of Amantsovo, Anerley, Ballito, Bergville, Camperdown, Colenso, Dannhauser, Dundee, Durban, Empangeni, Eshowe, Estcourt, Gillits, Gingindlovu, Glencoe, Greytown, Hibberdene, Hillcrest, Hilton, Howick, Isipingo, Ixopo, Kingsburgh, Kloof, Kokstad, Ladysmith, La Lucia, Maidstone, Mandini, Margate, Matatiele, Melmoth, Mooi River, Mtubatuba, Mtunzini, Munster, Newcastle, New Germany, Paulpietersburg, Pinetown, Port Shepstone, Queensburgh, Ramsgate, Richards Bay, Richmond, Rosburgh, Salt Rock, Scottburgh, Shelley Beach, Stanger, Thornville Junction, Tongaat, Umbogintwini, Umdloti Beach, Umhlali, Umhlanga Rocks, Umtentwini, Umzinto, Utrecht, Uvongo, Verulam, Vryheid, Weenen and Westville in the Province of KwaZulu-Natal and Allanridge, Bethlehem, Bloemfontein, Boshof, Bothaville, Brandfort, Bultfontein, Clarens, Clonolary, Dealesville, Dewetsdorp, Excelsior, Fauresmith, Ficksburg, Frankfort, Harrismith, Heilbron, Hertzogville, Hobhouse, Hoopstad, Jagersfontein, Kestell, Koffiefontein, Koppies, Kroonstad, Ladybrand, Lindley, Marquard, Memel, Oranjeville, Parys, Petrusburg, Petrus Steyn, Philippolis, Reddersburg, Reitz, Rouxville, Sasolburg, Senekal, Smithfield, Springfontein, Steynsrus, Trompsburg, Tweeling, Tweespruit, Ventersburg, Verkeerdevlei, Viljoenskroon, Villiers, Vrede, Vrededorp, Warden, Wepener, Wesselsbron, Winburg and Zaarwater in the Province of the Free State, and their employees who may from time to time be admitted by the Provident Fund Committee with the approval of the Assurer on application by the local authority as represented by the Local Provident Fund Committee.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 of the Act and shall remain in force until 31 December 1997 or for such period as the Minister may determine.

3. Substitute the following for the existing clause 3:**"3. DEFINITIONS**

All expressions employed in this Agreement and which are defined in the Labour Relations Act, shall have the same meaning as in that Act and any reference to an Act shall include all amendments to such Act; words denoting the singular shall include the plural and words that denote the masculine gender shall include the feminine gender; further, unless inconsistent with the context—

'Act' means the Labour Relations Act, 1956 (Act No. 28 of 1956);

- 'assurance company'** means the company as defined in the rules of the Fund, hereinafter called the Assurer;
- 'beneficiary'** means the dependant(s) referred to in clause 6 of the existing Agreement;
- 'Board of Trustees'** means a committee made up of members of the registered union and the registered employers' organisation who are the parties to the Agreement to manage and control the Fund;
- 'Council'** means the Industrial Council for the Local Government Undertaking;
- 'date of commencement'** means the date on which a local authority starts participating in the Fund;
- 'date of entry'** means the first day of the month in which an employee becomes a member of the Fund;
- 'employee'** means a person in the service of a local authority who is employed by a local authority in a permanent capacity: Provided that a person who is appointed on a trial basis, or in terms of articles of apprenticeship or in terms of a working contract, shall be deemed as having been appointed in a permanent capacity;
- 'Fund'** means the SAAME Retirement Fund;
- 'local authority'** means a local authority as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956);
- 'Local Board of Trustees'** means the committee that represents the Board of Trustees at a specific local authority, consisting of an equal number of representatives of the local authority and the employees of such local authority;
- 'member'** means any employee who participates in the Fund on the strength of his service at the local authority and who qualifies in terms of clause 5;
- 'old fund'** means a retirement fund in which the employees of a local authority participated before the date of commencement and in terms of which life assurance benefits, disability benefits or any other benefit were provided;
- 'remuneration'** means the usual monetary remuneration of an employee, either in accordance with the appropriate notch in his salary scale or a fixed amount of money, including a 13th cheque and long-service bonuses;
- 'retirement date'** means the date on which an employee retires in terms of the rules of the Fund;
- 'Secretary'** means the Secretary of the Council and includes any official nominated by Council to act on behalf of the Secretary."

