REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU

No. R. 866 **9 July 1999**

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO VINES, GRAPES, GRAPE JUICE, GRAPE JUICE CONCENTRATE, DRINKING WINE, DISTILLING WINE AND WINE SPIRIT

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act, No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

A. T. DIDIZA

Minister of Agriculture

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates—

"bottler" means any person who renders services in respect of bottling, stabilising, blending, filtering, labeling or storage on behalf of wine producers or wine traders, but is not registered as such;

"Department" means the Department of Agriculture of the National Government;

"drinking wine" includes grape juice used in the production of drinking wine and drinking wine used in the production of other alcoholic products;

"grapes" means grapes intended for the production of drinking wine or distilling wine;

"grape producer"means any producer of grapes intended for the production of drinking wine or distilling wine;

"in bulk" means a container of more than five litres;

"vines" means vines intended for the production of grapes;

"wines exporter" means any person not registered as a wine producer or wine trader, who exports drinking wine;

"wine producer" means any person who crushes grapes and who is not registered as a wine trader;

"wine spirit" means any spirit derived from wine, wine lees or husks;

"wine trader" means any person not registered as a wine producer who purchases or otherwise acquires—

(a) grapes;

(b) drinking wine, distilling wine or wine spirit, in bulk from a wine producer.

Purpose and aims of statutory measure and the relation thereof to objectives of the Act

2. The purpose and aims of this statutory measure is to compel the parties set out herein to keep records and render returns to SAWIS. This is necessary to ensure that continuous, timeous and accurate information relating to the products defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of products. The viability of the wine industry should thus be enhanced. The measure will not be detrimental to the number of employment oppurtunities or fair labor practice. Any information obtained will be dealt with in a confidential manner and no sensitive or potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights are affected.

The measure be administered by SAWIS, a company incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973). SAWIS will implement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to vines, grapes, grape juice, grape juice concentrate, drinking wine, distilling wine and wine spirit.

Area in which statutory measure shall apply

4. This statutory measure shall apply in the geographical area of the Republic of South Africa.

Records to be kept and returns to be rendered

5. (1) All bottlers, grape producers, wine exporters, wine producers and wine traders shall keep such records and render the returns as may be required by SAWIS relating to—

(a) vines;

(b) grapes;

(c) grape juice, grape juice concentrate, drinking wine, distilling wine and wine spirit produced, received, stored, sold, exported or otherwise utilised.

(2) The Department shall render a copy of all export certificates or furnish the information required by SAWIS contained in such certificates within the period specified in subclause (4).

(3) The records referred to in subclause (1) shall—

(a) be recorded on a computer or with ink in a book;

(b) be kept at the registered premises of the person required to keep it for a period of at least three years.

(4) The returns referred to in subclause (1) shall be rendered on forms obtainable free of charge for this purpose from SAWIS within 15 days after the end of each calendar month and shall—

(a) be submitted, when forwarded by post, to—

SAWIS
P.O. Box 238
PAARL
7620;

(b) when delivered by hand, be delivered to—

SAWIS
312 Main Road
PAARL

(c) when sent by telefax, be addressed to—

(021) 871-1360.

Commencement and period of validity

6. This statutory measure shall come into operation on 1 July 1999 and shall lapse on 30 June 2003.

No. R. 866 **9 Julie 1999**

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET No. 47 VAN 1996)

INSTELLING VAN STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES BETREFFENDE WINGERD, DRUIWE, DRUIWESAP, DRUIWESAPKONSENTRAAT, DRINKWYN, DISTILLEERWYN EN DRUIFSPIRITUS

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hierby die statutêre maatreël in die Bylae uiteengesit, in.

A. T. DIDIZA

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 tensy uit die samehang anders blyk beteken—

"botteleerder", 'n persoon wat dienste ten opsigte van bottelering, vermenging, filtrering, etikettering of opberging van wyn ten behoewe van wynprodusente of wynhandelaars verskaf, maar nie as sulks geregistreer is nie;

"Departement", die Departement van Landbou in die Nasionale Regering;

"drinkwyn", sluit druiwesap gebruik in die produksie van drinkwyn en drinkwyn gebruik in die produksie van ander alkoholiese produkte, in;

"druiwe", druiwe bestem vir die produksie van drinkwyn of distilleerwyn;

"druiwesap", druiwesap of druiwesapkonsentraat bestem vir gebruik in drinkwyn of ander alkoholiese produkte;

"druifprodusent", 'n produsent van druiwe bestem vir die produksie van drinkwyn of distilleerwyn;

"in massa", 'n houer van meer as vyf liter;

"wingerd", wingerd bestem vir die produksie van druiwe;

"wynhandelaar", 'n persoon nie as 'n wynprodusent geregistreer nie, wat—

(a) druiwe;

(b) drinkwyn, distilleerwyn of wynspiritus in massa,

van 'n wynprodusent aankoop;

"wynprodusent", 'n persoon wat druiwe pars en nie as 'n wynhandelaar geregistreer is nie;

"wynspiritus", enige spiritus verkry van wyn, wynmoer of doppe;

"wynuitvoerder", 'n persoon wat drinkwyn uitvoer en wat nie as 'n wynprodusent of wynhandelaar geregistreer is nie;

Doel en doelwitte van statutêre maatreëls en die verband daarvan met die oogmerke van die Wet

2. Die doel en doelwitte van hierdie statutêre maatreëls is om die partye hierin uiteengesit te verplig om aantekeninge te hou en opgawes te verskaf. Dit is noodsaaklik om SAWIS behulpsaam te wees om te verseker dat deurlopende en akkurate inligting betreffende die produkte soos gedefinieer, betyds aan alle rolspelers beskikbaar gestel word. Markinligting word as noodsaaklik vir alle rolspelers beskou ten einde ingeligte besluite te kan neem. Deur die hou van inligting en die verskaffing van opgawes op 'n individuele basis voor te skryf, kan markinligting vir die hele bedryf geprosesseer en versprei word.

Die instelling van die maatreël behoort die effektiwiteit van die bemarking van produkte aan te help. Die lewensvatbaarheid van die bedryf word dus bevorder. Die maatreëls sal nie afbreuk doen aan die aantal werksgeleenthede of arbeidspraktyke nie. Enige inligting verkry sal op 'n vertroulike manier hanteer word en geen sensitiewe of potensieel sensitiewe kliënt-spesifieke inligting sal aan enigeen bekend gemaak word sonder die voorafgaande goedkeuring van die party wie se regte geaffekteer word nie.

Die maatreël sal geadministreer word deur SAWIS, 'n maatskappy ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973). SAWIS sal die maatreël implementeer en bestuur soos in hierdie Bylae aangetoon.

Produkte waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël sal van toepassing wees op wingerd, druiwe, druiwesap, druiwesapkonsentraat, drinkwyn, distilleerwyn en wynspiritus.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Aantekeninge wat gehou en opgawes wat verskaf moet word

5. (1) Alle botteleerders, druifprodusente, wynuitvoerders, wynprodusente en wynhandelaars moet sodanige aantekeninge hou en opgawes verskaf as wat SAWIS mag verlang betreffende—

(a) wingerd;

(b) druiwe;

(c) druiwesap, druiwesapkonsentraat, drinkwyn, distilleerwyn en wynspiritus geproduseer, ontvang, opgeberg, verkoop, uitgevoer of andersins aangewend.

(2) Die Departement moet 'n kopie van alle uitvoersertifikate of sodanige inligting as wat SAWIS verlang wat in daardie sertifikate vervat is, binne die tydperk in subklousule 4 voorgeskryf, aan SAWIS verskaf.

(3) Die aantekeninge in subklousule (1) bedoel—

(a) moet gehou word op 'n rekenaar of in ink in 'n boek;

(b) moet gehou word by die geregistreerde perseel van die persoon van wie dit verlang word om dit te hou vir ten minste drie jaar.

(4) Die opgawes in subklousule (1) na verwys moet verskaf word op die vorms wat gratis vir die doel van SAWIS beskikbaar is binne 15 dae na die einde van elke kalendermaand, en moet—

(a) geadresseer word, indien per pos gestuur, aan—

SAWIS
Posbus 238
PAARL
7620;

(b) indien per hand ingedien, afgelewer word te—

SAWIS
Hoofstraat 312
PAARL

(c) wanneer per telefaks gestuur, gestuur word na—

(021) 871-1360.

Aanvangsdatum en periode van geldigheid

6. Hierdie maatreël neem in aanvang op 1 Julie 1999 en verval op 30 Junie 2003.

No. R. 867 **9 July 1999**

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF BOTTLERS, GRAPE PRODUCERS, WINE EXPORTERS, WINE PRODUCERS AND WINE TRADERS

I, Angela Thokozile Didiza, Minister of Agriculture, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

A. T. DIDIZA
Minister of Agriculture

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates—

"bottler" means any person who renders services in respect of bottling, stabilising, blending, filtering, labeling or storage on behalf of of wine producers or wine traders, but is not registered as such;

"grapes" means grapes intended for the production of drinking wine or distilling wine;

"grape juice" means grape juice and grape juice concentrate intended for use in drinking wine or other alcoholic products;

"grape producer" means any producer of grapes intended for the production of drinking wine or distilling wine;

"in bulk" means a container of more than five litres;

"wine exporter" means any person who exports drinking wine who is not registered as a wine producer or wine trader;

"wine producer" means any person who crushes grapes and who is not registered as a wine trader;

"wine trader" means any person not registered as a wine producer who purchases or otherwise acquires—

(a) grapes;

(b) drinking wine, distilling wine or wine spirit, in bulk from a wine producer.

Purpose and aims of statutory measure and the relation thereof to objectives of the Act

2. The purpose and aims of this statutory measure is to compel the parties set out herein to register with SAWIS. Registration is necessary to assist SAWIS in ensuring that continuous, timeous and accurate information relating to the products defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies.

The establishment of the measure should assist in promoting the efficiency of the marketing of products. The viability of the wine industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

It will be administered by SAWIS, a company incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973), SAWIS will emplement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to grapes, grape juice, drinking wine, distilling wine and wine spirit.

Area in which statutory measure shall apply

4. This statutory measure shall apply in the geographical area of the Republic of South Africa.

Registration of parties concerned

5. (1) All bottlers, grape producers, wine exporters, wine producers and wine traders shall register with SAWIS.

(2) A person shall have a choice to register as either a wine producer or wine trader, but not both.

(3) A person who is a grape producer as well as a wine producer or wine trader shall register as a grape producer and as a wine producer or wine trader.

Application for registration

6. Application for registration shall—

(1) be made within 30 days of the commencement of this statutory measure, and in the case of a person becoming a party as contemplated in clause 5 after such date of commencement, within 30 days of becoming such a party;

(2) be made on the application from obtainable free of charge from SAWIS;

(3) be submitted, when forwarded by post, to—

SAWIS
P.O. Box 238
PAARL
7620;

(4) when delivered by hand, be delivered to—

SAWIS
312 Main Road
PAARL;

(5) when sent by telefax, be addressed to—

(021) 871-1360.

