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OF
SOUTH AFRICA



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No. 18683

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 10, 1998

HOUSING ACT, 1997 (ACT No. 107 OF 1997)

In terms of section 21 of the Housing Act, 1997 (Act No. 107 of 1997), I hereby determine **1 April 1998** 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 Cape Town this Eleventh day of February, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

S. D. MTHEMBIMAHANYELE

Minister of the Cabinet

PROKLAMASIE*van die****President van die Republiek van Suid-Afrika*****No. R. 10, 1998****BEHUISINGSWET, 1997 (WET No. 107 VAN 1997)**

Kragtens artikel 21 van die Behuisingswet, 1997 (Wet No. 107 van 1997), bepaal ek hierby **1 April 1998** as die datum waarop die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Elfde dag van Februarie Eenduisend Negehoonderd Agt-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

S. D. MTHEMBIMAHANYELE**Minister van die Kabinet**

GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**No. R. 264****20 February 1998****LABOUR RELATIONS ACT, 1956****IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: AMENDMENT OF
SICK PAY FUND AGREEMENT**

I, Tito Titus Mboweni, Minister of Labour, 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 the second Monday after the date of publication of this notice and for the period ending 10 May 1998, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions; 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 (1) (a) shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, 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.

T. T. MBOWENI**Minister of Labour****SCHEDULE****NATIONAL INDUSTRIAL COUNCIL FOR THE IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY
SICK PAY FUND AGREEMENT**

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

Border Engineering Industries' Association
Bright Bar Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers' Association
 Electrical Engineering and Allied Industries' Association
 Electronics and Telecommunications Industries' Association
 Gate and Fence Association
 Hand Tool Manufacturers' Association (HATMA)
 Iron and Steel Producers' Association of South Africa
 Lift Engineering Association of South Africa
 Light Engineering Industries' Association of South Africa
 Materials Handling Association
 Natal Engineering Industries' Association
 Non-Ferrous Metal Industries' Association of South Africa
 Plastics Manufacturers' Association of South Africa
 Plumbers and Engineers Brassware Manufacturers' Association
 Port Elizabeth Engineers' Association
 Pressure Vessel Manufacturers' Association of South Africa
 Radio, Appliance and Television Association of South Africa (RATA)
 Refrigeration and Air Conditioning Manufacturers' and Suppliers Association
 Sheetmetal Industries' Association of South Africa
 S.A. Association of Shipbuilders and Repairers
 S.A. Electro-Plating Industries' Association
 S.A. Engineers and Founders' Association
 S.A. Fasteners Manufacturers' Association (SAFMA)
 S.A. Industrial Refrigeration and Air Conditioning Contractors' Association
 S.A. Post Tensioning Association
 S.A. Reinforced Concrete Engineers' Association
 S.A. Tube Makers' Association
 S.A. Valve and Actuator Manufacturers' Association (SAVAMA)
 S.A. Wire and Wire Rope Manufacturers' Association

(hereinafter referred to as the "employers" or the "employers' organisations"), of the one part, and the—

National Employees' Trade Union
 National Union of Metalworkers' of South Africa
 Metal and Electrical Workers' Union of S.A.
 Mineworkers' Union
 Radio, Television, Electronics and Allied Workers' Union
 SA Electrical Workers' Association
 SA Werkersunie
 Steel, Engineering and Allied Workers' Union of South Africa (SEAWUSA)

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

being the parties to the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry,

to amend the Sick Pay Fund Agreement published under Government Notice No. R. 2467 of 10 November 1989 (hereinafter referred to as the Re-enacting Agreement), as re-enacted and amended by Government Notices No. R. 1802 of 2 August 1991, R. 1216 of 8 May 1992, R. 3096 of 13 November 1992, R. 1468 of 26 August 1994, R. 1480 of 29 September 1995, R. 1804 of 8 November 1996 and R. 2044 of 13 December 1996.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Iron, Steel, Engineering and Metallurgical Industries throughout the Republic of South Africa, 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), by—

- (a) all employers and employees who are members of the employers' organisations and the trade unions, respectively;
- (b) employees in the employ of employers under paragraph (a) as at 31 July 1989 who were on the date members of and participants in Scheme B of the Sick Pay Fund in terms of the Agreement as published under Government Notice No. R. 2032 of 9 October 1980, as amended and extended, and who, while being eligible to become members of a trade union which is a party to this Agreement, are not members of such a trade union, while they continue in the service of the same employer.