4. Substitute the following for the existing clause 4:

"4. ESTABLISHMENT AND OBJECTIVES OF THE FUND

- 4.1 The Fund which was established in terms of *Government Gazette* No. R. 1615 of 31 July 1987 and was known as the Provident Fund for the Local Authorities as defined, is hereby amended and shall hereinafter be known as the SAAME Retirement Fund and shall consist of—
- (a) contributions paid to the Fund in terms of the Agreement; and
 - (b) all returns obtained from investment of the monies of the Fund.
- 4.2 The Fund shall be administered in terms of the applicable rules, which may be amended from time to time.
- 4.3 The objectives of the Fund are—
- (a) to provide members with a lump sum at retirement or termination of service;
 - (b) to make provision for the benefits for which a member qualified to be paid to his dependant(s) in the event of the member's death before his retirement date;
 - (c) in case of disability, to pay the member a lump sum or monthly pension if provision has been made for this."

5. Substitute the following for the existing clause 5:

"5. MEMBERSHIP

5.1 Subject to this Agreement and the rules, the following shall apply to membership of the Fund:

- (a) A new employee has a one-off choice to become a member of the SAAME Retirement Fund. This option shall be exercised within three calendar months after taking up employment with the local authority in question.
- (b) A current employee has a one-off choice to become a member of the SAAME Retirement Fund. This option shall be exercised within 12 calendar months after the signing of this Agreement.
- (c) If an employee has become a member of the Fund, membership shall be terminated only by death, disability, termination of service or dissolution of the Fund.
- (d) If an employee becomes a member of a trade union after three months of the date of appointment, membership of the Retirement Fund shall be subject to approval of the Board of Trustees and the Underwriter."

6. Substitute the following for the existing clause 7:

"7. CONTRIBUTIONS

- 7.1 Each local authority that participates in the Fund, shall pay the Fund the monthly contribution which is at present applicable to the old fund in respect of each individual employee.
- 7.2 Each member shall monthly contribute towards the Fund an amount at least equal to his present contribution to the old Fund: Provided that over and above such contribution, the member may make an additional contribution towards the Fund in order to enhance his retirement benefit. The amount thus contributed shall be recovered from the member's monthly salary by local authority.
- 7.3 Each local authority that currently contributes an additional 2% to the Provident Fund for Local Authorities shall maintain this under the SAAME Retirement Fund: Provided that the employee must contribute at least the same percentage.
- 7.4 Any change of contribution rates may take place by means of collective bargaining only."

7. Substitute the following for the existing clause 8:

"8. ADMINISTRATION OF THE FUND

- 8.1 The administration, management and control of the Fund and the payments of benefits from the Fund is vested in the Board of Trustees: Provided that the Board of Trustees shall have the power to transfer certain functions to a Local Board of Trustees.
- 8.2 The Board of Trustees shall have the power to prescribe and amend its own rules of procedure and to make and amend rules for the administration of the Fund: Provided that such rules or amendments of the rules shall not be inconsistent with this Agreement or any other Act.
- 8.3 The Local Board of Trustees shall have the power to prescribe and amend its own rules of procedure and to make and amend rules for the administration of local affairs: Provided that such rules or amendments shall not be inconsistent with this Agreement or any other Act or any provision of Board of Trustees."

8. Substitute the following for the existing clause 9:

"9. MONETARY CONTROL

- 9.1 All contributions shall be paid over by local authority to the Assurer within seven days of the end of the month for which contributions are intended.
- 9.2 A minimum of 50% of the net investment of the Fund shall be allocated to the Assurer, while the remainder of the investment may be allocated to other investment managers to form a consortium with the Assurer.
- 9.3 All payments to and by the Fund and the Local Board of Trustees shall take place by cheque, signed by properly authorised persons."

