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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FINANCE DEPARTEMENT VAN FINANSIES

No. R. 1327

23 October 1998

AMENDMENT OF THE REGULATIONS MADE UNDER THE STOCK EXCHANGES CONTROL ACT, 1985

The Minister of Finance has, under section 51 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 594 of 12 April 1996, as amended by Government Notice No. R. 1269 of 26 September 1997 and Government Notice No. R.1065 of 28 August 1998.

Amendment of regulation 7 of the Regulations**2. Regulation 7 of the Regulations is amended -**

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

“(1) The fees set out in the second column of the following table, which include VAT, are payable in respect of each item mentioned opposite thereto in the first column:

<i>Item</i>	<i>Fees</i>
(a) Application for the issue of a stock exchange licence	R 75 000
(b) Application for renewal of a stock exchange licence	R 5 000
(c) Application for the approval of a person referred to in section 4(1)(a) of the Act	R 5 000
(d) Application for the approval of a category of persons referred to in section 4(1)(a) of the Act	R 5 000
(e) Addition to the list of persons who fall within a category of persons referred to in section 4(1)(a) of the Act	R 1 000
(f) Application for approval in terms of section 39(2A) of the Act	R 2 000
(g) Application for approval of a change in directors or management of an investment manager as contemplated in condition 2.1(b) of the Conditions	R 3 000
(h) Application for exemption of an investment manager from any of the Conditions excluding an application for exemption which accompanies an application for approval in terms of section 4	R 1 000
(i) Registration of change of name of a stock exchange or investment manager	R 1 000
(j) Certified copy of a document evidential of the registration, approval or change of name of a stock exchange or an investment manager	R 1 000".

- (b) by the addition of the following subregulation:

“(4) For the purposes of section 48(2)(a) of the Act, the amount prescribed in respect of the fine for every day during which the failure in question continues is R200: Provided that, in the case of any one continuing failure, the sum of the daily fines imposed upon a person in respect thereof shall not exceed R20 000.”.

No. R. 1327

23 Oktober 1998

WYSIGING VAN DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP BEHEER VAN AANDELEBEURSE, 1985

Die Minister van Finansies het kragtens artikel 51 van die Wet op Beheer van Aandelebeurse, 1985 (Wet No. 1 van 1985), die regulasies uiteengesit in die Bylae uitgevaardig.

BYLAE

Omskrywings

1. In hierdie Bylae beteken "die Regulasies" die Regulasies gepubliseer by Goewermmentskennisgewing No. R. 594 van 12 April 1996, soos gewysig by Goewermmentskennisgewing No. R. 1269 van 26 September 1997 en Goewermmentskennisgewing No. R. 1065 van 28 Augustus 1998.

Wysiging van regulasie 7 van die Regulasies

2. Regulasie 7 van die Regulasies word hierby gewysig -

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

"(1) Die gelde in die tweede kolom van die volgende tabel uiteengesit, wat BTW insluit, is betaalbaar ten opsigte van elke item daarteenoor in die eerste kolom vermeld:

<i>Item</i>	<i>Gelde</i>
(a) Aansoek om die uitreiking van 'n aandelebeurslisensie	R75 000,00
(b) Aansoek om die hernuwing van 'n aandelebeurslisensie	R 5 000,00
(c) Aansoek om die goedkeuring van 'n persoon bedoel in artikel 4(1)(a) van die Wet	R 5 000,00
(d) Aansoek om die goedkeuring van 'n kategorie van persone bedoel in artikel 4(1)(a) van die Wet	R 5 000,00
(e) Byvoeging tot die lys van persone wat in 'n kategorie van persone bedoel in artikel 4(1)(a) van die Wet val	R 1 000,00
(f) Aansoek om die goedkeuring kragtens artikel 39(2A) van die Wet	R 2 000,00
(g) Aansoek om goedkeuring van 'n verandering in direkteur of bestuur van 'n beleggingsbestuurder soos bedoel in voorwaarde 2.1 (b) van die Voorwaardes	R 3 000,00
(h) Aansoek om vrystelling van 'n beleggingsbestuurder van enige van die Voorwaardes uitgesonderd 'n aansoek om vrystelling wat 'n aansoek om goedkeuring ingevolge artikel 4 vergesel	R 1 000,00
(i) Registrasie van naamsverandering van 'n aandelebeurs of beleggingsbestuurder	R 1 000,00
(j) Gesertifiseerde afskrif van 'n dokument as bewys van registrasie, goedkeuring of naamsverandering van 'n aandelebeurs of 'n beleggingsbestuurder	R 1 000,00".

(b) deur die byvoeging van die volgende subregulasie:

- “(4) Vir doeleindes van artikel 48(2)(a) van die Wet, is die bedrag van die boete vir elke dag waarop die betrokke versuim voortduur, R200: Met dien verstande dat, in die geval van enige een voortdurende versuim, die som van die daaglikse boetes wat aan ‘n persoon ten opsigte daarvan opgelê kan word, nie R20 000 mag oorskry nie.”.

No. R. 1328

23 October 1998

AMENDMENT OF THE REGULATIONS MADE UNDER THE FINANCIAL MARKETS CONTROL ACT, 1989

The Minister of Finance has, under section 37 of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R.619 of 25 April 1997, as amended by Government Notice No. R. 1270 of 26 September 1997 and Government Notice No. R. 1066 of 28 August 1998.