(2) The terms of this Agreement shall not apply to the following persons:

- (a) Employees engaged on or after 1 August 1989 by the employers referred to in subsection (1) (a) who, while being eligible to become members of a trade union which is a party to this Agreement, are not members of such a trade union; and
- (b) employees other than those employed by employers referred to in subsection (1).

2. SECTION 7: CONTRIBUTIONS

(a) Renumber the paragraph of subsection (3) as (a) and insert the following paragraph:

"(b) The amount paid by the employer shall be appropriated as follows:

- (i) An amount shall, in the sole discretion of the Management Committee, be allocated by it from time to time towards the expenses incurred in connection with the administration of the Fund; and
- (ii) the balance shall be used for the provision of the benefits provided by the Fund."

(b) Delete subsection (4).

(c) Renumber subsections (5), (6) and (7) to read (4), (5) and (6) respectively.

Signed at Johannesburg, for and on behalf of the parties, this 23rd day of December 1997.

L. TRENTINI

Member

A. E. ROSE

Member

D. G. LEVY

Secretary

No. R. 264

20 Februarie 1998

WET OP ARBEIDSVERHOUDINGE, 1956

**YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: WYSIGING VAN
SIEKTEBYSTANDSFONDSOORENKOMS**

Ek, Tito Titus Mboweni, Minister van Arbeid, 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 tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 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.

T. T. MBOWENI

Minister van Arbeid

BYLAE

**NASIONALE, NYWERHEIDSRAAD VIR DIE YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID
SIEKTEBYSTANDSFONDSOORENKOMS**

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

Border Engineering Industries' Association
Bright Bar Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries' Association
Electronics and Telecommunications Industries' Association
Gate and Fence Association
Hand Tool Manufacturers' Association (HATMA)
Iron and Steel Producers' Association of South Africa
Lift Engineering Association of South Africa
Light Engineering Industries' Association of South Africa

Materials Handling Association
Natal Engineering Industries' Association
Non-Ferrous Metal Industries' Association of South Africa
Plastics Manufacturers' Association of South Africa
Plumbers and Engineers Brassware Manufacturers' Association
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa (RATA)
Refrigeration and Air Conditioning Manufacturers' and Suppliers Association
Sheetmetal Industries' Association of South Africa
S.A. Association of Shipbuilders and Repairers
S.A. Electro-Plating Industries' Association
S.A. Engineers and Founders' Association
S.A. Fasteners Manufacturers' Association (SAFMA)
S.A. Industrial Refrigeration and Air Conditioning Contractors' Association
S.A. Post Tensioning Association
S.A. Reinforced Concrete Engineers' Association
S.A. Tube Makers' Association
S.A. Valve and Actuator Manufacturers' Association (SAVAMA)
S.A. Wire and Wire Rope Manufacturers' Association

(hierna die "werkgewers" of die "werkgewersorganisasies" genoem), aan die een kant, en die—

National Employees' Trade Union
National Union of Metalworkers' of South Africa
Metal and Electrical Workers' Union of S.A.
Mynwerkersunie
Radio, Television, Electronics and Allied Workers' Union
SA Electrical Workers' Association
SA Werkersunie
Steel, Engineering and Allied Workers' Union of South Africa (SEAWUSA)

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

wat partye is by die Nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid,

tot wysiging van Siektebystandsfondsooreenkoms gepubliseer by Goewermmentskennisgewing No. R. 2467 van 10 November 1989 (hierna die Herbekragtigingsooreenkoms genoem), soos herbekragtig en gewysig by Goewermmentskennisgewings Nos. R. 1802 van 2 Augustus 1991, R. 1216 van 8 Mei 1992, R. 3096 van 13 November 1992, R. 1468 van 26 Augustus 1994, R. 1480 van 29 September 1995, R. 1804 van 8 November 1996 en R. 2044 van 13 Desember 1996.