9. Substitute the following for the existing clause 10:

"10. INDEMNITY

- 10.1 The Board of Trustees or the Local Board of Trustees shall not be liable for any action which may result in a loss for the Fund, if such action took place in good faith, and shall not be responsible for debts and liabilities of the Fund, and they are hereby indemnified by the Fund against all losses and expenses which they incur in or regarding the *bona fide* execution of their duties.
- 10.2 The Local Board of Trustees shall insure the Fund against losses, damage, liability or claims caused by their actions as members of the Local Board of Trustees or employees of local authorities who receive and handle money from the Fund."

10. Substitute the following for the existing clause 11:

"11. DISPUTES

All disputes regarding the interpretation or intention of any provision of this Agreement concerning the administration of the Fund shall be settled by the Board of Trustees and Local Board of Trustees in co-operation with the Assurer."

11. Substitute the following for the existing clause 12:

"12. LIQUIDATION OF THE FUND

In the event of the liquidation of the Fund each member's share shall be paid to him".

12. Substitute the following for the existing clause 13:

"13. PARTICIPATION IN THE FUND

Participation in the Fund shall be terminated when two thirds of the members of the participating local authorities decide to terminate their membership: Provided that such termination will take effect on the following Fund anniversary."

13. Substitute the following for the existing clause 15:

"15. APPLICATION OF THE AGREEMENT

No participating local authority or member may disregard the provisions of the Agreement after the date of commencement, irrespective of whether such provisions constitute an advantage or bring about a liability for the relevant local authority or member. If a provision of this Agreement is invalid or *ultra vires* for the parties, either before or after their signing of this Agreement, it shall by no means affect the rest of the Agreement which shall in that case form the Agreement".

This Agreement was signed at Pretoria on behalf of the parties, this 7th day of March 1997.

P. J. ROODT

Director: MWO

J. D. L. CLAASENS

General Secretary: SAAME

E. VAN DER WALT

Secretary

No. R. 824

13 Junie 1997

WET OP ARBEIDSVERHOUDINGE, 1956

PLAASLIKE BESTUURSONDERNEMING: SAVMU AFTREEFONDSOOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings 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 die tweede Maandag na die datum van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1997 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is.

T. T. MBOWENI

Minister van Arbeid

BYLAE

NYWERHEIDSRAAD VIR DIE PLAASLIKE BESTUURSONDERNEMING: SAVMW-AFTREEFONDS

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

Munisipale Werkgewersorganisasie (MWO)

(hierna die "werkgewersorganisasie" genoem) aan die een kant, en die

Suid-Afrikaanse Verenigings van Munisipale Werknemers (Nie-polities) (SAVMW)

(hierna die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Plaaslike Bestuursonderneming,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1615 van 31 Julie 1983, soos herbekragtig, hernieu en gewysig deur Goewermentskennisgewings Nos. R. 557 van 25 Maart 1988, R. 2452 van 11 Oktober 1991, R. 2832 van 9 Oktober 1992 en R. 3361 van 18 Desember 1992.

1. GEBIED EN TOEPASSINGSBESTEK VAN OOREENKOMS

Hierdie Ooreenkoms is van toepassing op alle plaaslike owerhede in die regsgebied van die Nywerheidsraad vir die Plaaslike Bestuursonderneming en moet nagekom word—