Amendment of regulation 13 of the Regulations

2. Regulation 13 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) The fees set out in the second column of the following table, which include VAT, are payable in respect of each item mentioned opposite thereto in the first column:

<i>Item</i>	<i>Fees</i>
(a) Application for the issue of a financial market licence	R 75 000
(b) Application for renewal of a financial market licence	R 5 000
(c) Application for the approval of a person referred to in section 5(1)(a) of the Act	R 5 000
(d) Application for the approval of a category of persons referred to in section 5(1)(a) of the Act	R 5 000
(e) Addition to the list of persons who fall within a category of persons referred to in section 5(1)(a) of the Act	R 1 000
(f) Application for approval in terms of section 21A(2A) of the Act	R 2 000
(g) Application for approval of a change in directors or management of an investment manager as contemplated in condition 2.1(b) of the Conditions	R 3 000
(h) Application for exemption of an investment manager from any of the Conditions excluding an application for exemption which accompanies an application for approval in terms of section 5	R 1 000
(i) Application for exemption from the provisions of the Act	R 5 000
(j) Registration of change of name of a financial exchange or investment manager	R 1 000
(k) Certified copy of a document evidential of the registration, approval or change of name of a financial exchange or an investment manager	R 1 000".

No. R. 1328**23 Oktober 1998****WYSIGING VAN DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP BEHEER VAN FINANSIËLE MARKTE, 1989**

Die Minister van Finansies het kragtens artikel 37 van die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989), die regulasies uiteengesit in die Bylae uitgevaardig.

BYLAE**Omskrywings**

1. In hierdie Bylae beteken "die Regulasies" die Regulasies gepubliseer by Goewermentskennisgewing No. R. 619 van 25 April 1997, soos gewysig by Goewermentskennisgewing No. R. 1270 van 26 September 1997 en Goewermentskennisgewing No. R. 1066 van 28 Augustus 1998.

Wysiging van regulasie 13 van die Regulasies

2. Regulasie 13 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Die gelde in die tweede kolom van die volgende tabel uiteengesit, wat BTW insluit, is betaalbaar ten opsigte van elke item daarteenoor in die eerste kolom vermeld:

<i>Item</i>	<i>Gelde</i>
(a) Aansoek om die uitreiking van 'n finansiële mark-lisensie	R75 000,00
(b) Aansoek om die hernuwing van 'n finansiële mark-lisensie	R 5 000,00
(c) Aansoek om die goedkeuring van 'n persoon bedoel in artikel 5(1)(a) van die Wet	R 5 000,00
(d) Aansoek om die goedkeuring van 'n kategorie van persone bedoel in artikel 5(1)(a)	R 5 000,00
(e) Byvoeging tot die lys van persone wat in a kategorie van persone val bedoel in artikel 5(1)(a) van die Wet	R 1 000,00
(f) Aansoek om die goedkeuring kragtens artikel 21A(2A) van die Wet	R 2 000,00
(g) Aansoek om goedkeuring van 'n verandering in direkteure of bestuur van 'n beleggingsbestuurder soos bedoel in voorwaarde 2.1(b) van die Voorwaardes	R 3 000,00
(h) Aansoek om vrystelling van 'n beleggingsbestuurder van enige van die Voorwaardes uitgesonderd 'n aansoek om vrystelling wat 'n aansoek om goedkeuring ingevolge artikel 5 vergesel	R 1 000,00
(i) Aansoek om vrystelling van enige van die bepalings van die Wet	R 5 000,00
(j) Registrasie van naamsverandering van 'n finansiële beurs of beleggingsbestuurder	R 1 000,00
(k) Gesertifiseerde afskrif van 'n dokument as bewys van registrasie, goedkeuring of verandering van naam van 'n finansiële beurs of 'n beleggingsbestuurder	R 1 000,00".

No. R. 1329

23 October 1998

AMENDMENT OF THE REGULATIONS MADE UNDER THE SAFE DEPOSIT OF SECURITIES ACT, 1992

The Minister of Finance has, under section 14 of the Safe Deposit of Securities Act, 1992 (Act No. 85 of 1992), made the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 904 of 21 May 1993, as amended by Government Notice No. R. 1651 of 3 September 1993 and Government Notice No. R. 595 of 12 April 1996.

Amendment of regulation 6 of the Regulations

2. Regulation 6 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) The fees set out in the last column of the following table, which include VAT, are payable in respect of each item mentioned opposite thereto:

<i>Item</i>	<i>Fees</i>
(a) Authorisation to act as depositary institution (section 2(1) of the Act)	R 5 000
(b) Application for registration as central securities depository (section 9(3)(a) of the Act)	R10 000
(c) Registration as central securities depository (section 9(5) of the Act)	R10 000
(d) Registration of change of name of a depositary institution or a central securities depository	R 1 000
(e) Certified copy of a document evidential of the authorisation, registration or change of name of a depositary institution or central securities depository	R 1 000".

No. R. 1329

23 Oktober 1998

WYSIGING VAN DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP DIE VEILIGE BEWARING VAN EFFEKTE, 1992

Die Minister van Finansies het kragtens artikel 14 van die Wet op die Veilige Bewaring van Effekte, 1992 (Wet No. 85 van 1992), die regulasies uiteengesit in die Bylae uitgevaardig.