1. KLOUSULE 1: TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word in die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerhede oral in die Republiek van Suid-Afrika, soos dit bestaan het onmiddellik voor die datum van inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), deur—

- (a) alle werkgewers en werknemers wat lede van onderskeidelik die werkgewersorganisasies en die vakverenigings is;
 - (b) werknemers in diens van werkgewers kragtens paragraaf (a) op 31 Julie 1989 wat op daardie datum lede van en deelnemers aan Skema B van die Siektebystandsfonds was ingevolge die Ooreenkoms gepubliseer by Goewermmentskennisgewing No. R. 2032 van 9 Oktober 1980, soos gewysig en verleng, en wat, hoewel hulle kwalifiseer vir lidmaatskap van 'n vakvereniging wat 'n party is by hierdie Ooreenkoms, nie lede van so 'n vakvereniging is nie, terwyl hulle in die diens van dieselfde werkgewer bly.
- (2) Hierdie Ooreenkoms is nie op die volgende persone van toepassing nie:
- (a) Werknemers in diens geneem op of na 1 Augustus 1989 deur die werkgewers in subklousule (1) (a) bedoel wat, hoewel hulle kwalifiseer vir lidmaatskap van 'n vakvereniging wat 'n party by die Ooreenkoms is, nie lede van so 'n vakvereniging is nie; en
 - (b) ander werknemers as dié in diens van werkgewers in subklousule (1) bedoel.

2. KLOUSULE 7: BYDRAES

(a) Hernommer die paragraaf van subklousule (3) tot (a) en voeg die volgende paragraaf in:

"(b) Die bedrag deur die werkgewer betaal, moet as volg toegewys word:

- (i) 'n Bedrag moet van tyd tot tyd geheel na goeddunke van die Bestuurskomitee deur die Bestuurskomitee toegeken word ten opsigte van die onkoste aangegaan in verband met die administrasie van die Fonds; en
- (ii) die balans moet gebruik word ten opsigte van voordele wat deur die Fonds voorsien word."

(b) Skrap subklousule (4).

(c) Hernommer subklousules (5), (6) en (7) tot onderskeidelik (4), (5) en (6).

Namens die partye op hede die 23ste dag van Desember 1997 te Johannesburg onderteken.

L. TRENTINI

Lid

A. E. ROSE

Lid

D. G. LEVY

Sekretaris

SOUTH AFRICAN NATIONAL DEFENCE FORCE SUID-AFRIKAANSE NASIONALE WEERMAG

No. R. 258

20 February 1998

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

The Minister of Defence has, in terms of section 87 of the Defence Act, 1957 (Act No. 44 of 1957), promulgated the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means Chapter III of the General Regulations for the SA National Defence Force and the Reserve, promulgated under Government Notice No. R. 2213 of 10 December 1971 as amended by Government Notices Nos. R. 507 of 29 March 1974, R. 314 of 27 February 1976, R. 572 of 23 March 1978, R. 832 of 21 April 1978, R. 2203 of 24 October 1986, R. 542 of 16 March 1990, R. 585 of 22 March 1991, R. 2703 of 15 November 1991, R. 922 of 28 March 1993, R. 2146 of 12 November 1993 and R. 950 of 18 July 1997.

2. Subregulations (1) regulation 1 of the Regulations is hereby amended by the substitution for the columns in paragraph (b) of the following columns:

"SA Army	SA Air Force	SA Navy	SA Medical Services
General	General	Admiral	General
Lieutenant-General	Lieutenant-General	Vise-Admiral	Lieutenant-General
Major-General	Major-General	Rear-Admiral	Major-General
Brigadier-General	Brigadier-General	Rear-Admiral (Junior Grade)	Brigadier-General
Colonel	Colonel	Captain	Colonel
Lieutenant-Colonel	Lieutenant-Colonel	Commander	Lieutenant-Colonel
Major	Major	Lieutenant-Commander	Major
Captain	Captain	Lieutenant	Captain
Lieutenant	Lieutenant	Sub-Lieutenant	Lieutenant
Second Lieutenant	Second Lieutenant	Ensign	Second Lieutenant
Chaplain	Chaplain	Chaplain	Chaplain".

3. Regulation 5 is hereby amended by substituting the rank of "brigadier" wherever it appears in this regulation with that of "brigadier-general".