Commencement and period of validity

7. This statutory measure shall come into operation on 1 July 1999 and shall lapse on 30 June 2003.

No. R. 867 **9 Julie 1999**

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET No. 47 VAN 1996)

INSTELLING VAN STATUTÊRE MAATREËL: REGISTRASIE VAN BOTTELEERDERS, DRUIFPRODUSENTE, WYNUITVOERDERS, WYNPRODUSENTE EN WYNHANDELAARS

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hierby die statutêre maatreël in die Bylae uiteengesit, in.

A. T. DIDIZA

Minister van Landbou

BYLAE

Woordomskrywing

1. Enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is het daardie betekenis, en tensy uit die samehang anders blyk—

"botteleerder", 'n persoon wat dienste ten opsigte van bottelering, vermenging, filtrering, etikettering of opberging van wyn ten behoewe van wynprodusente of wynhandelaars verskaf, maar nie as sulks geregistreer is nie;

"druiwe", druiwe bestem vir die produksie van drinkwyn of distilleerwyn;

"druiwesap", druiwesap of druiwesapkonsentraat bestem vir gebruik in drinkwyn of ander alkoholiese produkte;

"druifprodusent", 'n produsent van druiwe bestem vir die produksie van drinkwyn of distilleerwyn;

"in massa", 'n houer van meer as vyf liter;

"wynhandelaar", 'n persoon nie as 'n wynprodusent geregistreer nie, wat—

(a) druiwe;

(b) drinkwyn, distilleerwyn of wynspiritus in massa,

van 'n wynprodusent aankoop;

"wynprodusent", 'n persoon wat druiwe pars en nie as 'n wynhandelaar geregistreer is nie;

"wynuitvoerder", 'n persoon wat drinkwyn uitvoer en wat nie as 'n wynprodusent of wynhandelaar geregistreer is nie.

Doel en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die doel en doelwit van hierdie statutêre maatreël is om die partye hierin uiteengesit te verplig om by SAWIS te registreer. Registrasie is noodsaaklik om SAWIS behulpsaam te wees om te verseker dat deurlopende en akkurate inligting betreffende die produkte soos gedefinieer, betyds aan alle rolspelers beskikbaar gestel word. Markinligting word as noodsaaklik vir alle rolspelers beskou ten einde ingeligte besluite te kan neem. Deur verpligte registrasie met die hou van inligting en verskaffing van opgawes op 'n individuele basis te kombineer, kan markinligting vir die hele bedryf geprosesseer en versprei word en vorm dit die basis vir die insameling van heffings.

Die instelling van die maatreël behoort die effektiwiteit van die bemarking van produkte aan te help. Die lewensvatbaarheid van die bedryf word dus bevorder. Die maatreëls sal nie afbreuk doen aan die aantal werksgeleenthede of arbeidspraktyke nie.

Die maatreël sal geadministreer word deur SAWIS, 'n maatskappy ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973). SAWIS sal die maatreël implementeer en bestuur soos in hierdie Bylae aangetoon.

Produkte waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël sal van toepassing wees op druiwe, druiwesap, drinkwyn, distilleerwyn en wynspiritus.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika van toepassing wees.

Registrasie van partye

5. (1) Alle botteleerders, druifprodusente, wynhandelaars, wynprodusente en wynuitvoerders moet by SAWIS registreer.

(2) Persone het die keuse om as of 'n wynhandelaar of 'n wynprodusent te registreer, maar nie albei nie.

(3) Enige persoon wat 'n druifprodusent sowel as 'n wynhandelaar of wynprodusent is, moet as druifprodusent en of 'n wynhandelaar, of 'n wynprodusent registreer.

Aansoek om registrasie

6. Aansoek om registrasie moet—

(1) binne 30 dae na die inwerkingtreding van hierdie maatreël, en waar 'n persoon 'n party word soos beoog in klousule 5 na sodanige inwerkingtreding, binne 30 dae nadat hy of sy so 'n party word, gedoen word.

(2) gedoen word op die aansoekvorm wat gratis van SAWIS vir hierdie doel verkrygbaar is;

(3) voorgelê word, indien per pos gestuur, aan—

SAWIS

Posbus 238

PAARL

7620;

(4) indien per hand ingedien, afgelewer word te—

SAWIS

Hoofstraat 312

PAARL;

(5) wanneer per telefaks gestuur, gestuur word na—

(021) 871-1360.

Aanvangsdatum en periode van geldigheid

7. Hierdie maatreël neem in aanvang op 1 Julie 1999 en verval op 30 Junie 2003.

DEPARTMENT OF FINANCE
DEPARTEMENT VAN FINANSIES

No. R. 853 **9 July 1999**

PENSION FUNDS ACT, 1956 (ACT No. 24 OF 1956)

AMENDMENT OF PRESCRIBED FEES

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

SCHEDULE

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

Definition

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 98 of 26 January 1962, as amended by Government Notices Nos. R. 99 of 26 January 1962, R. 2144 of 28 September 1984, R. 1790 of 16 August 1985, R. 1037 of 28 May 1986, R. 232 of 6 February 1987, R. 1452 of 7 July 1989, R. 1920 of 1 September 1989, R. 2361 of 27 September 1991, R. 201 of 12 February 1993, R. 2324 of 10 December 1993, R. 141 of 28 January 1994, R. 1838 of 24 November 1995, R. 1677 of 18 October 1996, R. 801 of 19 June 1998, R. 1020 of 14 August 1998, R. 1154 of 11 September 1998, R. 1218 of 25 September 1998, and R. 1644 of 18 December 1998.

Amendment of Schedule L to the Regulations

2. Schedule L to the Regulations is hereby amended by the substitution for paragraphs (a), (b), (c), (d), (n) and (p) of the following paragraphs:

		R
(a)	For an application for the registration of a pension fund in terms of section 4 of the Act [regulation 8 (1) (v)]	750,00
(b)	For the registration of a pension fund in terms of section 4 of the Act [regulation 8 (1) (v)]	150,00
(c)	For an amalgamation or transfer in terms of section 14 of the Act [regulation 24 (c)]:	
	Per individual member transferred	150,00
	With a maximum per transfer of	750,00
(d)	For the alteration or rescission of or an addition to the rules of a fund: Per resolution [regulation 24 (a) (iv)]	300,00
(n)	For services rendered by the Registrar in case of the consolidation or revision of the rules of a registered fund in terms of section 12 (5) of the Act or a scheme to change the funding basis of a fund	900,00
(p)	For services rendered by the Registrar in case of liquidation of a fund in terms of section 28 of the Act, whether the liquidation has been completed or not a fee of 18% of the liquidation fee with a minimum of	500,00
	But not more than	5 000,00

Commencement

3. Schedule L to the Regulations shall come into operation on 1 July 1999.

No. R. 853 **9 Julie 1999**

WET OP PENSIOENFONDSE, 1956 (WET No. 24 VAN 1956)

WYSIGING VAN VOORGESKREWE GELDE

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

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordening aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

Omskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 98 van 26 Januarie 1962, soos gewysig by Goewermentskennisgewing Nos. R. 99 van 26 Januarie 1962, R. 2144 van 28 September 1984, R. 1790 van 16 Augustus 1985, R. 1037 van 28 Mei 1986, R. 232 van 6 Februarie 1987, R. 1452 van 7 Julie 1989, R. 1920 van 1 September 1989, R. 2361 van 27 September 1991, R. 201 van 12 Februarie 1993, R. 2324 van 10 Desember 1993, R. 141 van 28 Januarie 1994, R. 1838 van 24 November 1995, R. 1677 van 18 Oktober 1996, R. 801 van 19 Junie 1998, R. 1020 van 14 Augustus 1998, R. 1154 van 11 September 1998, R. 1218 van 25 September 1998, en R. 1644 van 18 Desember 1998.

Wysiging van Bylae L van die Regulasies

2. Bylae L van die Regulasies word hierby gewysig deur die vervanging van paragrawe (a), (b), (c), (d), (n) en (p) met die volgende paragrawe:

		R
(a)	Vir 'n aansoek om registrasie van 'n pensioenfonds ingevolge artikel 4 van die Wet [regulasie 8 (1) (v)]	750,00
(b)	Vir die registrasie van 'n pensioenfonds ingevolge artikel 4 van die Wet [regulasie 8 (1) (v)]	150,00
(c)	Vir 'n samesmelting of oordrag ingevolge artikel 14 van die Wet [regulasie 24 (c)]:	
	Per individuele lid oorgedra.....	150,00
	Met 'n maksimum per oordrag van.....	750,00
(d)	Vir 'n verandering of herroeping van of byvoeging by die statute van 'n fonds, per besluit [regulasie 24 (a) (iv)]	300,00
(n)	Vir dienste deur die Registrateur gelewer in geval van die konsolidasie of hersiening van die statute van 'n geregistreerde fonds in terme van artikel 12 (5) van die Wet of 'n skema om die befondsingsbasis van 'n fonds te verander.....	900,00
(p)	Vir dienste deur die Registrateur gelewer in geval van likwidasie van 'n fonds ingevolge artikel 28 van die Wet hetsy die likwidasie voltooi is al dan nie 'n fooi van 18% van die likwidasiefooi met 'n minimum van.....	500,00
	maar nie meer as	5 000,00

Inwerkingtreding

3. Bylae L van die regulasies tree op 1 Julie 1999 in werking.

SOUTH AFRICAN POLICE SERVICE
SUID-AFRIKAANSE POLISIEDIENS

No. R. 850 **9 July 1999**

SOUTH AFRICAN POLICE SERVICE ACT, 1995 (ACT No. 68 OF 1995)

CORRECTION NOTICE

Government Notice No. R. 712, published in *Government Gazette* No. 20142 of 11 June 1999, is hereby amended by the substitution of the expression "5 August" for the expression "12 August", where it appears in the first paragraph of the text.

No. R. 850 **9 Julie 1999**

WET OP DIE SUID-AFRIKAANSE POLISIEDIENS, 1995 (WET No. 68 VAN 1995)

VERBETERINGSKENNISGEWING

Goewermentskennisgewing No. R. 712, soos gepubliseer in *Staatskoerant* No. 20142 gedateer 11 Junie 1999, word hierby gewysig deur die uitdrukking "5 Augustus" met die uitdrukking "12 Augustus" te vervang, waar dit in die eerste paragraaf van die teks voorkom.

No. R. 854 **9 July 1999**

SOUTH AFRICAN POLICE SERVICE ACT, 1995 (ACT No. 68 OF 1995)

CORRECTION NOTICE

Government Notice No. R. 710, published in *Government Gazette* No. 20142 of 11 June 1999, is hereby amended by the deletion of the reference to "Section 53 of the Sea Fishery Act, 1988 (Act No. 12 of 1988)", where it appears in Annexure 6 to the Regulations.

No. R. 854 **9 Julie 1999**

WET OP DIE SUID-AFRIKAANSE POLISIEDIENS, 1995 (WET No. 68 VAN 1995)

VERBETERINGSKENNISGEWING

Goewermentskennisgewing No. R. 710, soos gepubliseer in *Staatskoerant* No. 20142 gedateer 11 Junie 1999, word hierby gewysig deur die verwysing na die "Wet op Seevissery, 1988 (Wet No. 12 van 1988)", waar dit verskyn in Aanhangsel 6 tot die Regulasies, te skrap.

SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 855 **9 July 1999**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF RULES (No. DAR 15)

Under section 6 (1) (g) of the Customs and Excise Act, 1964, the rules published in Government Notice No. R. 1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto.

T. F. VAN HEERDEN

Commissioner for the South African Revenue Service

SCHEDULE

By the substitution of Rule 200.06 with the following:

200.06 TRANSIT SHEDS
(Section 6(1)(g) of the Act)

Bloemfontein

No.1: S.A. Airways Cargo Building, Bloemfontein Airport

Cape Town

Sheds situated in the harbour area and controlled by -

Portnet	Sheds A,E,G,H and J
Unifruco	Sheds B,C and D
Duncan Dock Cold Storage (Edms.) Bpk.	Shed K

Received International Cargo Section, S.A. Airways Cargo Building, Cape Town International Airport.
Safair Shed No. 1.

Durban

Sheds controlled by Portnet and situated in the Point-area of the harbour: -

Shed No. -		
D	berth	D
E	berth	E
F	berth	F
G	berth	G
L	berth	L
M	berth	M
Q	berth	Q

Maydon Wharf-area of the harbour: -

Shed No.: -		
7	berth	7
8	berth	8
10	berth	10
12	berth	12

New Pier-area of the harbour: -
Shed No.: -
101 berth 101
103 berth 103
105 berth 105
107 berth 107
Ro/Ro berth 108 and the sheds situated at
Durban International Airport:-
Shed No.1, S.A. Airways
Shed No. 2, Safair

East London

Shed No. -
1: Safair, Settlers Way (behind Airport lodge)
2: East London Harbour

Germiston

Shed No.:-
1: Airport area, Rand Airport

Johannesburg International Airport

The shed situated at Old Mutual Business Park South, Gewel Street, Isando.
Received International Cargo Section on the ground floor of the S.A. Airways Freight Centre situated North of the Airport Terminal Building and between the Customs and Freight Agents Building and the Cabin Services Building of South African Airways.

The following sheds situated between the State Warehouse and the Special Services Building at the freight complex North of the Airport Terminal Building:

No.1	No paragraph
No.2	KLM South Africa (Pty.) Ltd.
No.3 and 4	Swissport South Africa (Pty.) Ltd.
No.5	No paragraph
No.6	Swissair South Africa (Pty.) Ltd.
No.7	Afro Continental Airways (Pty.) Ltd.
No.8,9 and 10	No paragraph
No.11	Link Airways Ltd.
No.12	Transportes Aéros Portugueses (E.P)
No.13 and 14	Alitalia-Lines Aeree Italiane S.P.A.
No.15	Sabena South Africa (Pty.) Ltd.
No.16, 17, 18, 19, and 20	Lufthansa German Airlines
No.21	Air France

The following sheds situated between the Post Office and South African Police building at the technical area South of the Airport Terminal Building:
No. 3 :DHL International (Pty.) Ltd.
No. 4A :Independent Express (Pty.) Ltd.
No. 4B :Inter-Sped (Pty.) Ltd.
No. 4C :Fast Lane (Pty.) Ltd.
No. 4D :Ace Express Ltd.
No. 4E :World Couriers (Pty.) Ltd.
No. 4F :Trans Africa Express Ltd.
No. 5 :Sun Couriers (Pty.) Ltd.
No. 5A :Export Warehousing and Cargo Consultants C.C. (EWC)
No. 6 :XPS Services (Pty.) Ltd.
No. 7 :Airborne Express Ltd.
No. 8 :TNT Express Worldwide (SA) (Pty.) Ltd.
No. 9 : Guardforce International Transportation Ltd.

Kimberley

Shed No. 1: S.A. Airways, Kimberley Airport

Port Elizabeth

Shed No. -	1:	Charl Malan Wharf
	2:	Wharf No. 2
	3:	Wharf No. 2
	4:	Wharf No. 3
	3:	Wharf No. 3
	6:	Wharf No. 3
	7:	Charl Malan Wharf
	8:	S.A.Airways, Port Elizabeth Airport
	9:	Safair, Port Elizabeth Airport
	10:	Express Air Services (Air Cape Maintenance Hanger)

No. R. 855 **9 Julie 1999**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN DIE REËLS (No. DAR 15)

Kragtens artikel 6 (1) (g) van die Doeane- en Aksynswet, 1964, word die Bylae by die reëls gepubliseer by Goewermentskennisgewing No. R. 1874 van 8 Desember 1995 gewysig in die mate in die Bylae hiervan aangetoon.

T. F. VAN HEERDEN
Kommissaris van die Suid-Afrikaanse Inkomstediens

BYLAE

Deur Reël 200.06 met die volgende te vervang:

200.06 DEURVOERLOODSE
(Artikel 6(1)(g) van die Wet)

Bloemfontein

No.1: S.A. Lugdiens Vraggebou, Bloemfonteinlughawe

Kaapstad

Loodse geleë in die hawegebied en beheer deur -

Portnet	Loodse A,E,G,H en J
Unifruco	Loodse B,C en D
Duncan Dock Cold Storage (Edms.) Bpk.	Loods K

Ontvange Internasionale Vragafdeling, S.A. Lugdiens Vraggebou, Kaapstad Internasionale Lughawe.
Safair Loods No. 1.

Durban

Loodse deur Portnet beheer en geleë in die Punt-gebied van die hawe: -

Loods No. -		
D	aanlêplek	D
E	aanlêplek	E
F	aanlêplek	F
G	aanlêplek	G
L	aanlêplek	L
M	aanlêplek	M
Q	aanlêplek	Q

Maydonkaai-gebied van die hawe: -

Loods No.: -		
7	aanlêplek	7
8	aanlêplek	8
10	aanlêplek	10
12	aanlêplek	12

New Pier-gebied van die hawe: -
Loods No.: -

101	aanlêplek	101
103	aanlêplek	103
105	aanlêplek	105
107	aanlêplek	107
Ro/Ro	aanlêplek	108 en die loodse geleë te

Durban Internasionale Lughawe:-
Loods No.1, S.A. Lugdiens
Loods No. 2, Safair

Oos Londen

Loods No. -
1: Safair, Settlersweg (agter lughawelosie)
2: Oos-Londenhawe

Germiston

Loods No.:-
1: Lughawegebied, Randlughawe

Johannesburg Internasionale Lughawe

Die loods geleë te Ou Mutual Besigheidspark Suid, Gewelstraat, Isando.
Ontvangs Internasionale Vragafdeling, op die grondvloer van die S.A. Lugdiens Lugvragsentrum geleë Noord van die Lughawe-eindpuntgebou en tussen die Doeane- en Vragagentegebou en die Kajuitdienstegebou van die Suid-Afrikaanse Lugdiens.

Die volgende loodse geleë tussen die Staatspakhuis en die Spesiale Dienstegebou by die vragkompleks Noord van die lughawe-eindpuntgebou:

No.1	Geen paragraaf
No.2	KLM South Africa (Edms) Bpk.
No.3 en 4	Swissport South Africa (Edms.) Bpk.
No.5	Geen paragraaf
No.6	Swissair South Africa (Edms.) Bpk.
No.7	Afro Continental Airways (Edms.) Bpk.
No.8,9 en 10	Geen paragraaf
No.11	Link Airways Bpk.
No.12	Transportes Aéros Portugueses (E.P)
No.13 en 14	Alitalia-Lines Aeree Italiane S.P.A.
No.15	Sabena South Africa (Edms.) Bpk.
No.16, 17, 18, 19, en 20	Lufthansa German Airlines
No.21	Air France

Die volgende loodse geleë tussen die Poskantoor- en die Suid-Afrikaanse Polisiegebou by die tegniese gebied Suid van die Lughawe-eindpuntgebou:

No. 3 :DHL International (Edms.) Bpk.
No. 4A :Independent Express (Edms.) Bpk.
No. 4B :Inter-Sped (Edms.) Bpk.
No. 4C :Fast Lane (Edms.) Bpk.
No. 4D :Ace Express Bpk.
No. 4E :World Couriers (Edms.) Bpk.
No. 4F :Trans Africa Express Bpk.
No. 5 :Sun Couriers (Edms.) Bpk.
No. 5A :Export Warehousing and Cargo Consultants C.C. (EWC)
No. 6 :XPS Services (Edms.) Bpk.
No. 7 :Airborne Express Bpk.
No. 8 :TNT Express Worldwide (SA) (Edms.) Bpk.
No. 9 :Guardforce International Transportation Ltd.

Kimberley

Loods No. 1: S.A. Lugdiens, Kimberleylughawe

Port Elizabeth

Loods No.	1:	Charl Malankaai
	2:	Kaai No. 2
	3:	Kaai No. 2
	4:	Kaai No. 3
	3:	Kaai No. 3
	6:	Kaai No. 3
	7:	Charl Malankaai
	8:	S.A. Lugdiens, Port Elizabethlughawe
	9:	Safair, Port Elizabethlughawe
	10:	Express Air Services (Air Cape Maintenance Hanger)

DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 856 **9 July 1999**

ESTATE AGENCY AFFAIRS BOARD: REGULATIONS INTO CONDUCT DESERVING OF SANCTION

I, Alexander Erwin, Minister of Trade and Indusry, hereby give notice of my intention to prescribe in terms of section 33, regulations in relation to the manner in which a charge of conduct deserving of sanction against any Estate Agent shall be brought and investigated and the manner in which a person must be summoned to appear before a committee of enquiry or the Board as contained in the Schedule.

Interested parties are therefore invited to furnish written comment and representations regarding the above-mentioned regulations before or on 31 July 1999 to:

The Director-General:
Department of Trade and Industry
Private Bag X84
PRETORIA
0001.
(For attention: Ms Agnes Tsele-Maseloanyane:
Tel. (012) 310-9567.
Fax. (012) 322-8489.

A. ERWIN
Minister of Trade and Industry

1. INTRODUCTION: REASONS FOR REPLACING THE CURRENT REGULATIONS

Section 30 (2) of the Estate Agency Affairs Act, No. 112 of 1976 ("the Act") states that—

"(2) the board or a committee of inquiry may in the prescribed manner bring and investigate any charge of conduct deserving of sanction against any estate agent.".

The current disciplinary regulations promulgated under the Act have now been in operation for 15 years. Over that period the Estate Agency Affairs Board has gained valuable exprience not only in dealing with complaints lodged by consumers against the conduct of estate agents but also in respect of the procedures to be followed when formal disciplinary inquiries are held. The time has come to review the existing system, given the following considerations:

(a) Industry-orientated disciplinary systems generally have two main objectives, namely (i) dispute resolution, and (ii) punishment of the offender. The current disciplinary regulations strongly (if not totally) favour the punitive objective, i.e. the system is geared towards the prosecution of an alleged offender and the imposition of an appropriate penalty should the offender be found guilty. There is nothing in the current disciplinary regulations which specifically empowers committees of inquiry or the Board to embark on a dispute resolution process. Over the years the Board's management (as well as the various disciplinary committees) nevertheless attempted whenever possible to resolve disputes, albeit informally, using the machanisms of the disciplinary procedure.