BYLAE

Omskrywings

1. In hierdie Bylae beteken "die Regulasies" die Regulasies gepubliseer by Goewermentskennisgewing No. R. 904 van 21 Mei 1993, soos gewysig by Goewermentskennisgewing No. R. 1651 van 3 September 1993 en Goewermentskennisgewing No. R. 595 van 12 April 1996.

Wysiging van regulasie 6 van die Regulasies

2. Regulasie 6 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Die gelde in die laaste kolom van die volgende tabel uiteengesit, wat BTW insluit, is betaalbaar ten opsigte van elke item daarteenoor vermeld:

<i>Item</i>	<i>Gelde</i>
(a) Magtiging om as bewaarnemende instelling op te tree (artikel 2(1) van die Wet)	R 5 000,00
(b) Aansoek om registrasie as sentrale effekzebewaarnemer (artikel 9(3)(a) van die Wet)	R10 000,00
(c) Registrasie van sentrale effekzebewaarnemer (artikel 9(5) van die Wet)	R10 000,00
(d) Registrasie van naamsverandering van 'n bewaarnemende instelling of 'n sentrale effekzebewaarnemer	R 1 000,00
(e) Gesertifiseerde afskrif van 'n dokument as bewys van magtiging, registrasie of naamsverandering van 'n bewaarnemende instelling of sentrale effekzebewaarnemer	R 1 000,00".

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 1345**23 October 1998**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/403)

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

G. MARCUS**Deputy Minister of Finance****SCHEDULE**

I		II			III	
Rebate item	Tariff heading	Rebate code	C D	Description	Extent of rebate	Annotations
313.04				By the deletion of tariff heading No. 26.10.		

No. R. 1345**23 Oktober 1998**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/403)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS**Adjunkminister van Finansies****BYLAE**

I		II			III	
Korting= item	Tarief= pos	Korting= code	C D	Beskrywing	Mate van korting	Annotations
313.04				Deur tariefpos No. 26.10 te skrap.		

No. R. 1346

23 October 1998

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/402)

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

G. MARCUS

Deputy Minister of Finance

SCHEDULE

I		II			III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Annotations
307.03	"4911.99	01.06	61	By the insertion after tariff heading No. 3923.50 of the following: Printed labels, for the manufacture of containers and lids, of polypropylene, by the in-mould labelling process, of heading No. 39.23	Full duty"	

No. R. 1346

23 Oktober 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/402)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

I		II			III	
Korting= item	Tarief= pos	Korting= kode	C D	Beskrywing	Mate van Korting	Annotations
307.03	"4911.99	01.06	61	Deur na tariefpos No. 3923.50 die volgende in te voeg: Bedrukte etikette, vir die vervaardiging van houers en deksels, van polipropileen, deur die vormetiketeringsproses, van pos No. 39.23	Volle reg"	

No. R. 1347

23 October 1998

CUSTOMS AND EXCISE-ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/401)

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

G. MARCUS

Deputy Minister of Finance

SCHEDULE

I		II				III	
Rebate Item	Tariff Heading	Rebate Code	C. D.	Description	Extent of Rebate	Annotations	
307.01				By the deletion of tariff heading No. 29.04. By the deletion of tariff heading No. 39.02. By the deletion of rebate code 02.00 to tariff heading No. 39.17. By the deletion of tariff heading No. 70.05. By the deletion of rebate code 03.00 to tariff heading No. 70.19.			
307.05				By the deletion of tariff headings Nos. 39.02 and 39.04. By the deletion of tariff heading No. 39.19 By the deletion of rebate code 03.00 to tariff heading No. 39.21.			

No. R. 1347

23 Oktober 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/401)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

I Korting= item	II				III Mate van Korting	Anno= tasies
	Tarief= pos	Korting= kode	T. S.	Beskrywing		
307.01				Deur tariefpos No. 29.04 te skrap.		
				Deur tariefpos No. 39.02 te skrap.		
				Deur kortingkode 02.00 by tariefpos No. 39.17 te skrap.		
				Deur tariefpos No. 70.05 te skrap.		
				Deur kortingkode 03.00 by tariefpos No. 70.19 te skrap.		
307.05				Deur tariefposte Nos. 39.02 en 39.04 te skrap.		
				Deur tariefpos No. 39.19 te skrap.		
				Deur kortingkode 03.00 by tariefpos No. 39.21 te skrap.		

No. R. 1348

23 October 1998

CUSTOMS AND EXCISE-ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/400)

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

G. MARCUS

Deputy Minister of Finance

SCHEDULE

I Rebate item	II				III Extent of rebate	Annota= tions
	Tariff heading	Rebate code	C D	Description		
306.09				By the deletion of rebate code 03.00 to tariff heading No. 29.32.		

No. R. 1348

23 Oktober 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/400)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

G. MARCUS

Adjunkminister van Finansies

BYLAE

I	II				III	
Korting= item	Tarief= pos	Korting= code	C D	Beskrywing	Mate van korting	Annota= sies
306.09				Deur kortingkode 03.00 by tariefpos No. 29.32 te skrap.		