Commencement

4. These Regulations shall come into operation on **1 April 1998**.

No. R. 258

20 Februarie 1998

WYSIGING VAN DIE ALGEMENE REGULASIES VIR DIE SUID-AFRIKAANSE NASIONALE WEERMAG EN DIE RESERVE

Die Minister van Verdediging het kragtens artikel 87 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), die regulasies in die Bylae uitgevaardig.

BYLAE**Definisie**

1. In hierdie Bylae beteken "die Regulasies" Hoofstuk III van die Algemene Regulasies vir die SA Nasionale Weermag en die Reserwe, afgekondig by Goewermentskennisgewing No. R. 2213 van 10 Desember 1971 soos gewysig deur Goewermentskennisgewings Nos. R. 507 van 29 Maart 1974, R. 314 van 27 Februarie 1976, R. 572 van 23 Maart 1978, R. 832 van 21 April 1978, R. 2203 van 24 Oktober 1986, R. 542 van 16 Maart 1990, R. 585 van 22 Maart 1991, R. 2703 van 15 November 1991, R. 922 van 28 Mei 1993, R. 2146 van 12 November 1993 en R. 950 van 18 Julie 1997.

2. Subregulasie (1) van regulasie 1 van die Regulasies word hierby gewysig deur die kolomme in paragraaf (b) met die volgende kolomme te vervang:

"SA Leër	SA Lugmag	SA Vloot	SA Geneeskundige Diens
Generaal	Generaal	Admiraal	Generaal
Luitenant-generaal	Luitenant-generaal	Vise-admiraal	Luitenant-Generaal
Generaal-majoor	Generaal-majoor	Skout-admiraal	Generaal-majoor
Brigadier-generaal	Brigadier-generaal	Skout-admiraal (Junior graad)	Brigadier-generaal
Kolonel	Kolonel	Kaptein	Kolonel
Luitenant-kolonel	Luitenant-kolonel	Kommandeur	Luitenant-kolonel
Majoor	Majoor	Luitenant-kommandeur	Majoor
Kaptein	Kaptein	Luitenant	Kaptein
Luitenant	Luitenant	Onderluitenant	Luitenant
Tweede Luitenant	Tweede Luitenant	Vaandrig	Tweede Luitenant
Kapelaan	Kapelaan	Kapelaan	Kapelaan".

3. Regulasie 5 word hierby gewysig deur die rangbenaming van "brigadier" waar dit in hierdie regulasie voorkom met "brigadier-generaal" te vervang.

Inwerkingtreding

4. Hierdie Regulasies tree op 1 April 1998 in werking.

No. R. 259**20 February 1998**

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

The Minister of Defence has, in terms of section 87 of the Defence Act, 1957 (Act No. 44 of 1957), promulgated the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means Chapter XIX of the General Regulations for the SA National Defence Force and the Reserve, promulgated under Government Notice No. R. 1223 of 10 August 1965, as amended by Government Notices Nos. R. 347 of 5 March 1976 and R. 832 of 21 April 1978.

2. Subregulations (1) regulation 3 of the Regulations is hereby amended by the substitution for the columns in subparagraph (i) of paragraph (b) of the following columns:

"SA Army	SA Air Force	SA Navy	SA Medical Services
General	General	Admiral	General
Lieutenant-General	Lieutenant-General	Vise-Admiral	Lieutenant-General
Major-General	Major-General	Rear-Admiral	Major-General
Brigadier-General	Brigadier-General	Rear-Admiral (Junior Grade)	Brigadier-General
Colonel	Colonel	Captain	Colonel
Lieutenant-Colonel	Lieutenant-Colonel	Commander	Lieutenant-Colonel
Major	Major	Lieutenant-Commander	Major
Captain	Captain	Lieutenant	Captain
Lieutenant	Lieutenant	Sub-Lieutenant	Lieutenant
Second Lieutenant	Second Lieutenant	Ensign	Second Lieutenant
Chaplain	Chaplain	Chaplain	Chaplain".