The Estate Agency Affairs Board regulates the estate agency industry *in the public interest*. Clearly there are cases where the pubic interest requires that an estate agent should formally be found guilty of conduct deserving of sanction and that an appropriate penalty be imposed. In other cases, however, public interest can best be served by resolving the dispute between a consumer and an estate agent, without embarking on a formal disciplinary inquiry. In practice most complaints lodged with the Board are of a civil nature, where the complainent turns to the Board not really to seek punishment of the state agent in question but to obtain assistance to recover financial loss. The disciplinary regulations must therefore be flexible enough to accommodate the different demands placed on the disciplinary system. The Board and committees of inquiry must view each case individually, the key question being: what does the public interest require in the particular case—punishment or dispute resolution?

(b) The current disciplinary system is very much adversarial in nature, i.e. a *pro forma* prosecutor puts the Board's case and the committee members play a subordinate role when it comes to the examination of the parties and/or witnesses. This is how proceedings are normally conducted in courts of law in South Africa, but there is no reason why the same procedure should be followed at disciplinary hearings. Disciplinary proceedings must not be compared with or elevated to proceedings of a court of law, especially the criminal courts. The adversarial model is based on the idea that the parties to a dispute are two adversaries fighting it out while a neutral third party acts as umpire, aloof from the fray. However, an adjudicator can play a completely different role, namely that of an inquisitor who actively seeks out the facts by calling witnesses and questioning them. This model is practised very effectively in many European countries, and is also used in South Africa in arbitrations and the Small Claims Court. Section 26 (3) of the Small Claims Court Act, No. 61 of 1984, states:

"(3) A party shall not question or cross-examine any other party to the proceedings in question or a witness called by the latter party, but the presiding commissioner shall proceed inquisitorially to ascertain the relevant facts, and to that end he may question any party or witness at any stage of the proceedings: Provided that the commissioner may in his discretion permit any party to put a question to any other party or any witness.".

As stated above, section 30 (2) of the Estate Agency Affairs Act requires of the Board and a committee of inquiry to bring and investigate a charge of conduct deserving of sanction. A committee of inquiry itself is therefore under a duty to "investigate" a charge. Strictly speaking, it is not the prosecutor's task in terms of the Act to put the Board's case: it is the committee's function to investigate a charge. It could thus be argued that the Act in fact favours an inquisitorial approach. There are sound reasons for this. Members of a committee are often in the best position to properly investigate a charge by asking the right questions and they should not be denied the opportunity of doing so on the pretext that it is the prosecutor's task. In the adversarial model the adjudicator must decide a case on the facts and evidence as presented by the respective parties: if one party has failed to prove its case for lack of evidence (even though the evidence may be available), so be it. However, this is simply providing technical justice. In the inquisitorial model the adjudicator can ensure that all the relevant evidence is properly presented and tested, thus ensuring that material justice is done. Where parties are not represented, justice is not likely to be done if the adjudicator fails to call vital witnesses or ask important questions not raised by the parties.

The adversarial approach could well be the more suitable form of proceedings for certain disputes, such as those where a significant or complex point of law or ethics arises or where the dispute has important implications extending beyond the interests of the individual parties. In other cases, however, the investigative approach could be more suitable, offering the optimum in terms of accessibility, informality and speed. There is no law that proceedings before a disciplinary tribunal should always be adversarial in nature. As stated by Baxter *Administrative Law* 249:

"A leading English administrative lawyer has argued that one fundamental principle which should govern tribunal procedure is that it should be adversary, not inquisitorial. It is submitted that this view is mistaken. It casts tribunals too rigidly in the mould of courts of law. An *active* role on the part of the tribunal in the gathering of evidence and assisting of unrepresented parties does not make the tribunal *partisan,* even though such a role might not be appropriate in a court of law. What is essential is that tribunals should be impartial and that persons affected by the tribunal's decision be given a full opportunity to present their cases and to controvert those against them; this is the essence of fairness.".

The disciplinary regulations should therefore be flexible enough to allow a committee of inquiry to adopt either an adversarial or an inquisitorial approach, given the circumstances and demands of each individual case. Such flexibility is one of the cornerstones governing the proceedings of a disciplinary tribunal (Baxter *op cit* 249): without it much of the advantage of employing a disciplinary tribunal instead of a Court would be lost.

Naturally the inquisitorial model places great demands on the competence and impartiality of adjudicators because they are required to dominate the hearing: Clark, J "Arbitration in dismissal disputes in South Africa and the UK: Adversarial and investigative approaches" 1997 *Industrial Law Journal* 609 at 615.

(c) The procedure to be followed at a hearing before a committee of inquiry is formalistically described in the current regulations, very much along the lines of a procedure followed in a criminal trial. This is not ideal. An estate agent appearing before a committee of inquiry is not facing a criminal charge; the estate agent is merely called upon to attend an enquiry regarding his or her ethical conduct as an estate agent. Many disciplinary inquiries involve relatively straightforward issues (for example, did the estate agent put up a "for sale" board without the seller's written consent?) in such cases justice and fairness is much better served by adopting a less formalistic procedure.

(d) The existing regulations require a member of the public aggrieved by the conduct of an estate agent to lay a charge with the Board by way of an affidavit. This is undesirable for two reasons, namely—

(i) members of the public are seldom (if at all) aware of the grounds which, in terms of the Act, constitute conduct deserving of sanction. At best a member of the public can lodge a *complaint* with the Board, leaving it to the Board to investigate the complaint and to determine whether in fact it does constitute a valid ground upon which disciplinary proceedings can be based. Moreover, many consumers do not wish to lay a formal *charge* as such but rather wish to bring a matter to the Board's attention with the hope that, with the assistance of the Board, the matter can be resolved amicably;

(ii) lodging a charge (or even a complaint) by way of an affidavit constitutes a barrier for many consumers. In practice a person wishing to make a sworn statement before a commissioner of oaths must either go to a police station or an attorney's office to do so. This is a cumbersome procedure, especially if one considers that many complaints brought by members of the public against estate agents relate to relatively minor disputes between the parties. The Estate Agency Affairs Board is a consumer protection agency and its procedures must not stand in the way of consumers wishing to avail themselves of the Board's assistance.

This does not mean that there is no place for affidavits in a disciplinary system. In terms of the new regulations the Board may, when investigating a complaint, require any person (including the complainant) to make an affidavit in respect of a matter to be heard by a committee of inquiry. The Board will obviously not institute disciplinary proceedings against any estate agent unless it is satisfied that, given the evidence, such proceedings are justified.

(e) The Estate Agents Amendment Act No. 90 of 1998, introduced a number of new measures regarding the Board's disciplinary system, the most important being that committees of inquiry are now empowered to make "compensatory awards" i.e. a committee may, when imposing a fine on an estate agent found guilty of conduct deserving of sanction, order that a portion of the fine (up to a maximum of 80% thereof) be applied towards the payment of compensation to any person who suffered a loss as a result of a conduct of the estate agent in question. These changes need to be incorporated in the disciplinary regulations.

2. EXPLANATION OF THE NEW REGULATIONS

The new regulations change the existing system in a number of important respects—

(a) in terms of regulation 2 the disciplinary process is "triggered" by a *complaint,* not a formal charge. The complaint must be in writing and an affidavit is not required. On receipt of a complaint the Board may require the complainant to furnish it with further information and may carry out any investigation as it deems necessary or appropriate. The Board may notify the respondent of the complaint and request his or her reply thereto [regulation 3 (1) (c)]. In order to encourage the respondent to reply freely and fully, in the hope of an early settlement of the dispute, comments furnished by the respondent in respect of the complaint will not be used against him or her if an inquiry is held [regulation 3 (2) (b)].

The Board is under no obligation to act on a complaint if it is of the opinion that there is insufficient evidence to substantiate the complaint or that there is no reasonable likelihood that a committee will find that the conduct complained of would constitute conduct deserving of sanction.

In terms of regulation 2 (3) the Board itself may of its own accord formulate a complaint and thereafter request the respondent to reply.

(b) Specific provision is made in regulation 4 for mediation. The mediation process is controlled by the Board who may (but is not obliged) to initiate mediation proceedings. In practice the nature of each individual case will dictate whether or not mediation is suitable and/or indeed advisable. As stated earlier, in appropriate cases the public interest may well demand that a formal disciplinary hearing be held and that an appropriate penalty be imposed if the respondent is found guilty.

The respondent is not obliged to participate in mediation proceedings, but in order to encourage participation it is provided [subregulation (6)] that nothing said or done in an attempt to settle the dispute through mediation will be used in evidence at an inquiry. Subregulation (8) deals specifically with the costs of the mediation proceedings.

A dispute may be settled by mediation at any time before or after a charge is brought against the respondent. If a dispute between a complainant and the respondent is settled through mediation, the complaint and the charge (if any) against the respondent will be deemed to be withdrawn, unless the latter fails to implement any obligation imposed upon him or her in terms of the settlement. A settlement through mediation therefore brings finality for both parties.

(c) If a complaint has not been resolved through mediation, regulation 5 obliges the Board to bring a charge provided there is sufficient evidence to substantiate a complaint and a reasonable likelihood that a committee will find that the complaint constitutes conduct deserving of sanction. The charge must contain the details prescribed by regulation 5 (2). Save for certain technical matters, this corresponds by and large with the existing position.

(d) Regulation 7 sets out the Board's powers and duties in respect of a disciplinary inquiry.

Two aspects must be highlighted, namely—

— the Board may, but is not obliged, to appoint a *pro forma* prosecutor to lead evidence in support of the charge. In practice the nature and complexity of a particular case will determine whether or not the services of a formal prosecutor are required: as explained above, some cases certainly require *prosecution* in the strict sense of the word, but there are many where an *investigation* (as opposed to a *prosecution)* is far more appropriate. It is foreseen that the management of the Board (perhaps in consultation with the chairperson of a committee) will play a decisive role in deciding whether a given case truly requires the services of a *pro forma* prosecutor;

— in terms of the new regulations certain key functions are entrusted to the chairperson of a committee. For this reason it is desirable that the chairperson of a committee be appointed by the Board. (Under the current regulations the chairperson is appointed by the committee itself.)

(e) Regulation 8, dealing with summonses, is of a technical nature. Two aspects are worth nothing—

— under the existing regulations a summons must be served either by personal service or by sending it to the respondent by registered post. This proved to be insufficient in practice, since a respondent could easily claim non-service. Under the new regulations the method of service is widened: See regulation 8 (2) (b);

— the existing regulations provide that a committee may summon a witness at the instance of the respondent, but no provision is made to recover the costs of such summons from the respondent. This *lacuna* is now dealt with in regulation 8 (4).