No. R. 1349

23 October 1998

CUSTOMS AND EXCISE-ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/932)

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
39.01			By the substitution for subheading No. 3901.10 of the following:			
	"3901.10	0	- Polyethylene having a specific gravity of less than 0,94	kg	10%"	
39.02			By the substitution for subheading No. 3902.10 of the following:			
	"3902.10	3	- Polypropylene	kg	10%"	
39.04			By the substitution for subheading No. 3904.10 of the following:			
	"3904.10	0	- Polyvinyl chloride, not mixed with any other substances	kg	10%"	

No. R. 1349

23 Oktober 1998

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/932)

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
39.01			Deur subpos No. 3901.10 deur die volgende te vervang:			
	"3901.10	0	- Poliëtileen met 'n spesifieke digtheid van minder as 0,94	kg	10%"	
39.02			Deur subpos No. 3902.10 deur die volgende te vervang:			
	"3902.10	3	- Polipropileen	kg	10%"	
39.04			Deur subpos No. 3904.10 deur die volgende te vervang:			
	"3904.10	0	- Polivinielchloried, nie met enige ander stowwe gemeng nie	kg	10%"	

**DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID**

No. R. 1342

23 October 1998

AMENDMENT OF THE SUGAR INDUSTRY AGREEMENT, 1994

I, Alexander Erwin, Minister of Trade and Industry, in terms of section 4 (1) (c) of the Sugar Act, 1978 (Act No. 9 of 1978), hereby—

(a) withdraw Government Notices Nos.—

(i) R. 1538 of 28 November 1997;

(ii) R. 1584 of 28 November 1997;

(iii) R. 1682 of 12 December 1997; and

(b) publish the amendments set out in the Schedule, which have, under and in accordance with the provisions of section 4 (1) (b) of the said Act, been made by me to the Sugar Industry Agreement, 1994.

A. ERWIN

Minister of Trade and Industry

SCHEDULE

Definition

1. In this Schedule "the Agreement" means the Sugar Industry Agreement, 1994, published under Government Notice No. R. 592 of 31 March 1994, as amended by Government Notices Nos. R. 190 of 10 February 1995, R. 1775 of 4 August 1995, R. 699 of 26 April 1996 and R. 709 of 3 May 1996.

Amendment of clause 1 to the Agreement

2. Clause 1 of the Agreement is hereby amended by the insertion of the following definitions after the definition of "small grower entitlement":

"(xxxvA) 'sugar beet' or 'beet' means, botanically, an annual root crop of the species *Beta vulgaris* grown specifically for the production of sucrose from the roots which constitute a raw material which may be delivered by a grower to a mill for processing;

(xxxvB) 'sugar beet mill' means a mill which produces sugar exclusively from sugar beet and includes the miller in respect of that mill only;"

Insertion of clause 3A, 3B, 3C and 3D in the Agreement

3. The following clauses are hereby inserted in the Agreement after clause 3:

"3A. The provisions of clauses 3A, 3C, 3D and 221B shall be deemed to have come into effect on 1 April 1997 and shall apply only in respect of the 1997/98 season.

3B. In terms of section 4 (2) (a) of the Act, sugar beet is designated as an agricultural product from which it is possible to manufacture sugar as a product which is subject to this Agreement.

3C. The provisions of this Agreement shall, subject to the limitations which are set hereunder, apply to sugar beet and to sugar manufactured from sugar beet. Accordingly, any reference in this Agreement, save where the context clearly indicates otherwise and in respect of the clauses referred to hereunder, to sugar cane or cane or sucrose in cane shall be deemed also to be reference to sugar beet, beet or sucrose in beet, as the case may be. The foregoing shall not apply to the following clauses of this Agreement:

95, 96, 122 to 140, 164, 165, 201 to 205, 221A, 223 and 224.

3D. Any question as to the application or otherwise of any provision of this Agreement to sugar beet, beet or sucrose shall be referred for decision to the Administration Board."

Substitution of clause 4 of the Agreement

4. The following clause is hereby substituted for clause 4 of the Agreement:

"4 (1) Subject to subclause 4 (2), this Agreement shall be binding on every grower, miller and refiner.

(2) This Agreement shall not apply to sugar beet growers, and only those clauses which specifically refer to sugar beet millers shall apply to sugar beet millers."

Substitution of clause 82 of the Agreement

5. The following is hereby substituted for clause 82 of the Agreement:

"82. The Administration Board may cancel the small grower entitlement of any small grower—

(a) in respect of whom a direct or indirect beneficial interest is found to be held in contravention of clause 81; or

(b) who has failed for a period of four consecutive years to deliver any cane from his or her registered land; or

(c) who has lost title to the whole of his or her registered land."

Insertion of clause 221B in the Agreement

6. The following clause is hereby inserted in the Agreement after clause 221A:

"221B. Notwithstanding anything to the contrary contained in this chapter, each mill shall pay growers prices for sucrose in beet deliveries based on the actual sucrose content of the beet."

Amendment of clause 260 of the Agreement

7. Clause 260 of the Agreement is hereby amended—

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

"(a) each mill, including a sugar mill, shall during each year and according to a timetable to be issued before the commencement of the year submit to the South African Sugar Association returns, in such form as is as determined from time to time by the Sugar Association, of—";

(b) by the substitution for subparagraph (i) of paragraph (a) of the following subparagraph:

"(i) in the case of a mill other than a sugar beet mill, the estimated annual and actual monthly deliveries to the mill of cane and of sucrose in cane;";

(c) by the substitution for subparagraph (ii) of paragraph (b) of the following subparagraph:

"(ii) final sugar and molasses production schedules in respect of each mill, including sugar beet mills; and".