Commencement

3. These Regulations shall come into operation on 1 April 1998.

No. R. 259

20 Februarie 1998

**WYSIGINGS VAN DIE ALGEMENE REGULASIES VIR DIE SUID-AFRIKAANSE
NASIONALE WEERMAG EN DIE RESERWE**

Die Minister van Verdediging het kragtens artikel 87 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), die regulasies in die Bylae uitgevaardig.

BYLAE

Definisie

1. In hierdie Bylae beteken "die Regulasies" Hoofstuk XIX van die Algemene Regulasies vir die SA Nasionale Weermag en die Reserve, afgekondig by Goewermmentskennissgewing No. R. 1223 van 20 Augustus 1965, soos gewysig deur Goewermmentskennissgewings Nos. R. 347 van 5 Maart 1976 en R. 832 van 21 April 1978.

2. Subregulasie (1) van regulasie 3 van die Regulasies word hierby gewysig deur die kolomme in subparagraaf (i) van paragraaf (b) met die volgende kolomme te vervang:

"SA Leër	SA Lugmag	SA Vloot	SA Geneeskundige Diens
Generaal	Generaal	Admiraal	Generaal
Luitenant-generaal	Luitenant-generaal	Vise-admiraal	Luitenant-Generaal
Generaal-majoor	Generaal-majoor	Skout-admiraal	Generaal-majoor
Brigadier-generaal	Brigadier-generaal	Skout-admiraal (Junior graad)	Brigadier-generaal
Kolonel	Kolonel	Kaptein	Kolonel
Luitenant-kolonel	Luitenant-kolonel	Kommandeur	Luitenant-kolonel
Majoor	Majoor	Luitenant-kommandeur	Majoor
Kaptein	Kaptein	Luitenant	Kaptein
Luitenant	Luitenant	Onderluitenant	Luitenant
Tweede Luitenant	Tweede Luitenant	Vaandrig	Tweede Luitenant
Kapelaan	Kapelaan	Kapelaan	Kapelaan".

Inwerkingtreding

3. Hierdie Regulasies tree op **1 April 1998** in werking.

**SOUTH AFRICAN RESERVE BANK
SUID-AFRIKAANSE RESERWEBANK**

No. R. 262

20 February 1998

BANKS ACT, 1990 (ACT No. 94 OF 1990)

AMENDMENT OF REGULATIONS

The Minister of Finance has under section 90 of the Banks Act, 1990 (Act No. 94 of 1990), made the regulations contained in the Schedule.

SCHEDULE

Definitions

1. In this Schedule, "the Regulations" means the regulations relating to the conditions for the conducting of the business of a bank by a foreign institution by means of a branch in the Republic, published under Government Notice No. R. 521 of 3 April 1995.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

(a) by the insertion, after the definition of "assets of a branch", in subregulation (1) headed "Definitions", of the following definitions:

 " 'associate'—

 (a) in relation to a juristic person—

 (i) which is a company, means any subsidiary or holding company of that company, any other subsidiary of that holding company and any other company of which that holding company is a subsidiary;

- (ii) which is a co-operative or a corporation, means any member thereof;
 - (iii) which is not a company, co-operative or corporation as contemplated in this definition, means another juristic person that would have been a subsidiary of the first-mentioned juristic person—
 - (aa) had such first-mentioned juristic person been a company; or
 - (bb) in the case where that other juristic person, too, is not a company, had both the first-mentioned juristic person and that other juristic person been a company;
 - (iv) means any person in accordance with whose directions or instructions the board of directors of or, in the case where such juristic person is not a company, the governing body of such juristic person is accustomed to act; and
- (b) in relation to any person—
- (i) means any juristic person of which the board of directors or, in the case where such person is not a company, of which the governing body is accustomed to act in accordance with the directions or instructions of the person first-mentioned in this paragraph; and
 - (ii) includes any trust controlled or administered by that person;

'banking group' means a group consisting of two or more persons—

- (a) that are predominantly engaged in financial activities;
- (b) one or more of which is a bank;
- (c) each of which is an associate of any one of the others; and
- (d) that—
 - (i) owing to the fact that one of them directly or indirectly owns or exercises control over the other or others, constitutes a single financial entity; or
 - (ii) are so interconnected that should one of them experience financial difficulties, another one or all of them would be likely to be adversely affected,

irrespective of whether any of those persons are not domiciled in the same country as the other or others;"; and