- (1) deur alle plaaslike owerhede binne die jurisdiksie van die Nywerheidsraad, en hul werknemers wat van tyd tot tyd deur die Raad van Trustes kragtens klousule 5 toegelaat word;
- (2) deur alle plaaslike owerhede in die provinsie Transvaal, soos dit bestaan het onmiddellik voor die datum van inwerkingtreding van die Konstitusie van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993) (uitgesonderd Pretoria en Johannesburg), en die stadsrade, dorpsrade en gesondheidskomitees van Amantzimtoti, Anerley, Ballito, Bergville, Camperdown, Colenso, Dannhauser, Dundee, Durnacol, Empangeni, Eshowe, Estcourt, Gillits, Gingindlovu, Glencoe, Greytown, Hibberdene, Hillcrest, Hilton, Howick, Isipingo, Ixopo, Kingsburgh, Kloof, Kokstad, Ladysmith, La Lucia, Maidstone, Mandini, Matatiele, Melmoth, Moorivier, Mtubatuba, Mtunzini, Munster, Newcastle, New Germany, Paulpietersburg, Pinetown, Port Shepstone, Queensburgh, Ramsgate, Richardsbaai, Richmond, Rossburgh, Salt Rock, Scottburgh, Shelley Beach, Stanger, Thornville-aansluiting, Tongaat, Umbogintwini, Umdloti Strand, Umhlali, Umhlanga Rocks, Umtentwini, Umzinto, Utrecht, Uvongo, Verulam, Weenen en Westville in die provinsie KwaZulu-Natal, en Allanridge, Bethlehem, Bloempruit, Boshof, Bothaville, Brandfort, Bultfontein, Clarens,

Clocolan, Dealesville, Dewetsdorp, Excelsior, Fauresmith, Ficksburg, Frankfort, Harrismith, Heilbron, Hertzogville, Hobhouse, Hoopstad, Jagersfontein, Kestell, Koffiefontein, Koppies, Kroonstad, Ladybrand, Lindley, Marquard, Memel, Oranjeville, Parys, Petrusburg, Petrus Steyn, Philippolis, Reddersburg, Reitz, Rouxville, Sasolburg, Senekal, Smithfield, Springfontein, Steynsrus, Trompsburg, Tweeling, Tweespruit, Ventersburg, Verkeerdevlei, Viljoenskroon, Villiers, Vrede, Vredefort, Warden, Wepener, Wesselbron, Winburg en Zaaron in die provinsie Vrystaat, en hul werknemers wat van tyd tot tyd deur die Voorsorgfondskomitee met die goedkeuring van die Versekeraar toegelaat word op aansoek van die plaaslike owerheid soos verteenwoordig deur die Plaaslike Voorsorgkomitee.

2. GELDIGHEIDSDUUR VAN DIE OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid kragtens artikel 48 van die Wet bepaal en bly van krag tot 31 Desember 1997 of vir die tydperk wat die Minister bepaal.

3. Vervang die bestaande klousule 3 deur die volgende:

"3. WOORDOMSKRYWING

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig en in die Wet op Arbeidsverhoudinge omskryf word, het dieselfde betekenis as in daardie Wet; waar daar van 'n Wet melding gemaak word, omvat dit alle wysigings van sodanige Wet; woorde wat die enkelvoud aandui omvat ook die meervoud en woorde wat die manlike geslag aandui, ook die vroulike geslag; voorts, tensy onbestaanbaar met die samehang, beteken—

'aanvangsdatum' die datum waarop 'n plaaslike owerheid aan die Fonds begin deelneem;

'aftreedatum' die datum waarop 'n werknemer ingevolge die reglement van die Fonds aftree;

'besoldiging' die normale geldelike vergoeding van 'n werknemer, hetsy ooreenkomstig die toepaslike kerf op sy salarisskaal of 'n vaste bedrag geld, en dit sluit 'n 13de tjek en langdiensbonus in;

'begunstigde' die afhanklike(s) in klousule 6 van die bestaande Ooreenkoms bedoel;

'Fonds' die SAVMW-aftreefonds;

'lid' enige werknemer wat aan die Fonds deelneem vanweë sy diens by die plaaslike owerheid en wat kwalifiseer ten opsigte van klousule 5;

'ou fonds' 'n aftreefonds waaraan die werknemers van 'n plaaslike owerheid voor die aanvangsdatum deelgeneem het, waarkragtens lewensversekeringsvoordele, ongeskiktheidsvoordele of enige ander voordeel verskaf is;

'plaaslike owerheid' 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956);

'Plaaslike Raad van Trustees' die komitee wat die Raad van trustees by 'n bepaalde Plaaslike Owerheid verteenwoordig, en wat bestaan uit 'n gelyke aantal verteenwoordigers van die Plaaslike Owerheid en die werknemers van sodanige Plaaslike Owerheid;