Insertion of clause 260A in the Agreement

8. The following clause is hereby inserted in the Agreement after clause 260:

"260A. If any mill, including a sugar beet mill, fails to supply the information required in terms of clause 260, according to the timeable issued by the South African Sugar Association, then the South African Sugar Association may, in writing, call upon any such mills to supply such information as has not been supplied within 14 days of the date of such request. If the mill concerned does not supply such information within the 14-day period, then the South African Sugar Association may make an assessment of the relevant tonnage of cane, sucrose in cane, sugar or molasses, as the case may be, and its assessment shall be binding, for all purposes, on such mill."

Substitution of clause 262 of the Agreement

9. The following clause is hereby substituted for clause 262 of the Agreement:

"262. The South African Sugar Association shall in respect of each year determine the quantities of sugar required for the local market, including carry-over stocks, and for the export market, respectively, and shall allocate to each mill a quota of each such quantity, to which end the South African Sugar Association shall control and regulate the disposal of the total quantity of sugar produced by millers, and quotas so allocated to each mill shall be allocated separately in respect of local market white and local market brown sugar, on the one hand, and to export sugar on the other hand, and shall be determined for each such category, as may be applicable—

(a) in each year until the end of the 1997/1998 year—

(i) in the A Pool in the proportion which each mill's total saleable production of A Pool sugar bears to the total quantity of A Pool saleable sugar produced by all mills; and

(ii) in the B Pool in the proportion which each mill's total saleable production of B Pool sugar bears to the total quantity of B Pool saleable sugar produced by all mills;

(b) in each year from the 1998/1999 year in the proportion which each mill's total saleable production of sugar bears to the total quantity of saleable sugar produced by all mills, including sugar beet mills."

Insertion of clause 262A in the Agreement

10. The following clause is hereby inserted in the Agreement after clause 262:

"262A. In respect of sugar beet mills the South African Sugar Association shall in each year allocate to each sugar beet mill a quota for export market sugar only. The export market allocated to each sugar beet mill shall be in the same ratio to its total sugar production as the total export market quotas of all other mills, excluding sugar beet mills, is to the total saleable production of such mills. For the avoidance of doubt, the percentage of its total production which a sugar beet mill shall be required to export in terms of its export quota shall be determined according to the following formula:

Export obligation of a sugar beet mill as a percentage of its production = $(Z \div X) \times 100$ in which formula the factor:

(a) X represents the total sugar production of all mills, including sugar beet mills; and

(b) Z represents X minus the total quantity of sugar required for the local market."

Insertion of clause 265A in the Agreement

11. The following clause is hereby inserted in the Agreement after clause 265:

"265A. (1) Each sugar beet mill shall be obliged to export a quantity of sugar which is no less than its export quota allocated in terms of clause 262A.

(2) Each sugar beet mill shall advise the South African Sugar Association during each year, at regular intervals as determined by the South African Sugar Association, of the quantity of sugar already exported by it and of the quantity of export orders obtained by it but not yet fulfilled. The South African Sugar Association shall advise each sugar beet mill of the total quantity of sugar which is to be exported by mills, through Sasexcor, during the year concerned, as soon as such quantity of sugar has been determined.

(3) By no later than 30 April in each year, each sugar beet mill shall furnish to the South African Sugar Association, in a form acceptable to it, a certificate signed by the independent auditors of such mill certifying the quantity of sugar exported during the immediately preceding year. If any sugar beet mill fails to furnish the certificate to the South African Sugar Association by 30 April in any year, then the South African Sugar Association shall be entitled to make an estimate of the quantity of sugar exported by the mill concerned and that estimate shall be binding for all purposes, on such mill.

(4) A sugar mill may, in fulfilling its obligations in terms of subclause (1), arrange for Sasexcor to export the required quantity of sugar on its behalf, in accordance with arrangements to be negotiated by any such sugar beet mill and Sasexcor from time to time.

(5) If in any year a sugar beet mill fails to export the quantity of sugar which it is obliged to export in terms of subclause (1), then it shall within 30 days of the production of the auditor's certificate or the date of the estimate made by the South African Sugar Association, in terms of subclause (3), as the case may be, pay to the South African Sugar Association financial compensation, limited to the amount determined in terms of subclause (6).

(6) The financial compensation payable by a sugar beet mill to the South African Sugar Association in terms of subclause (5) shall be the capital amount arrived at by multiplying the tonnage of the shortfall in such mill's export obligation in respect of that year, by the amount by which the maximum industrial price per ton for refined sugar, plus 10% (ten per cent) exceeds the weighted average of the net prices per ton received by Sasexcor for all sugar sold by Sasexcor in the export market during that year; plus interest calculated on that capital amount from the first day of the ensuing year to the date of payment

at the rate equal to the prime overdraft rate charged by the principal bankers to the South African Sugar Association from time to time. A certificate under the hand of any manager, deputy manager or assistant manager of such bankers as to the rate applicable in respect of any period shall be *prima facie* proof of such rate.

- (7) The amount payable by a sugar beet mill in terms of subclause (5) shall be deemed to be a debt due to the South African Sugar Association and shall be recoverable by the South African Sugar Association.
- (8) Any financial compensation which is recovered by the South African Sugar Association from a sugar beet mill in terms of the foregoing provisions, shall be for the benefit of the South African Sugar Association."