(f) Regulation 10 sets out the proceedings to be followed at an inquiry. Attention is drawn specifically to the following:

— The existing regulations contain detailed provisions regarding the circumstances under which an affidavit may be admitted in evidence. This procedure needs to be simplified: a disciplinary hearing is not a court of law and there is no reason why an affidavit should, as a general rule, not be admitted in evidence. The committee must have a discretion to refuse its admissibility if there are sufficient grounds to do so. See subregulation (4).

— As stated above, the current regulations are formalistic in nature and describe a specific procedure to be followed at every hearing. This raises the problem that if the prescribed procedure is not strictly followed, a committee's decision may well be taken on review on the grounds of procedural deficiencies. This apart, there is a clear need for flexibility; committees must be able to follow different procedures, depending on the nature of the case under consideration, its complexity and whether the parties in question are represented or assisted by legal representatives. In some cases, especially those where there is a single issue in dispute or where the issues in dispute are rather straightforward, there is no need for a formalistic procedure. Hence subregulation 7 (a) provides that the procedure to be followed in respect of an inquiry will be determined by the committee, having due regard to the requirements and principles of natural justice. it is envisaged that the chairperson will play a pivotal role in determining the procedure in each individual case.

— As explained earlier, it is considered essential that the Board's disciplinary proceedings move away from its current adversarial nature. Regulation 7 (b) therefore specifically empowers a committee to proceed inquisitorially to ascertain the relevant facts and to put questions to the parties and witnesses at any state of the proceedings of any matter it considers relevant. Of course, committee members must not stray beyond the boundaries of natural justice; they must remain unbiased and refrain from committing irregularities, for example questioning witnesses in private. In appropriate cases the committee may nevertheless decice to follow the adversarial model and allow the *pro forma* prosecutor to lead evidence in support of the charge and to cross-examine the respondent and witnesses called by him or her. This creates essential procedural flexibility.

(g) As stated earlier, the Act has been amended to confer on a committee the power to make a compensatory award. Regulation 11 describes the procedure to be followed by a committee in this regard.

The following general provisions can be highlighted:

— Regulation 12 (3) (a) stipulates that a person duly summoned to be present at an inquiry may not without lawful excuse fail to appear or remain present at the inquiry. Contravention constitutes an offence. In terms of the Act a committee may forthwith withdraw an estate agent's fidelity fund certificate if such estate agent has been properly summoned to attend an inquiry but fails to do so without just cause.

— Regulation 12 (4) prohibits a person from acting in contempt of a committee of inquiry.

— Regulation 12 (5) provides that proceedings at an inquiry will be open to the public but that a committee may on good cause direct that evidence be heard *in camera*.

3. CONSULTATION

The Board has invited all industry stakeholders to furnish it with proposals regarding the improvement of the current disciplinary system and to comment on the proposed new regulations. The following comments were received from the Institute of Realtors:

(a) The Institute has no comment on the procedures to be applied by a committee of inquiry in respect of compensatory awards. However, the Institute wishes to remind the Board that it does not support the principle of compensatory awards as embodied in the Act.

The Board took note of the point. However, the matter is now dealt with by the Act and the regulations must give effect thereto.

(b) The Institute fears that complaints in a form other than a sworn affidavit may lead to frivolous and/or unsubstantiated complaints being made. Accordingly, the Institute favours an approach in terms of which complaints must be lodged by way of affidavit.

This matter has been dealt with above. It needs to be stressed again that the Board will react to a complaint lodged by a member of the public only if the Board feels that the complaint warrants further investigation. The Board may, if curcumstances so require, ask a complainant to furnish the Board with an affidavit.

(c) The Institute finds it "grossly unfair" that estate agents charged with conduct deserving of sanction have to pay all the costs relating to witnesses they may have to call. It prefers a system whereby all such costs are to be borne by the Board.

Section 30 (8) of the Act (introduced by the Estate Agents Amendment Act, No. 90 of 1998), states that if an estate agent has been found not guilty by a committee of inquiry, the Board may make a contribution towards the costs incurred by the estate agent in respect of the hearing before the committee. The Board considers this to be a fair solution, keeping in mind that the Board has no control over the number of witnesses called by the estate agent in question. If the estate agent is found guilty of conduct deserving of sanction, there is no reason why the Board should pay the costs of witnesses called by the estate agent in support of his or her unsuccessful defence.

SCHEDULE

Definitions

1. In these regulations any word or expression defined in the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976), shall bear the meaning so assigned to it and, unless the context otherwise indicates—

"charge" means a charge of conduct deserving of sanction;

"committee" means a committee of enquiry;

"compensatory award" means an award referred to in section 30 (7) (a) of the Act;

"complainant" means any person who lodged a complaint against an estate agent as referred to in regulation 2 (1);

"complaint" means a complaint concerning the conduct of an estate agent, acting in his or her capacity as such;

"enquiry" means an enquiry conducted by a committee;

"penalty" means any penalty referred to in section 30 (3) of the Act;

"pro forma prosecutor" means the person appointed or designated in terms of regulation 7 (1);

"respondent" means an estate against whom a complaint or a charge has been laid.

Lodging of complaints

2. (1) Any person who feels aggrieved by any act or omission of an estate agent acting in his or her capacity as such, may lodge a complaint with the Board.

(2) Any complaint referred to in subregulation (1) must be addressed to the Board and shall—

(a) be in writing;

(b) contain the name and address of the complainant and of the respondent (in so far known to the complainant);

(c) contain details of the conduct complained of; and

(d) be signed by or on behalf of the complainant.

(3) The Board may of its own accord formulate a complaint in the manner prescribed by regulation 2 (2) if on good cause it has reason to believe that the conduct of an estate agent may constitute conduct deserving of sanction.

Consideration of complaint and investigation thereof

3. (1) The Board may—

(a) on receipt of a complaint referred to in regulation 2 (1) request the complainant to furnish it with such further information, in the form of an affidavit or otherwise, as it deems necessary;

(b) carry out, or cause to be carried out, any investigation in respect of a complaint as it deems necessary or appropriate;

(c) notify the respondent in writing of a complaint and shall simultaneously with such notification—

(i) furnish the respondent with a copy of the complaint in question;

(ii) request the respondent in writing to furnish the Board with his or her commments on the complaint, if any, within the period referred to in subregulation (2) (a); and

(iii) advise the respondent of the provisions of subregulation (2) (b).

(2) (a) The respondent shall furnish the Board with his or her comments, if any, referred to in subregulation (1) (c) (ii) within 30 days after the date of the Board's request in terms of subregulation 1 (c) (ii), or within such extended period as the Board may allow.

(b) Comments furnished to the Board by the respondent in terms of paragraph (a) shall not be used against him or her if an inquiry is held.

(3) (a) If the Board is of the opinion that there is insufficient evidence to substantiate a complaint referred to in regulation 2 (1) or that there is no reasonable likelihood that a committee will find that the conduct complained of, even if proved, constitutes conduct deserving of sanction, it shall in writing notify—

(i) the complainant; and

(ii) the respondent, if he or she has already been notified by the Board of the complaint;

that the mater will not be proceeded with by the Board.

(b) The Board may at any time and on good cause withdraw a complaint formulated by it in terms of regulation 2 (3) and shall forthwith thereafter notify the respondent of such decision in writing, if he or she has already received notification of the complaint in terms of subregulation (1) (c).

(4) Notwithstanding the provisions of subregulation (3) (a) and (b) the Board may at any time after having taken any step referred to in that subregulation and after notification to the complainant and the respondent [if he or she has already received a notification in terms of subregulation (3) (a) or (b)], reopen the matter or revoke the withdrawal of the complaint, as the case may be, if new evidence has became available which, in the opinion of the Board, justifies such reopening or revocation.

Mediation

4. (1) The Board may at any time, before or after a charge is brought in terms of regulation 5 (1), attempt to resolve any dispute between the complainant and the respondent based on the complaint, by inviting the complainant and the respondent to participate in mediation proceedings.

(2) When inviting the parties in terms of subregulation (1), the Board—

(a) shall notify both parties of the provisions of subregulation (6);

(b) may conclude an agreement with the parties regarding the payment of the Board's costs in respect of the mediation proceedings and/or the appointment of a mediator.

(3) If the complainant and the respondent are willing to participate in mediation proceedings, the Board (or its nominee) shall act as mediator in the matter.

(4) The mediator shall determine the procedure to be followed in respect of a mediation in terms of subregulation (3).

(5) If through mediation the dispute between the complainant and the respondent is settled—

(a) such settlement shall be recorded by the Board in writing and shall be signed by both the complainant and the respondent as soon as is practicable; and

(b) the complaint in question and the charge (if any) against the respondent shall be deemed to be withdrawn, unless the respondent fails to implement any obligation imposed upon him or her in terms of the settlement as recorded and signed in terms of paragraph (a).

(6) Neither the complainant nor the respondent shall be obliged to participate in mediation proceedings and nothing said or done by either party in an attempt to settle the dispute through mediation shall be used in evidence at any inquiry.

(7) No person who acts as mediator in terms of this regulation may serve as a member of a committee to inquire into a charge based on or relating to a complaint which was the subject-matter of mediation proceedings before such mediator, or act as a *pro forma* prosecutor at any such inquiry.

(8) (a) The complainant and the respondent shall each be liable for their own costs incurred in respect of the mediation proceedings.

(b) Any costs incurred by the Board in respect of the mediation proceedings and/or the appointment of a mediator shall be borne by the Board, subject to the provisions of an agreement (if any) as referred to in subregulation (2) (b).

(9) The Board may, if it has formulated a complaint as contemplated in regulation 2 (3), at any time before or after a charge is brought in terms of regulation 5 (1) attempt to settle the complaint either through mediation or in any other manner, in which event subregulations (4)–(8) shall apply *mutatis mutandis*.

Charge

5. (1) Subject to regulation 4 (5) (b) the Board shall, if it is of the opinion that there is—

(a) sufficient evidence to substantiate a complaint; and

(b) a reasonable likelihood that a committee will find that the complaint, if proved, constitutes conduct deserving of sanction,

bring a charge against the respondent to be heard by a committee.

(2) A charge contemplated in subregulation (1) shall be in writing, be dated and shall—

(a) contain the name and address of both the complainant and the respondent;

(b) contain an exposition of the act or omission with which the respondent is charged;

(c) be accompanied by—

(i) a summary, in the form determined by the Board, of the procedure applicable to an inquiry before a committee; and

(ii) a copy of the complaint on which the charge is based, if such copy has not already been furnished to the respondent in terms of regulation 3 (1) (c) (i);

(iii) copies of all documents which are at that point in time in the possession of the Board and which the Board intends to submit in evidence at the inquiry;

(d) invite the respondent to furnish the Board with an affidavit setting out his or her comments on the charge, if any, within a specified period, being not less than 21 days after the date of the charge;

(e) notify the respondent that he or she is under no obligation to respond or to make any comments envisaged in paragraph (d) and that any such comments may and shall be used as evidence against him or her at an inquiry;

(f) notify the respondent that should he or she admit the charge within the period stated in paragraph (d), he or she—

(i) will not be required to appear at inquiry; and

(ii) may within the aforesaid period furnish the Board with a written statement setting forth any mitigating circumstances.