'Raad' die Nywerheidsraad vir die Plaaslike Bestuursonderneming;

'Raad van Trustees' 'n komitee saamgestel uit lede van die geregistreerde vakvereniging en die geregistreerde werkgewersorganisasie wat partye is by die Ooreenkoms om die Fondse te beheer en te bestuur;

'Sekretaris' die Sekretaris van die Raad en dit sluit enige werknemer in wat die Raad benoem om namens die Sekretaris op te tree;

'toetreedatum' die eerste dag van die maand waarin 'n werknemer lid word vandie Fonds;

'versekeringsmaatskappy' die maatskappy soos in die reëls van die Fonds omskryf, hierna die Versekeraar genoem;

'werknemer' 'n persoon in 'n plaaslike owerheid se diens wat in 'n permanente hoedanigheid in 'n plaaslike owerheid se diens aangestel is: Met dien verstande dat 'n persoon wat op proef, 'n vakleerlingkontrak of op 'n werkskontrak aangestel is, geag word in 'n permanente hoedanigheid aangestel te wees; en

'Wet' die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956)."

4. Vervang die bestaande klousule 4 deur die volgende:

"4. INSTELLING EN DOELSTELLINGS VAN DIE FONDS

4.1 Die Fonds wat kragtens *Staatskoerant* No. R. 1615 van 31 Julie 1987 ingestel is en bekend gestaan het as die Voorsorgfonds vir Plaaslike Owerhede soos omskryf, word hierby gewysig en staan hierna bekend as die SAVMW-aftreefonds en bestaan uit—

(a) bydraes wat ooreenkomstig hierdie Ooreenkoms in die Fonds inbetaal word; en

(b) alle opbrengste wat verkry word uit die belegging van geld van die Fonds.

4.2 Die Fonds word geadminestreer ooreenkomstig sy reëls wat van krag is en van tyd tot tyd gewysig kan word.

4.3 Die doelstellings van die Fonds is—

- (a) om 'n kontantbedrag aan lede te verskaf by aftrede of diensbeëindiging;
- (b) om daarvoor voorsiening te maak dat die voordele waarvoor 'n lid kwalifiseer aan sy afhanklikes betaal word wanneer die lid voor sy aftreedatum te sterwe kom;
- (c) om in die geval van arbeidsongeskiktheid aan 'n lid 'n kontantbedrag of maandelikse pensioen te betaal indien voorsiening daarvoor bestaan.”.

5. Vervang die bestaande klousule 5 deur die volgende:**“5. LIDMAATSKAP****5.1 Behoudens hierdie Ooreenkoms en die reëls is die volgende van toepassing op lidmaatskap van die Fonds:**

- (a) 'n Nuwe werknemer het 'n eenmalige keuse om lid van die SAVMW-aftreefonds te word. Hierdie keuse moet binne drie kalendermaande uitgeoefen word na aanvaarding van diens by die betrokke plaaslike owerheid.
- (b) 'n Huidige werknemer het 'n eenmalige keuse om lid van die SAVMW-aftreefonds te word. Hierdie keuse moet binne 12 kalendermaande uitgeoefen word na ondertekening van hierdie Ooreenkoms.
- (c) Indien 'n werknemer lid van die Fonds geword het, word lidmaatskap slegs beëindig deur afsterwe, mediese ongeskiktheid, diensbeëindiging of ontbinding van die Fonds.
- (d) Indien 'n werknemer drie kalendermaande na die datum van aanstelling lid van die vakvereniging word, is lidmaatskap van die aftreefonds onderworpe aan goedkeuring van die Raad van Trusteë en die Versekeraar.”.