Amendment of clause 279 of the Agreement

12. Clause 279 of the Agreement is hereby amended by the substitution for subclause (1) of the following subclause:

- "279. (1) The levies referred to in clause 278 (1) shall be imposed upon all refiners and millers in respect of and pro rata to the respective output of each miller and refinery in respect of any period and for that purpose—."

No. R. 1342

23 Oktober 1998

WYSIGING VAN DIE SUIKERNYWERHEID OOREENKOMS, 1994

Ek, Alexander Erwin, Minister van Handel en Nywerheid, handelende ingevolge artikel 4 (1) (c) van die Suikerwet, 1978 (Wet No. 9 van 1978)—

(a) trek hierby die volgende Goewermentskennisgewings in—

- (i) R. 1538 van 28 November 1997;
- (ii) R. 1584 van 28 November 1997;
- (iii) R. 1682 van 12 Desember 1997; en

(b) publiseer hierby die wysigings in die Bylae uiteengesit wat kragtens en ooreenkomstig die bepalings van artikel 4 (1) (b) van genoemde Wet deur my aan die Suikernywerheidsooreenkoms, 1994, aangebring is.

A. ERWIN

Minister van Handel en Nywerheid

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Ooreenkoms" die Suikernywerheidsooreenkoms, 1994, gepubliseer by Goewermentskennisgewing No. R. 592 van 31 Maart 1994, soos gewysig by Goewermentskennisgewing Nos. R. 190 van 10 Februarie 1995, R. 1775 van 4 Augustus 1995, R. 699 van 26 April 1996 en R. 709 van 3 Mei 1996.

Wysiging van klousule 1 van die Ooreenkoms

2. Klousule 1 van die Ooreenkoms word hierby gewysig deur die volgende woordbepalings na die omskrywing van "seisoen" in te voeg:

- "(xxxiiA) 'suierkbeet' of 'beet' botanies, 'n jaarlikse worteloes van die spesie *Beta vulgaris* wat spesifiek gekweek word vir die produksie van sukrose uit die wortels wat 'n ru-materiaal uitmaak wat 'n kweker by 'n suikermeule kan aflewer om verwerk te word;
- (xxxiiB) 'suikerbeetmeul' 'n meul wat uitsluitlik suiker uit suikerbeet produseer, en sluit dit die meulenaar van slegs daardie meul in;"

Invoeging van klousules 3A, 3B, 3C en 3D in die Ooreenkoms

3. Die volgende klousules word hierby na klousule 3 in die Ooreenkoms ingevoeg:

- "3A. Die bepalings van klousules 3A, 3C, 3D en 221B word geag in werking te getree het op 1 April 1997 en geld slegs ten opsigte van die 1997/98-seisoen.
- 3B. Suikerbeet word kragtens artikel 4 (2) (a) van die Wet aangewys as 'n landbouprodukt waarvan dit moontlik is om suiker te vervaardig wat onderworpe is aan hierdie Ooreenkoms.
- 3C. Die bepalings van hierdie Ooreenkoms is, behoudens die beperkinge hieronder uiteengesit, van toepassing op suikerbeet geproduseer uit suikerbeet. Gevolglik word enige verwysing in hierdie Ooreenkoms, tensy uit die konteks duidelik anders blyk en behalwe ten opsigte van ondergenoemde klousules, na suikerriet of riet of sukrose-in-riet geag 'n verwysing te wees na suikerbeet, beet of sukrose-in-beet, na gelang van die geval. Die voorgaande is nie op die volgende klousules van hierdie Ooreenkoms van toepassing nie:

95, 96, 122 tot 140, 164, 165, 201 tot 205, 221A, 223 en 224.

- 3D. Enige vraag oor die toepassing al dan nie van enige bepalings van hierdie Ooreenkoms op suikerbeet, beet of sukrose word na die Administrasieraad vir 'n beslissing verwys.”.

Vervanging van klousule 4 van die Ooreenkoms

4. Klousule 4 van die Ooreenkoms word hierby deur die volgende klousule vervang:

- “4 (1) Behoudens subklousule 4 (2) is hierdie Ooreenkoms bindend vir elke kweker, meulenaar en raffineerder.
(2) Hierdie Ooreenkoms is nie op suikerbeetkwekers van toepassing nie, en slegs die klousules wat spesifiek na suikerbeetmeulenaars verwys, is op suikerbeetmeulenaars van toepassing.”.

Vervanging van klousule 82 van die Ooreenkoms

5. Klousule 82 van die Ooreenkoms word hierby vervang deur die volgende:

- “82. Die Administrasieraad kan die kleinkwekergeregtigheid van 'n kleinkweker kanselleer—
(a) ten opsigte van wie gevind word dat hy of sy 'n regstreekse of onregstreekse voordelige belang in stryd met klousule 81 het; of
(b) wat vir 'n tydperk van vier agtereenvolgende jare in gebreke gebly het om suikerriet op sy geregistreerde grond te produseer; of
(c) wat sy titel in geheel oor sy geregistreerde grond verloor het.”.

Invoeging van klousule 221B in die Ooreenkoms

6. Die volgende klousule word hierby in die Ooreenkoms na klousule 221A ingevoeg:

“221B. Ondanks andersluidende bepalings vervat in hierdie hoofstuk, betaal elke meul kwekerspryse vir lewerings van sukrose-in-beet gebaseer op die werklike sukrose-inhoud van die beet.”.