(3) The Board may at any time and on good cause withdraw a charge and shall forthwith thereafter in writing notify the complainant and the respondent of its decision and the reasons therefor.

(4) A charge contemplated in subregulation (1) and any notification referred to in subregulation (3) shall be delivered to the respondent personally or be sent to him or her by prepaid registered post at his or her business or residential address on record at the Board.

Acknowledgment of guilt

6. (1) If a respondent admits the charge as contemplated in regulation 5 (2) (f) the Board shall deliver to a committee a copy of the charge and the statements, if any, referred to in regulation 5 (2) (d) or (f).

(2) The committee shall consider the charge and the respondent's statements, if any, and if it is satisfied that the conduct complained of constitutes conduct deserving of sanction and that the respondent is guilty of such conduct, it shall—

(a) find the respondent guilty on such charge; and

(b) impose an appropriate penalty, having due regard to the respondent's statement referred to in regulation 5 (2) (f) (ii), if any.

(3) The Board shall in writing notify the complainant and the respondent of the committee's decision referred to in subregulation (2).

Board's powers and duties in respect of inquiry

7. The Board—

(1) may appoint any person, or designate any staff member of the Board, to perform the specific functions entrusted to a *pro forma* prosecutor in terms of these regulations;

(2) shall record the proceedings before a committee or cause such proceedings to be recorded;

(3) shall, when appointing the members of a committee, appoint the chairperson of such committee: Provided that if the circumstances so demand, such chairperson shall have the power to delegate his functions as chairperson to another member of the committee.

Summoning of respondent and witnesses

8. (1) The Board—

(a) shall, if the respondent does not admit the charge as contemplated in regulation 5 (2) (f), summon the respondent to appear before a committee at a time and place specified in the summons for the purposes of an inquiry;

(b) may summon any witness of its own accord, or at the instance of the committee or the respondent, to be present at an inquiry in order to give evidence.

(2) (a) A summons referred to in subregulation (1) (a) shall be in the form specified in Schedule A and a summons referred to in subregulation (1) (b) shall be in the form specified in Schedule B.

(b) A summons referred to in paragraph (a) shall be served on the respondent or a witness, as the case may be, by—

(i) delivering or tendering it to him or her personally, or

(ii) sending it to him or her by prepaid registered post at his or her business or residential address last known to the Board; or

(iii) delivering or tendering it at his or her employment, business or residential address to any person over the age of 16 years that resides or is employed at such address.

(3) The Board shall pay a witness who is present at an inquiry at the instance of the Board or a committee, such costs as the Board may from time to time determine generally, or in any particular case: Provided that the Board may disallow such payment (or any portion thereof) if in the opinion of the committee such witness's testimony at the inquiry was unsatisfactory or if such witness failed to comply with the provisions of regulation 12 (3) (a) (ii).

(4) If any witness is summoned by the Board at the instance of the respondent, the Board may require the respondent to first deposit a sum of money sufficient to cover the costs of preparing and service of the summons, and he or she may pay such costs from the amount so deposited: Provided that any surplus amount shall be repaid to the respondent, without interest.

Plea of guilty before inquiry is held

9. (1) The respondent may, before commencement of an inquiry, notify the committee in writing that he or she pleads guilty to the charge as set out in the summons referred to in regulation 8 (1), and may with such notification submit to the committee a written statement setting forth any mitigating circumstances.

(2) If, after having received a notification in terms of subregulation (1), the committee is satisfied that the charge against the respondent can be disposed of without the holding of an inquiry—

(a) the Board shall in writing notify the respondent and the complainant and any person on whom a summons has been served in terms of regulation 8 (1) (b) that the inquiry in question will no longer be held;

(b) the committee shall *mutatis mutandis* apply the procedure prescribed by regulation 6 (2), having due regard to the respondent's statement in mitigation (if any) referred to in subregulation (1).

(3) The Board shall in writing notify the complainant and the respondent of the committee's decision referred to in regulation 6 (2).

Proceedings at inquiry

(10) (1) At the commencement of an inquiry the chairperson of the committee shall ask the respondent to plead guilty or not guilty to the charge as set out in the summons, and the plea shall be so recorded.

(2) If the respondent refuses or fails to plead to the charge, a plea of not guilty shall be recorded.

(3) A respondent is entitled to be assisted at an inquiry by a legal representative.

(4) Evidence at an inquiry shall be given orally or be tendered by way of affidavits: Provided that no affidavit shall be admitted in evidence if the committee is satisfied that there are sufficient grounds why it should not be admitted.

(5) The chairperson of the committee shall administer an oath to or accept an affirmation from any person called to give evidence.

(6) If the respondent has pleaded guilty to the charge and the charge and the committee is satisfied that—

(a) the charge can be disposed of without hearing evidence; and

(b) the act or omission with which the respondent is charged constitutes conduct deserving of sanction; and

(c) the respondent is guilty as charged,

it shall find the respondent guilty and such finding shall either be made known at the inquiry or be conveyed in writing to the Board by the chairperson within fourteen days of the date of the respondent's plea, whereafter the Board shall in writing notify both the respondent and the complaint of the finding.

(7) (a) If the respondent has pleaded not guilty to the charge, or if the committee decides to hear evidence on the charge notwithstanding a plea of guilty, the procedure to be followed in respect of the inquiry shall be determined by the committee, having due regard to the requirements and principles of natural justice.

(b) A committee may—

(i) proceed inquisitorially to ascertain the relevant facts and may at any stage during the inquiry question the complainant, the respondent and any witness on any matter it considers relevant;

(ii) allow the *pro forma* prosecutor (if appointed) to present evidence in support of the charge and to cross-examine the respondent and/or any witness called by the respondent.

(8) (a) In respect of each charge the committee shall find the respondent either guilty of conduct deserving of sanction, or not guilty.

(b) A committee may find the respondent not guilty even if he or she has pleaded guilty.

(c) If the committee finds the respondent not guilty it shall determine whether or not to make a recommendation as referred to in section 30 (8) (a) of the Act.

(d) The committee's decision referred to in paragraph (a) and (c) shall either be made known at the inquiry or be conveyed in writing to the Board by the chairperson within sixty days after all evidence in respect of the charge has been heard.

(e) The Board shall forthwith after obtaining the committee's decision in writing notify the complainant and the respondent—

(i) of the decision referred to in paragraph (a); and

(ii) of the committee's recommendation referred to in paragraph (c), if such recommendation has been made.

(9) If the committee has found the respondent guilty of conduct deserving of sanction, it shall—

(a) determine whether the respondent has previously been convicted of a charge deserving of sanction;

(b) give the respondent the opportunity of adducing evidence in mitigation; and

(c) give the respondent and the *pro forma* prosecutor (if appointed) the opportunity of addressing the committee in connection with the appropriate penalty to be imposed.

(10) A computer generated extract from the records of the Board stating the particulars of any prior charge brought against the respondent, the conviction of the respondent and the penalty imposed by the Board or a committee, shall be sufficient proof that the respondent has previously been convicted of conduct deserving of sanction, unless the respondent proves the contrary.

(11) (a) After the requirements of subregulation (9) have been complied with, the committee shall deliberate *in camera* to determine the appropriate penalty to be imposed on the respondent.

(b) The Board shall in writing notify the complainant and the respondent of the penalty imposed on the respondent by the committee.

(12) A committee may for the proper performance of its functions in terms of these regulations obtain such legal or other advice and consult such persons as it may deem necessary or appropriate.

(13) Notwithstanding anything contained in these regulations, the chairperson of a committee may give directions and take whatever steps he or she may consider necessary or appropriate to expedite the inquiry or to settle any dispute between the complainant and the respondent relating to the subject-matter of the charge against the respondent.

Compensatory award

11. (1) In order to exercise the discretion conferred upon it in terms of section 30 (7) (a) of the Act, and to determine the amount referred to in that section and to whom such amount is to be paid, the committee—

(a) shall have due regard to the evidence placed before the committee at the inquiry in question;

(b) may call any person as a witness or re-call any witness who has testified at the inquiry, and inquisitorially examine him or her on issues relevant to such determination;

(c) may allow the *pro forma* prosecutor (if appointed) and the respondent to lead evidence in respect of any matter pertaining to the determination of a compensatory award by the committee, and to address the committee on the desirability of such award, the amount to be awarded and to whom it should be awarded, if at all;

(d) may inquisitorially examine any witness called by the *pro forma* prosecutor or the respondent as referred to in paragraph (c);

(e) may generally make such enquiries and accept proof as it considers necessary or appropriate in order to determine the issues refered to in subregulation 1.

(2) If a committee has determined that a compensatory award is to be made, the Board shall in writing notify the complainant and the respondent of—

(a) the amount of the award;

(b) the person to whom the award will be paid by the Board in terms of section 30 (7) (b) of the Act; and

(c) the provisions of section 30 (7) (b) and (c) of the Act.

General

12. (1) The Board may publish a notice in the *Government Gazette* or any other publication, or release to the news media a notice, announcing the conviction of the respondent of conduct deserving of sanction, together with details of the charge and the penalty imposed: Provided that if the respondent has filed an appeal against such conviction in terms of section 8C or 31 of the Act, such notice may be published only if the appeal has been dismissed or has not been proceeded with.

(2) (a) The complainant and/or the respondent may request the Board in writing to furnish him or her with the reasons for a decision of a committee, provided such request—

(i) shall be made to the Board within 30 days after he or she has been informed in writing by the Boad of the committee's decision.

(ii) be accompanied by an amount determined by the Board from time to time.

(b) If the Board has received a request in terms of subregulation 2 (a), the reasons in question shall be furnished in writing to the party making the request within 60 days thereafter.

(c) The Board shall be entitled to make such charge for the furnishing of a copy of the record of the proceedings at an inquiry or a transcription thereof, as the Board may determine from time to time.

(3) No person who has been—

(a) duly summoned to be present at an inquiry, shall without lawful excuse fail to—

(i) appear at an inquiry; or

(ii) remain present at an inquiry until he or she has been discharged by the committee;

(b) called as a witness at an inquiry, shall without lawfull excuse refuse to be sworn or to make an affirmation or to produce any book or other document or to answer any question which he may lawfully required to answer.

(4) No person shall disrupt the proceedings at an inquiry, or directly or indirectly threaten or insult any member of a committee in the performance of his or her functions or duties as such, or act in a manner which, if a committee were a court of law, would constitute contempt of that court.

(5) (a) The proceedings at an inquiry shall be open to the public, except in so far as these regulations provide otherwise.

(b) The committee may on good cause—

(i) direct that any evidence adduced or to be adduced during an inquiry be heard *in camera;*

(ii) order that no person may at any time in any way publish any information which may reveal the identity of any particular person or party to the proceedings.

(6) The Board shall record on its records full details of any decision, recommendation order or determination made by a committee pursuant to these regulations or the Act.

Withdrawal of regulations

(a) Government Notices Nos. R. 1471 of 29 July 1977, R. 446 of 12 March 1982, R. 1895 of 3 September 1982 and R. 1263 of 22 June 1984 are hereby withdrawn.