6. Vervang die bestaande klousule 7 deur die volgende:**“7. BYDRAES**

- 7.1 Elke plaaslike owerheid wat aan die Fonds deelneem, moet die maandelikse bydrae aan die Fonds betaal wat tans ten opsigte van elke individuele werknemer van toepassing is op die ou fonds.
- 7.2 Elke lid moet maandeliks 'n bedrag gelyk aan minstens sy bestaande bydrae tot die ou fonds aan die Fonds betaal: Met dien verstande dat die lid, bo en behalwe sodanige bydrae, addisionele bydraes tot die Fonds kan maak om sodoende sy aftreevoordeel te verbeter. Die bedrag aldus bygedra moet maandeliks deur die plaaslike owerheid van 'n lid se salaris verhaal word.
- 7.3 Elke plaaslike owerheid wat tans 'n addisionele 2% tot die Voorsorgfonds vir Plaaslike Owerhede bydrae, moet dit in stand hou onder die SAVMW-aftreefonds: Met dien verstande dat die werknemer ten minste dieselfde persentasie moet bydra.
- 7.4 Enige wysiging aan bydraekoerse kan slegs deur middel van kollektiewe bedinging geskied.”.

7. Vervang die bestaande klousule 8 deur die volgende:**“8. ADMINISTRASIE VAN DIE FONDS**

- 8.1 Die administrasie, bestuur en beheer van die fonds en die betaling van die voordele uit die Fonds berus by die Raad van Trusteë: Met dien verstande dat die Raad van Trusteë by magte is om sekere funksies aan 'n plaaslike Raad van Trusteë oor te dra.
- 8.2 Die Raad van Trusteë het die bevoegdheid om sy eie prosedurereëls voor te skryf en te wysig en om reëls vir die administrasie van die Fonds op te stel en te wysig: Met dien verstande dat sodanige reëls of wysigings daarvan nie onbestaanbaar mag wees met hierdie Ooreenkoms of ander Wet nie.
- 8.3 Die Plaaslike Raad van Trusteë het die bevoegdheid om sy eie prosedurereëls voor te skryf en te wysig en om reëls vir die administrasie van plaaslike sake op te stel en te wysig: Met dien verstande dat sodanige reëls of wysigings daarvan nie onbestaanbaar mag wees met hierdie Ooreenkoms of enige ander Wet op enige bepaling van die Raad van Trusteë nie.”.

8. Vervang die bestaande klousule 9 deur die volgende:**“9. GELDELIKE BEHEER**

- 9.1 Alle bydraes moet binne sewe dae na die einde van die maand waarvoor bydraes bedoel is, deur die plaaslike owerheid aan die Versekeraar oorbetal word.
- 9.2 'n Minimum van 50% van die netto belegging van die Fonds moet aan die Versekeraar toegeken word, terwyl die oorblywende gedeelte van die belegging aan ander beleggingsbestuurders toegeken kan word om saam met die Versekeraar 'n konsortium te vorm.
- 9.3 Alle betalings aan en deur die Fonds en die Plaaslike Raad van Trusteë moet geskied per tjek, onderteken deur behoorlike gemagtigde persone.”.

9. Vervang die bestaande klousule 10 deur die volgende:**"10. VRYWARING**

10.1 Die Raad van Trustees of die Plaaslike Raad van Trustees word nie aanspreeklik gehou vir enige daad wat verlies vir die Fonds kan meebring nie, indien sodanige daad te goeder trou geskied het, en is nie aanspreeklik vir skulde en laste van die Fonds nie, en hulle word hierby deur die Fonds gevrywaar teen alle verliese en uitgawes wat deur hulle in of in verband met die *bona fide*-uitvoering van hulle pligte aangegaan word.

10.2 Die Plaaslike Raad van Trustees moet die Fonds verseker teen verliese, skade, aanspreeklikheid of eise wat veroorsaak word deur hul optrede as lede van die Plaaslike Raad van Trustees of werknemers van plaaslike owerheid wat geld van die Fonds ontvang en hanteer."

10. Vervang die bestaande klousule 11 deur die volgende:**"11. GESKILLE**

Alle geskille betreffende die vertolking of bedoeling van enige bepalinge van hierdie Ooreenkoms aangaande die administrasie van die Fonds moet deur die Raad van Trustees en Plaaslike Raad van Trustees in samewerking met die Versekeraar besleg word."

11. Vervang die bestaande klousule 12 deur die volgende:**"12. LIKWIDASIE VAN DIE FONDS**

By likwidasie van die Fonds moet elke lid se aandeel aan hom uitbetaal word."