Wysiging van klousule 260 van die Ooreenkoms

7. Klousule 260 van die Ooreenkoms word hierby gewysig—

- (a) deur paragraaf (a) deur die volgende paragraaf te vervang:
“(a) moet elke meul, met inbegrip van 'n suikerbeetmeul, gedurende elke jaar ooreenkomstig 'n tydrooster wat voor die begin van elke jaar uitgereik word, aan die Suid-Afrikaanse Suikervereniging van tyd tot tyd opgawes in sodanige vorm as wat die Suid-Afrikaanse Suikervereniging voorskryf, voorlê van—”;
(b) deur subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:
“(i) in die geval van 'n meul, uitgesonderd 'n suikerbeetmeul, die geskatte jaarlikse en werklike maandelikse lewerings van riet en sukrose-in-riet aan die meul;”;
(c) deur subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:
“(ii) finale suiker- en melasseproduksie -opgawes ten opsigte van elke meul, met inbegrip van suikerbeetmeule, opstel; en”.

Invoeging van klousule 260A in die Ooreenkoms

8. Die volgende klousule word hierby in die Ooreenkoms na klousule 260 ingevoeg:

“260A. Indien 'n meul, met inbegrip van 'n suikerbeetmeul, in gebreke bly om die inligting vereis ingevolge klousule 260 ooreenkomstig die tydrooster deur die Suid-Afrikaanse Suikervereniging uitgereik voor te lê, kan die Suid-Afrikaanse Suikervereniging sodanige meul skriftelik versoek om die inligting wat nie voorgelê is nie, binne 14 dae na die datum van sodanige versoek te verskaf. Indien die betrokke meul sodanige inligting nie binne die tydperk van 14 dae verskaf nie, kan die Suid-Afrikaanse Suikervereniging 'n skatting maak van die betrokke tonnemaat riet, sukrose-in-riet, suiker of melasse, na gelang van die geval, en sy skatting is vir alle doeleindes bindend vir sodanige meul.”.

Vervanging van klousule 262 van die Ooreenkoms

9. Klousule 262 van die Ooreenkoms word hierby deur die volgende klousule vervang:

“262. Die Suid-Afrikaanse Suikervereniging moet ten opsigte van elke jaar die hoeveelhede suiker bepaal wat vir onderskeidelik die binnelandse mark, met inbegrip van oordragvoorrade, en die buitelandse mark benodig word en moet aan elke meul 'n kwota vir elke sodanige hoeveelheid toeken, vir welke doel die Suid-Afrikaanse Suikervereniging die beskikking oor die totale hoeveelheid suiker deur meulenaars geproduseer, moet beheer en reguleer, en kwotas aldus aan elke meul toegeken, word afsonderlik toegeken ten opsigte van witsuiker vir die binnelandse mark en bruinsuiker vir die binnelandse mark aan die een kant, en uitvoersuiker aan die ander kant, en word vir elke sodanige kategorie, soos van toepassing, bepaal—

- (a) in elke jaar tot die einde van die 1997/98-jaar—

- (i) in die A-poel, in die verhouding waarin elke meul se totale verkoopbare produksie A-poel-suiker staan tot die totale hoeveelheid A-poel verkoopbare suiker deur alle meule geproduseer; en

- (ii) in die B-poel, in die verhouding waarin elke meul se totale verkoopbare produksie B-poel-suider staan tot die totale hoeveelheid B-poel verkoopbare suiker deur alle meule geproduseer;
- (b) in elke jaar vanaf die 1998/1999-jaar, in die verhouding waarin elke meul se totale verkoopbare suikerproduksie staan tot die totale hoeveelheid verkoopbare suiker deur alle meule, met inbegrip van suikerbeetmeule, geproduseer."

Invoeging van klousule 262A in die Ooreenkoms

10. Die volgende klousule word hierby in die Ooreenkoms na klousule 262 ingevoeg:

"262A. Ten opsigte van suikerbeetmeule moet die Suid-Afrikaanse Suikervereniging in elke jaar aan elke suikerbeetmeul 'n kwota slegs vir uitvoermarksuiker toeken. Die kwota vir die uitvoermark wat aan elke suikerbeetmeul toegeken word, moet in dieselfde verhouding tot die suikerbeetmeul se totale suikerproduksie staan as waarin die totale kwotas vir die uitvoermark van alle ander meule, behalwe suikerbeetmeule, tot die totale verkoopbare produksie van sodanige meule staan. Ten einde twyfel te voorkom, moet die persentasie van 'n suikerbeetmeul se totale produksie wat hy ingevolge sy uitvoerkwota moet uitvoer, ooreenkomstig die volgende formule bepaal word:

Uitvoerverplichting van 'n suikerbeetmeul as 'n persentasie van sy produksie = $(Z \div X) \times 100$ in welke formule—

- (a) X die totale suikerproduksie van alle meule, met inbegrip van suikerbeetmeule, verteenwoordig; en
- (b) Z gelyk is aan X minus die totale hoeveelheid suiker wat vir die binnelandse mark benodig word."

Invoeging van klousule 265A in die Ooreenkoms

11. Die volgende klousule word hierby in die Ooreenkoms na klousule 265 ingevoeg:

"265A. (1) Elke suikerbeetmeul is verplig om 'n hoeveelheid suiker uit te voer wat nie minder is as sy uitvoerkwota ingevolge klousule 262A toegeken.