(b) An inquiry in terms of the regulations referred to in paragraph (a) which commenced immediately prior to the commencement of these regulations shall be conducted and finalised under the procedures prescribed by such regulations as if those regulations had not been withdrawn.

No. R. 858 **9 July 1999**

STANDARDS ACT, 1993

PROPOSED AMENDMENT OF THE COMPULSORY SPECIFICATION FOR THE SAFETY OF PLUGS, SOCKET-OUTLETS AND SOCKET-OUTLET ADAPTORS

It is hereby made known under section 22 (3) of the Standards Act, 1993 (Act No. 29 of 1993), that the Minister of Trade and Industry intends to amend the compulsory specification for the safety of plugs, socket-outlets and socket-outlet adaptors published by Government Notice No. R 442 of 3 April 1998, as set out in die Schedule.

The purport of the amendment is to prohibit the sale of specific plugs in South Africa.

Any person who wishes to object to the intention of the Minister to thus amend the compulsory specification concerned, shall lodge his objection in writing with the President, South African Bureau of Standard, Private Bag X191, Pretoria, 0001, on or before the date two (2) months after publication of this notice.

SCHEDULE

PROPOSED AMENDMENT TO THE COMPULSORY SPECIFICATION FOR PLUGS, SOCKET-OUTLETS AND SOCKET-OUTLET ADAPTORS

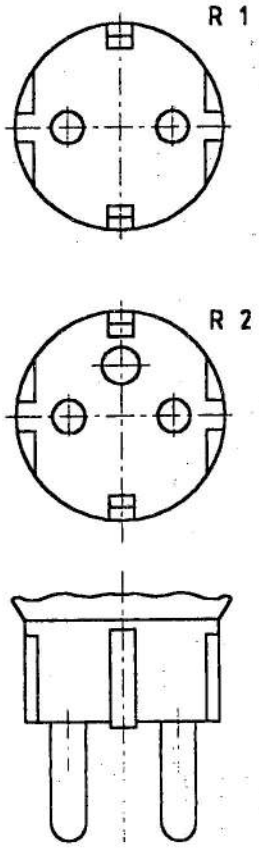
Subsection 3.1 (–13)

Delete the text in brackets.

Subsection 3.2

After 3.2, add the following new subsection:

3.3 A plug with a pin and earth contact configuration of type R1 or type R2 of DIN 49441, shall not be sold in South Africa.



DIN 49441
part 1,
types R 1 and R 2

Drg.15119-EC/98-10
VC 8008:1998

No. R. 858 **9 Julie 1999**

WET OP STANDAARDE, 1993

VOORGESTELDE WYSIGING VAN DIE VERPLIGTE SPESIFIKASIE VIR KONTAKPROPPE, KONTAKSOKKE EN VERDEELPROPPE

Hierby word kragtens artikel 22 (3) van die Wet op Standaarde, 1993 (Wet No. 29 van 1993), bekendgemaak dat die Minister van Handel en Nywerheid van voorneme is om die verpligte spesifikasie vir kontakproppe, kontaksokke en verdeelproppe, gepubliseer by Goewermentskennisgewing No. R 442 van 3 April 1998, te wysig, soos in die Bylae uiteengesit.

Die doel van die wysiging is om die verkoop van bepaalde kontakproppe in Suid-Afrika te verbied.

Enige persoon wat beswaar wil maak teen die Minister se voorneme om die betrokke spesifikasie sodanig te wysig, moet sy skriftelike beswaar voor of op die datum twee (2) maande na die datum van publikasie van hierdie kennisgewing indien by die President, Suid-Afrikaanse Buro vir Standaarde, Privaatsak X191, Pretoria, 0001.

BYLAE

VOORGESTELDE WYSIGING VAN DIE VERPLIGTE SPESIFIKASIE VIR KONTAKPROPPE, KONTAKSOKKE EN VERDEELPROPPE

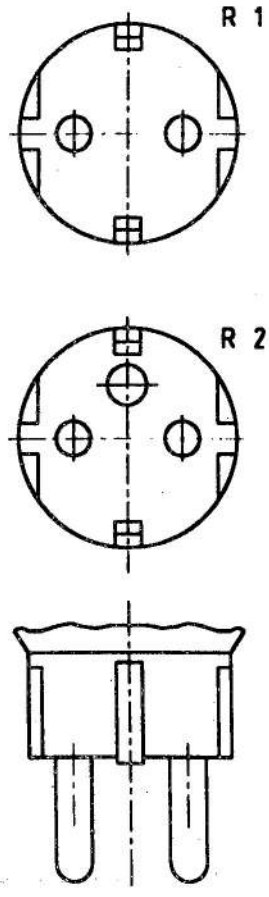
Onderafdeling 3.1 (–13)

Skrap die teks tussen hakies.

Onderafdeling 3.2

Voeg die volgende nuwe onderafdeling na 3.2 in:

3.3 'n Kontakprop met 'n pen en aardingskontakkonfigurasie van tipe R1 of tipe R2 van DIN 49441 mag nie in Suid-Afrika verkoop word nie.



DIN 49441
deel 1,
tipe R 1 en R 2

Tek 15119-AC/98-10
VC 8008:1998

No. R. 859 **9 July 1999**

STANDARDS ACT, 1993

REGULATIONS RELATING TO THE PAYMENT OF LEVY AND THE ISSUE OF SALES PERMITS IN REGARD TO COMPULSORY SPECIFICATIONS: AMENDMENT

It is made known under section 37 of the Standards Act, 1993 (Act No. 29 of 1993), that the Minister of Trade and Industry hereby, with effect from 1 January 1999, amends Schedule 2 of the Regulations published by Government Notice No. R. 999 of 3 May 1985 by the deletion of the existing tariffs for food products and the substitution therefor of the tariffs set out in the Schedule.

SCHEDULE

Commodity	Levy unit	Tariff per unit, R
Canned abalone	1 000 kg	280,00
Canned crustaceans	1 000 kg	205,00
Canned fish and canned fish products (other than fish paste)	1 000 kg	250,00 for 1st two units; 225,00 for 3rd to 12th unit; 80,00 for 13th to 62nd unit; 25,00 for 63rd to 562nd unit; 18,50 for 563rd to 5 562nd unit; 16,30 for 5 563rd to 20 562nd unit; 8,75 for each subsequent unit.
Canned marine molluscs (other than abalone)	1 000 kg	205,00
Canned meat and canned meat products	1 000 kg	250,00 for 1st two units; 225,00 for 3rd to 12th unit; 66,50 for 13th to 62nd unit; 60,00 for 63rd to 1 000th unit; 32,80 for 1 001st to 3 000th unit; 20,00 for each subsequent unit.
Fish paste	1 000 kg	43,00
Frozen cephalopods	1 000 kg	250,00 for 1st two units; 225,00 for 3rd to 12th unit; 43,00 for 13th to 62nd unit; 25,50 for each subsequent unit.
Frozen crabs	1 000 kg	40,00
Frozen fish and frozen fish products	1 000 kg	250,00 for 1st two units; 225,00 for 3rd to 12th unit; 40,00 for 13th to 62nd unit; 12,00 for 63rd to 562nd unit; 7,50 for 563rd to 2 562nd unit; 5,35 for 2 563rd to 7 562nd unit; 2,55 for each subsequent unit.
Frozen langoustines	1 000 kg	98,00
Frozen marine molluscs and frozen marine mollusc products (other than mussels)	1 000 kg	205,00
Frozen mussels	1 000 kg	200,00 per unit for 1st twenty units; 75,00 per unit for 21st to 50th unit; 31,50 per unit for each subsequent unit.
Frozen prawns	1 000 kg	330,00 for 1st two units; 275,00 for 3rd to 12th unit; 74,00 for each subsequent unit.
Frozen rock lobster: Frozen whole rock lobster, cooked and uncooked	30 kg	80,00 for 1st ten units; 3,95 for each subsequent unit.
Frozen rock lobster tails, leg and breast meat	10 kg	80,00 for 1st ten units; 3,95 for each subsequent unit.
Smoked snoek	1 000 kg	60,00

No. R. 859 **9 Julie 1999**

WET OP STANDAARDE, 1993

REGULASIES BETREFFENDE DIE BETALING VAN HEFFING EN DIE UITREIKING VAN VERKOOPSPERMITTE TEN OPSIGTE VAN VERPLIGTE SPESIFIKASIES: WYSIGING

Daar word kragtens artikel 37 van die Wet op Standaarde, 1993 (Wet No. 29 van 1993), bekendgemaak dat die Minister van Handel en Nywerheid, Bylae 2 van die Regulasies gepubliseer by Goewermentskennisgewing No. R. 999 van 3 Mei 1985 hierby met ingang van 1 Januarie 1999 wysig deur die bestaande tariewe vir voedselprodukte te skrap en deur die tariewe in die Bylae uiteengesit, te vervang.

BYLAE

Kommoditeit	Heffings-eenheid	Tarief per eenheid, R
Bevrore garnale	1 000 kg	330,00 vir 1ste twee eenhede; 275,00 vir 3de tot 12de eenheid; 74,00 vir elke daaropvolgende eenheid.
Bevrore koppotiges	1 000 kg	250,00 vir 1ste twee eenhede; 225,00 vir 3de tot 12de eenheid; 43,00 vir 13de tot 62ste eenheid; 25,50 vir elke daaropvolgende eenheid.
Bevrore krappe	1 000 kg	40,00
Bevrore kreef: Bevrore heelkreef, gekook en ongekook	30 kg	80,00 vir 1ste tien eenhede; 3,95 vir elke daaropvolgende eenheid.
Bevrore kreefsterte, kreefpootvleis en kreefborsvleis	10 kg	80,00 vir 1ste tien eenhede; 3,95 vir elke daaropvolgende eenheid.
Bevrore langoestiene	1 000 kg	98,00
Bevrore mossels	1 000 kg	200,00 per eenheid vir 1ste twintig eenhede; 75,00 per eenheid vir 21ste tot 50ste eenheid; 31,50 per eenheid vir elke daaropvolgende eenheid.
Bevrore seeskulpdiere en produkte van bevrore seeskulpdiere (uitgesonderd mossels)	1 000 kg	205,00
Bevrore vis en bevrore visprodukte:	1 000 kg	250,00 vir 1ste twee eenhede; 225,00 vir 3de tot 12de eenheid; 40,00 vir 13de tot 62ste eenheid; 12,00 vir 63ste tot 562ste eenheid; 7,50 vir 563ste tot 2 562ste eenheid; 5,35 vir 2 563ste tot 7 562ste eenheid; 2,55 vir elke daaropvolgende eenheid.
Gerookte snoek	1 000 kg	60,00
Ingemaakte perlemoen	1 000 kg	280,00
Ingemaakte seeskulpdiere (uitgesonderd perlemoen)	1 000 kg	205,00
Ingemaakte skaaldiere	1 000 kg	205,00
Ingemaakte vis en ingemaakte visprodukte (uitgesonderd vissmeer)	1 000 kg	250,00 vir 1ste twee eenhede; 225,00 vir 3de tot 12de eenheid; 80,00 vir 13de tot 62ste eenheid; 25,00 vir 63ste tot 562ste eenheid; 18,50 vir 563ste tot 5 562ste eenheid; 16,30 vir 5 563ste tot 20 562ste eenheid; 8,75 vir elke daaropvolgende eenheid.
Ingemaakte vleis en ingemaakte vleisprodukte	1 000 kg	250,00 vir 1ste twee eenhede; 225,00 vir 3de tot 12de eenheid; 66,50 vir 13de tot 62ste eenheid; 60,00 vir 63ste tot 1 000ste eenheid; 32,80 vir 1 001ste tot 3 000ste eenheid; 20,00 vir elke daaropvolgende eenheid.
Vissmeer	1 000 kg	43,00