- (b) by the substitution for paragraph (a) of subregulation (3), headed "Prudential requirements", by the following paragraph:

- "(a) A foreign institution on its own, or a foreign institution and the banking group of which such foreign institution forms part, shall at a point in time not earlier than 18 months prior to such foreign institution's application to establish a branch have held, and at all times during the operation of its branch hold, net assets, as certified by its/their auditors and reflected in its/their audited financial statements (which financial statements shall comply with internationally generally accepted accounting standards, and which shall have been audited in accordance with internationally generally accepted auditing standards), to a total value of at least US\$1 billion: Provided that—
- (i) in the calculation of the value of such net assets, intangible assets that are not readily marketable shall be excluded; and
 - (ii) in the event of a foreign institution having to rely on net assets of the banking group to which it belongs in order to meet the foregoing requirement of net assets of at least US\$1 billion, such foreign institution shall hold net assets of its own, calculated in the manner and held in accordance with the provisions of this paragraph, of not less than US\$400 million."

No. R. 262

20 Februarie 1998

BANKWET, 1990 (WET No. 94 VAN 1990)

WYSIGING VAN REGULASIES

Die Minister van Finansies het kragtens artikel 90 van die Bankwet, 1990 (Wet No. 94 van 1990), die regulasies vervat in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies aangaande die voorwaardes vir die uitoefening van die bedryf van 'n bank deur 'n buitelandse instelling deur middel van 'n tak in die Republiek, afgekondig by Goewermentskennisgewing No. R. 521 van 3 April 1995.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig—

- (a) deur die invoeging, voor die omskrywing van "**bates van 'n bank**" in subregulasie (1), getiteld "*Woordomskrywing*", van die volgende omskrywing:

"**'bankgroep'** 'n groep wat bestaan uit twee of meer persone—

- (a) wat hoofsaaklik betrokke is by die bedryf van finansiële besigheid;
- (b) een of meer waarvan 'n bank is;
- (c) elkeen waarvan 'n geassosieerde van enigeen van die ander is; en
- (d) wat—
 - (i) weens die feit dat een van hulle direk of indirek die eienaar is van, of beheer uitoefen oor, die ander of andere, 'n enkele finansiële entiteit vorm; of
 - (ii) in so 'n mate onderling verbind is dat indien een van hulle finansiële probleme sou ondervind, 'n ander een, of hulle almal waarskynlik nadelig geraak sal word,

ongeag of enige van daardie persone nie in dieselfde land as die ander of andere gedomisilieerd is nie;";

- (b) deur die invoeging, na die omskrywing van "**die Regulasie aangaande Banke**" in subregulasie (1), getiteld "*Woordomskrywing*", van die volgende omskrywing:

"**'geassosieerde'**—

- (a) met betrekking tot 'n regspersoon—

- (i) wat 'n maatskappy is, 'n filiaal of houermaatskappy van daardie maatskappy, enige ander filiaal van daardie houermaatskappy en enige ander maatskappy waarvan daardie houermaatskappy 'n filiaal is;
- (ii) wat 'n koöperasie of 'n korporasie is, enige lid daarvan;
- (iii) wat nie 'n maatskappy, koöperasie of korporasie, soos bedoel in hierdie woord-omskrywing, is nie, enige ander regspersoon wat 'n filiaal van eersgenoemde regspersoon sou gewees het—
 - (aa) indien eersgenoemde regspersoon 'n maatskappy was; of
 - (bb) in die geval waar ook daardie ander regspersoon nie 'n maatskappy is nie, indien sowel eersgenoemde regspersoon as daardie ander regspersoon 'n maatskappy was;
- (iv) enige persoon ooreenkomstig wie se voorskrifte of opdragte dit vir die raad van direkteure van of, in die geval waar sodanige regspersoon nie 'n maatskappy is nie, dit vir die bestuursliggaam van sodanige regspersoon gebruiklik is om te handel; en