(2) Elke suikerbeetmeul moet die Suid-Afrikaanse Suikervereniging gedurende elke jaar, met gereelde tussenposes soos deur die Suid-Afrikaanse Suikervereniging bepaal, in kennis stel van die hoeveelheid suiker reeds deur hom uitgevoer en van die hoeveelheid van die uitvoerbestellings deur hom bekom maar nog nie nagekom nie. Die Suid-Afrikaanse Suikervereniging moet elke suikerbeetmeul in kennis stel van die totale hoeveelheid suiker wat gedurende die betrokke jaar deur meule deur middel van Sasexcor, uitgevoer moet word, sodra sodanige hoeveelheid suiker bepaal is.

(3) Teen nie later as 30 April elke jaar moet elke suikerbeetmeul aan die Suid-Afrikaanse Suikervereniging, in 'n vorm wat vir die Suid-Afrikaanse Suikervereniging aanvaarbaar is, 'n sertifikaat, geteken deur die onafhanklike ouditeure van sodanige meul, voorlê wat die hoeveelheid suiker sertifiseer wat gedurende die onmiddellik voorafgaande jaar uitgevoer is. Indien enige suikerbeetmeul in gebreke bly om die sertifikaat teen 30 April in enige jaar aan die Suid-Afrikaanse Suikervereniging te verskaf, is die Suid-Afrikaanse Suikervereniging daarop geregtig om 'n skatting te maak van die hoeveelheid suiker deur die betrokke meul uitgevoer, en daardie skatting is vir alle doeleindes bindend vir sodanige meul.

(4) 'n Suikerbeetmeul kan ter nakoming van sy verpligtinge ingevolge subklousule (1) reëlins tref dat Sasexcor die vereiste hoeveelheid suiker ten behoeve van daardie suikerbeetmeul uitvoer ooreenkomstig reëlins wat so 'n suikerbeetmeul en Sasexcor van tyd tot tyd beding.

(5) Indien 'n suikerbeetmeul in enige jaar in gebreke bly om die hoeveelheid suiker uit te voer wat hy verplig is om ingevolge subklousule (1) uit te voer, moet hy binne 30 dae na die voorlegging van die ouditeursertifikaat of die datum van die skatting gedoen deur die Suid-Afrikaanse Suikervereniging ooreenkomstig subklousule (3), na gelang van die geval, aan die Suid-Afrikaanse Suikervereniging finansiële vergoeding, beperk tot die bedrag bepaal ingevolge subklousule (6), betaal.

(6) Die finansiële vergoeding deur 'n suikerbeetmeul ingevolge subklousule (5) aan die Suid-Afrikaanse Suikervereniging betaalbaar, is die kapitaalbedrag wat verkry word deur die tonnemaat van die tekort in sodanige meul se uitvoerverplichting ten opsigte van daardie jaar te vermenigvuldig met die bedrag waarmee die maksimum nywerheidsprys per ton geraffineerde suiker, plus 10%, die geweegde gemiddelde van die netto pryse per ton deur Sasexcor ontvang vir alle suiker deur Sasexcor in die uitvoermark gedurende daardie jaar verkoop, oorskry; plus rente bereken op daardie kapitaalbedrag vanaf die eerste dag van die daaropvolgende jaar tot op die datum van betaling teen die koers gelyk aan die prima oortrekkingskoers wat die vernaamste bankiers die Suid-Afrikaanse Suikervereniging van tyd tot tyd vra. 'n Sertifikaat, onderteken deur enige bestuurder, adjunkbestuurder of assistentbestuurder van sodanige bankiers, betreffende die koers van toepassing ten opsigte van enige tydperk is *prima facie*-bewys van sodanige koers.

(7) Die bedrag deur 'n suikerbeetmeul ingevolge subklousule (5) betaalbaar, word geag 'n skuld aan die Suid-Afrikaanse Suikervereniging verskuldig te wees en is verhaalbaar deur die Suid-Afrikaanse Suikervereniging.

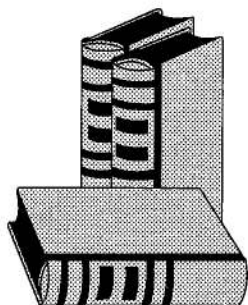
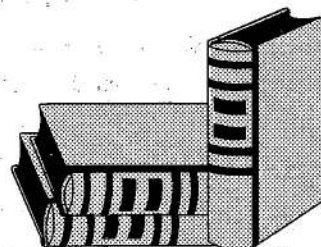
- (8) Enige finansiële vergoeding wat deur die Suid-Afrikaanse Suikervereniging van 'n suikerbeetmeul ingevolge voorgaande bepalings verhaal word, is ten bate van die Suid-Afrikaanse Suikervereniging.”.

Vervanging van klousule 279 van die Ooreenkoms

12. Klousule 279 van die Ooreenkoms word hierby gewysig deur subklousule (1) deur die volgende subklousule te vervang:

- “279. (1) Die heffings in klousule 278 (1) vermeld, word aan alle raffineerders en meulenaars opgelê ten opsigte van en na verhouding tot die onderskeie opbrengste van elke meulenaar en raffinadery ten opsigte van enige tydperk, en vir daardie doel.”.
-

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