No. R. 860 **9 July 1999**

STANDARDS ACT, 1993

COMPULSORY SPECIFICATION FOR LAMPHOLDERS AND WITHDRAWAL OF SCHEDULE 9 OF THE COMPULSORY SPECIFICATIONS FOR CERTAIN ITEMS OF ELECTRICAL EQUIPMENT

I, Alexander Erwin, Minister of Trade and Industry, hereby under section 22 (1) (a) (i) of the Standards Act, 1993 (Act No. 29 of 1993), and on the recommendation of the Council of the South African Bureau of Standards, declare the specification for lampholders as set out in the Schedule, to be compulsory with effect from the date two months after the date of publication of this notice, with the simultaneous withdrawal of the compulsory specification for lampholders and lampholder adaptors published by Government Notice No. 93 of 8 February 1980 as well as Schedule 9: Lampholders and lampholder adaptors of the compulsory specification for certain items of electrical equipment published by Government Notice No. R. 1615 of 22 October 1965.

A. ERWIN

Minister of Trade and Industry

SCHEDULE

COMPULSORY SPECIFICATION FOR LAMPHOLDERS

1 Scope

This specification covers Edison screw lampholders and bayonet lampholders.

2 Definitions

For the purposes of this specification, the following definitions apply:

lampholder: An electrical accessory designed for the connection of lamps and semi-luminaires to the electricity supply.

proof of compliance: Documented proof of compliance with this specification, issued by a laboratory accredited by the Department of Trade and Industry or by any other laboratory accredited in terms of an applicable internationally recognized laboratory accreditation scheme or by a laboratory acceptable to the SABS.

3 Requirements

3.1 General requirements

Lampholders shall be so designed, constructed and marked that in normal use their performance is reliable and without danger to the user or surroundings.

3.2 Particular requirements

3.2.1 Edison screw lampholders shall comply with the requirements of SABS IEC 60238:1997, *Edison screw lampholders*, as published by Government Notice No. 1411 of 31 October 1997.

3.2.2 Bayonet lampholders shall comply with the requirements of SABS IEC 61184:1995, *Bayonet lampholders*, as published by Government Notice No. 841 of 24 May 1996.

3.2.3 Lampholders that comply with the particular requirements of 3.2.1 or 3.2.2 are deemed to comply fully with 3.1.

3.3 Proof of compliance

3.3.1 Proof of compliance in respect of each lampholder shall be available for inspection within five working days of a request for such an inspection having been made by a duly authorized person.

3.3.2 Failure to provide such proof of compliance shall be deemed to prove that the lampholder does not comply with the requirements of this specification.

3.3.3 Proof of compliance with SABS 165:1996, *Lampholders – National requirements*, as published by Government Notice No. 2137 of 27 December 1996, will be deemed to satisfy the requirements of 3.3.1.

No. R. 860 **9 Julie 1999**

WET OP STANDAARDE, 1993

VERPLIGTE SPESIFIKASIE VIR LAMPHOUERS EN INTREKKING VAN BYLAE 9 VAN DIE VERPLIGTE SPESIFIKASIES VIR SEKERE ELEKTRIESE TOERUSTING

Ek, Alexander Erwin, Minister van Handel en Nywerheid, verklaar hierby kragtens artikel 22 (1) (a) (i) van die Wet op Standaarde, 1993 (Wet No. 29 van 1993), en op aanbeveling van die Raad van die Suid-Afrikaanse Buro vir Standaarde, die spesifikasie vir lamphouers ooreenkomstig die besonderhede in die Bylae uiteengesit, tot verpligte spesifikasie met ingang van die datum 2 maande na die datum van publikasie van hierdie kennisgewing, met die gelyktydige intrekking van die bestaande verpligte spesifikasie vir lamphouers en lamphouerpasstukke gepubliseer by Goewermentskennisgewing No. 93 van 8 Februarie 1980 asook Bylae 9: Lamphouers en lamphouerpasstukke van die verpligte spesifikasies vir sekere elektriese toerusting, gepubliseer by Goewermentskennisgewing No. R. 1615 van 22 Oktober 1965.

A. ERWIN

Minister van Handel en Nywerheid

BYLAE

VERPLIGTE SPESIFIKASIE VIR LAMPHOUERS

1 Bestek

Hierdie spesifikasie dek Edisonskroeflamphouers en bajonetlamphouers.

2 Woordbepaling

Die volgende woordbepalings geld vir die doel van hierdie spesifikasie:

lamphouer: Elektriese bybehore wat ontwerp is vir die verbinding van lampe en semi-armature met die elektrisiteitstoevoer.

bewys van voldoening: Gedokumenteerde bewys van voldoening aan hierdie spesifikasie, uitgereik deur 'n laboratorium wat deur die Departement van Handel en Nywerheid geakkrediteer is, of deur enige ander laboratorium wat volgens 'n toepaslike internasionale erkende akkrediteringstelsel vir laboratoriums geakkrediteer is of deur 'n laboratorium wat aanneemlik vir die SABS is.

3 Vereistes

3.1 Algemene vereistes

Lamphouers moet só ontwerp, vervaardig en gemerk wees dat dit tydens normale gebruik betroubaar en sonder gevaar vir die gebruiker of omgewing is.

3.2 Spesifieke vereistes

3.2.1 Edisonskroeflamphouers moet voldoen aan die vereistes van SABS IEC 60238:1997, *Edison screw lampholders*, soos gepubliseer by Goewermentskennisgewing 1411 van 31 Oktober 1997.

3.2.2 Bajonetlamphouers moet voldoen aan die vereistes van SABS IEC 61184:1995, *Bayonet lampholders*, soos gepubliseer by Goewermentskennisgewing 841 van 24 Mei 1996.

3.2.3 Lamphouers wat aan die spesifieke vereistes van 3.2.1 of 3.2.2 voldoen, word geag ten volle aan 3.1 te voldoen.

3.3 Bewys van voldoening

3.3.1 Bewys van voldoening met betrekking tot elke lamphouer moet beskikbaar wees vir inspeksie binne vyf werkdae na 'n versoek deur 'n gemagtigde persoon vir sodanige inspeksie.

3.3.2 Versuim om sodanige bewys van voldoening te verskaf, word beskou as bewys dat die lamphouer nie aan die vereistes van hierdie spesifikasie voldoen nie.

3.3.3 Bewys van voldoening aan SABS 165:1996, *Lampholders – National requirements*, soos gepubliseer by Goewermentskennisgewing 2137 van 27 Desember 1996, word beskou as voldoening aan die vereistes van 3.3.1.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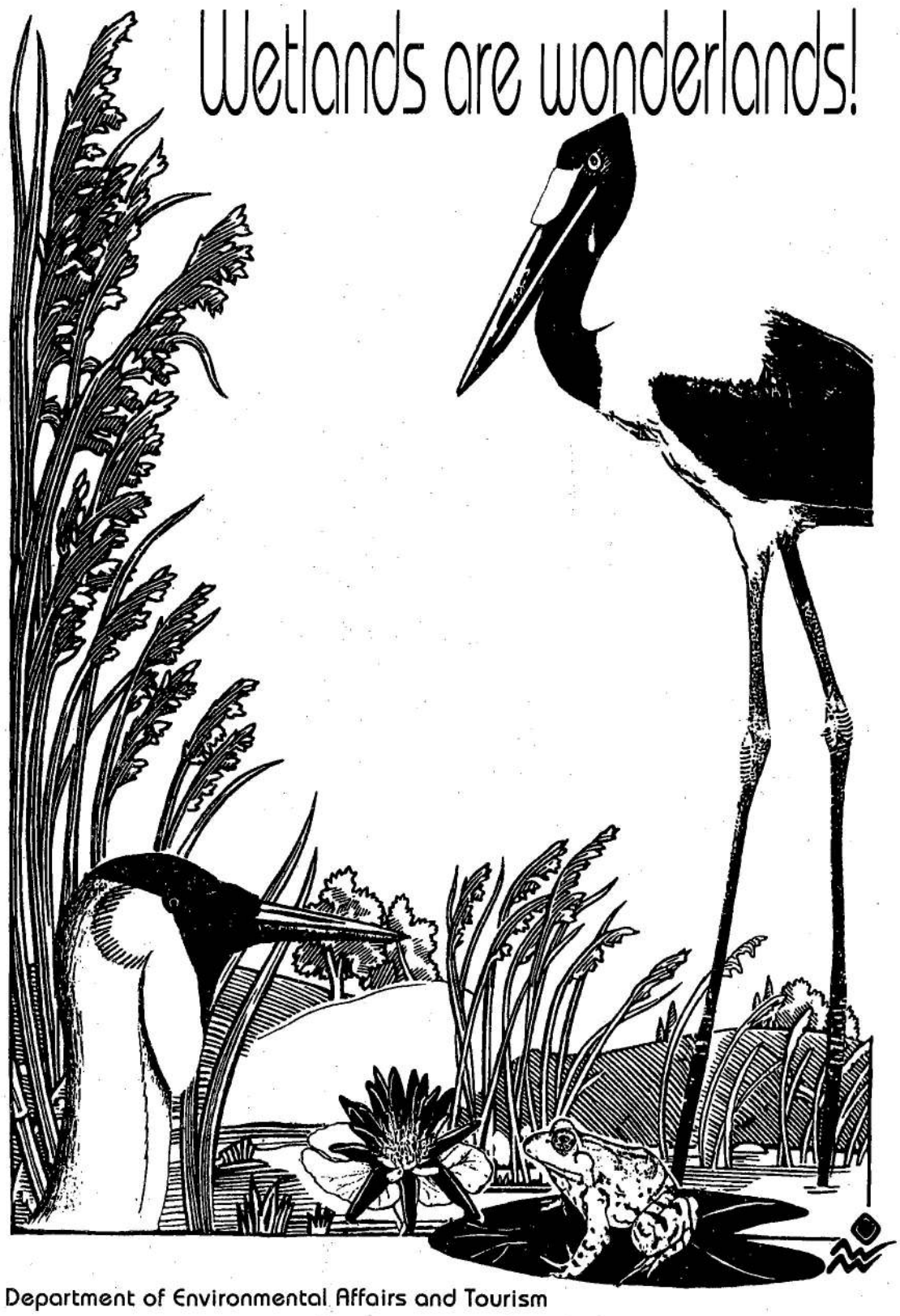

Department of Environmental Affairs and Tourism


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