- (b) met betrekking tot enige persoon—
- (i) enige regspersoon vir die raad van direkteure waarvan of, in die geval waar sodanige regspersoon nie 'n maatskappy is nie, vir die bestuursliggaam waarvan dit gebruiklik is om ooreenkomstig die voorskrifte of opdragte van die in hierdie paragraaf eersgenoemde persoon te handel; en
 - (ii) ook enige trust wat deur daardie persoon beheer of geadministreer word; en
- (c) deur paragraaf (a) van subregulasie (3), getiteld "Voorsorgvereistes" deur die volgende paragraaf te vervang:
- "(a) 'n Buitelandse instelling alleen, of 'n buitelandse instelling tesame met die bankgroep waarvan sodanige buitelandse instelling 'n deel vorm, moes gedurende die tydperk beginnende nie vroeër nie as 18 maande voor die buitelandse instelling se aansoek om 'n tak te vestig, netto bates soos deur sy/hulle ouditeure gesertifiseer en in sy/hulle geouditeerde finansiële state weergegee (welke finansiële state aan internasionaal algemeen aanvaarde rekenkundige standaarde moet voldoen, en wat ooreenkomstig internasionaal algemeen aanvaarde ouditstandaarde geouditeer moet wees), tot 'n totale waarde van ten minste US\$1 miljard, gehou het, en moet dit te alle tye tydens die bedryf van sy tak hou: Met dien verstande dat—
- (i) by die berekening van die waarde van sodanige netto bates, onliggaamlike bates wat nie geredelik bemarkbaar is nie, uitgesluit moet word; en
 - (ii) in geval waar 'n buitelandse instelling steun op die netto bates van die bankgroep waarvan dit 'n deel vorm ter voldoening aan die voornoemde vereiste van netto bates van ten minste US\$1 miljard, moet sodanige buitelandse instelling netto bates van sy eie hou, bereken op die wyse en gehou ooreenkomstig die bepalings van hierdie paragraaf, van nie minder nie as US\$400 miljoen."

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 255

20 February 1998

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/900)

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.

G. MARCUS

Deputy Minister of Finance

SCHEDULE

Head= ing	Subheading	C. D.	Article Description	Statistical Unit	Rate of Duty	Anno= tations
28.06			By the substitution for subheading No. 2806.10 of the following:			
	"2806.10	8	- Hydrogen chloride (hydrochloric acid)	kg	12 %"	
28.23			By the substitution for heading No. 28.23 of the following:			
"28.23	2823.00	8	Titanium oxides	kg	12%"	
28.35			By the substitution for subheading No. 2835.25 of the following			
	"2835.25	9	- - Calcium hydrogenorthophosphate ("dicalcium phosphate")	kg	11%"	
			By the substitution for subheading No. 2835.26.10 of the following:			
	".10	2	- - - Monocalcium phosphate	kg	11%"	
			By the substitution of subheading No. 2835.31 of the following:			
	"2835.31	8	- - Sodium triphosphate (sodium tripolyphosphate)	kg	11%"	
28.43			By the substitution for subheading No. 2843.30 of following:			
	"2843.30	7	- Gold compounds	kg	4%"	

No. R. 255

20 Februarie 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/900)

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 hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

Pos	Subpos	T. S.	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno= tasies
28.06			Deur subpos No. 2806.10 deur die volgende te vervang:			
	"2806.10	8	- Waterstofchloried (soutsuur)	kg	12%"	
28.23			Deur subpos No. 28.23 deur die volgende te vervang:			
"28.23	2823.00	8	Titaanoksiede	kg	12%"	
28.35			Deur subpos No. 2835.25 deur die volgende te vervang:			
	"2835.25	9	- - Kalsiumwaterstofortofosfaat ("dikalsiumfosfaat")	kg	11%"	
			Deur subpos No. 2835.26.10 deur die volgende te vervang:			
	".10	2	- - - Monokalsiumfosfaat	kg	11%"	
			Deur subpos No. 2835.31 deur die volgende te vervang:			
	"2835.31	8	- - Natriumtrifosfaat (natriumtripolifosfaat)	kg	11%"	
28.43			Deur subpos No. 2843.30 deur die volgende te vervang			
	"2843.30	7	- Goudverbindings	kg	4%"	



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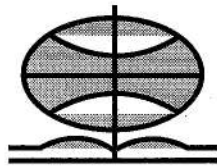
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