12. Vervang die bestaande klousule 13 deur die volgende:**"13. DEELNAME AAN DIE FONDS**

Deelname aan die Fonds word beëindig wanneer twee derdes van die lede van die deelnemende plaaslike owerhede besluit om hul lidmaatskap te beëindig. Met dien verstande dat sodanige beëindiging op die eerskomende Fondsverjaarsdag in werking tree."

13. Vervang die bestaande klousule 15 deur die volgende:**"15. TOEPASSING VAN DIE OOREENKOMS**

Geen deelnemende plaaslike owerheid of lid mag na die aanvangsdatum die bepalinge van die Ooreenkoms verontagsaam nie, ongeag of genoemde bepalinge 'n voordeel vir die betrokke plaaslike owerheid of lid skep of 'n verpligting op hulle plaas. Indien 'n bepaling van hierdie Ooreenkoms ongeldig of *ultra vires* vir die partye is, hetsy voor of na die ondertekening van hierdie Ooreenkoms deur die partye, raak dit op generlei wyse die res van die Ooreenkoms nie, wat in daardie geval die Ooreenkoms is."

Hierdie Ooreenkoms is namens die partye op hede die 7de dag van Maart 1997 te Pretoria onderteken.

P. J. ROODT

Direkteur: MWO

J. D. L. CLAASENS

Algemene Sekretaris

E. VAN DER WALT

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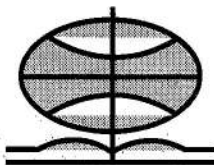
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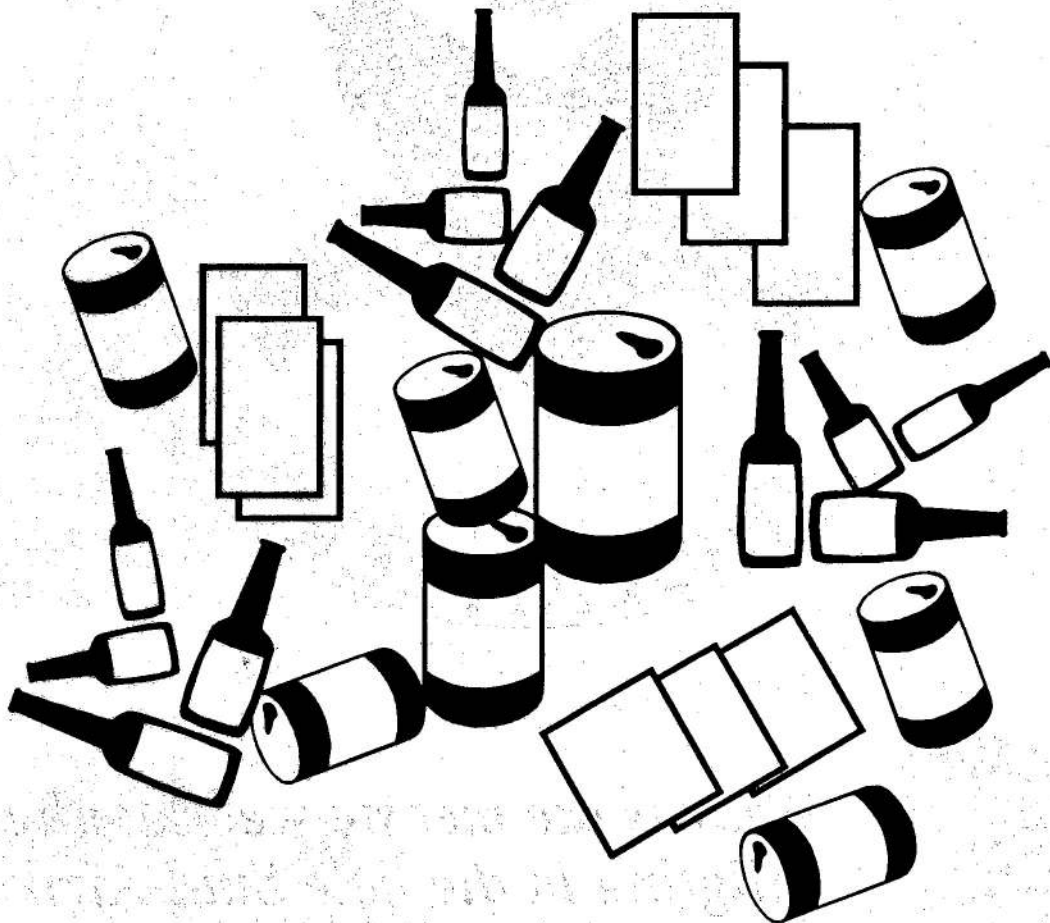
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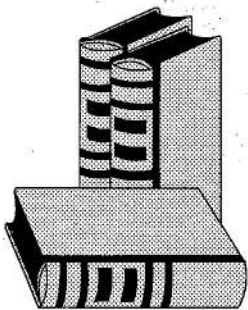
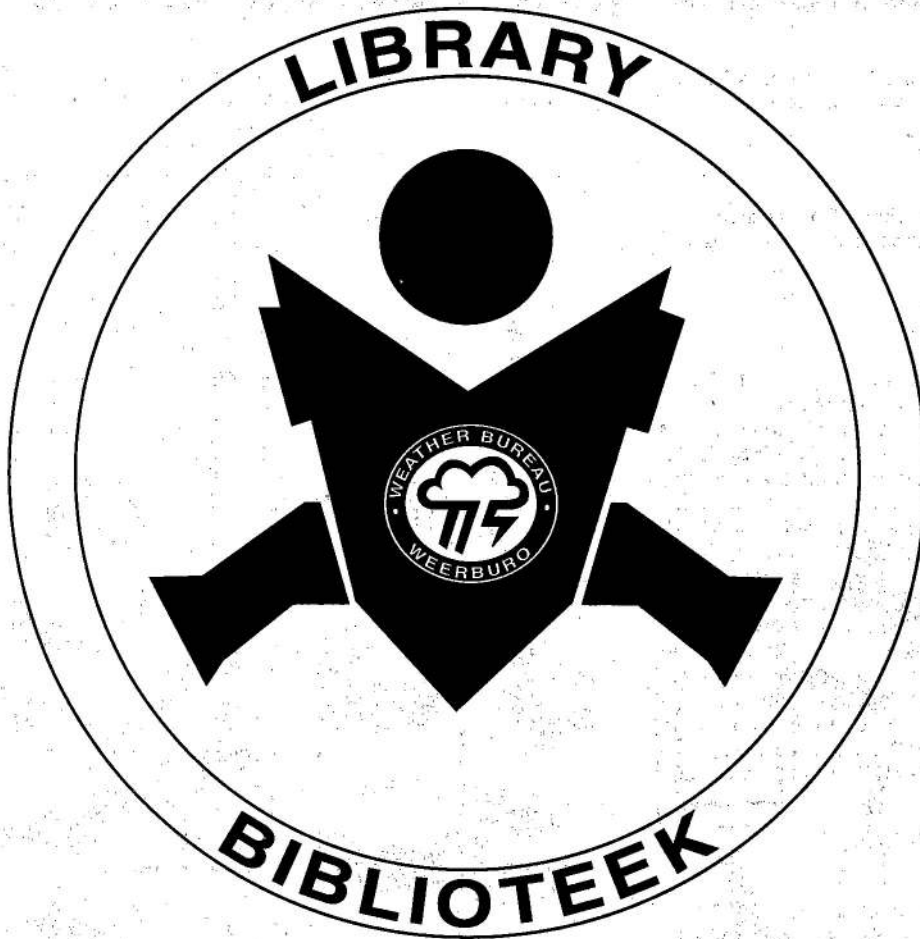
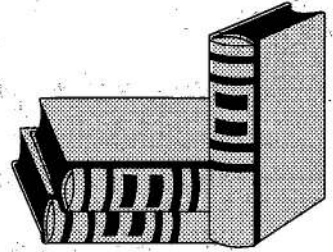
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