

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

*Regulation Gazette*

No. 6659

*Regulasiekoerant*

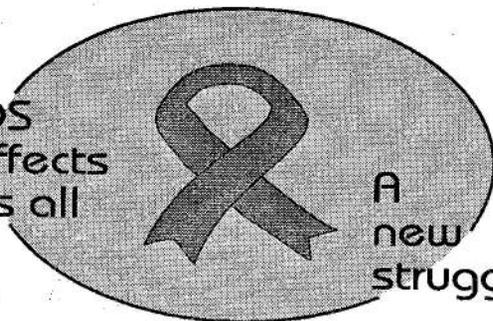
Vol. 413

PRETORIA, 5 NOVEMBER 1999

No. 20587

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

# GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1295

5 November 1999

BASIC CONDITIONS OF EMPLOYMENT ACT, 1997

**MINISTERIAL DETERMINATION: SMALL BUSINESS**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 50 of the Basic Conditions of Employment Act, 1997, make a Ministerial Determination establishing condition of employment for employers and employees in Small Businesses, South Africa, in the Schedule hereto and determine the second Monday after the date of publication of this notice as the date from which the provisions of the said Ministerial Determination shall become binding.

**M. M. S. MDLADLANA**

Minister of Labour

**SCHEDULE****MINISTERIAL DETERMINATION No. 1: SMALL BUSINESS SECTOR***Index*

- |    |   |
|----|---|
| 1. | Application of this Ministerial Determination |
| 2. | Overtime                                      |
| 3. | Averaging of hours of work                    |
| 4. | Family responsibility leave                   |

**1. APPLICATION**

- 1.1 This determination applies to employers who conduct businesses employing less than ten employees.
- 1.2 To the extent provided for in this determination, this determination varies the application of the Basic Conditions of Employment Act, No. 75 of 1997, to such employers and their employees.
- 1.3 This determination must be read in conjunction with the Basic Conditions of Employment Act.
- 1.4 Unless otherwise indicated, any word used in this determination has the same meaning as in the Basic Conditions of Employment Act, No. 75 of 1997.
- 1.5 A bargaining council agreement or sectoral determination takes precedence over this determination, unless the agreement or determination provides otherwise.
- 1.6 This determination does not apply to—
  - (a) the employment of domestic workers;
  - (b) the public service;
  - (c) any employer who conducts more than one business;
  - (d) any business formed by the division or dissolution of an existing business.

**2. OVERTIME**

- 2.1 Despite section 10 (1) (b) (ii), an employer may not require or permit an employee to work more than fifteen hours overtime a week.
- 2.2 Despite section 10 (2), an employer must pay an employee—
  - (a) at least one and one third times the employee's wage for the first ten hours of overtime worked in any week;
  - (b) at least one and one half times the employee's wage for any overtime in excess of ten hours worked in a week.

**3. AVERAGING OF HOURS**

- 3.1 Despite sections 9 (1) and (2) and 10 (1) (b) of the Basic Conditions of Employment Act, No. 75 of 1997, and clause 2 of this determination, the ordinary hours of work and overtime of an employee may be averaged over a period of up to four months in terms of a written agreement concluded by an employer and employee.
- 3.2 An employer may not require or permit an employee who is bound by an agreement in terms of subclause 1 to work more than—
- (a) an average of forty-five ordinary hours of work in a week over the agreed period;
  - (b) an average of ten hours overtime in a week over the agreed period.
- 3.3 An agreement in terms of subclause 1 lapses after twelve (12) months.

**4. FAMILY RESPONSIBILITY LEAVE**

- 4.1 An employer and an employee may conclude a written agreement in terms of which an employer may reduce an employee's entitlement to annual leave in terms of section 20 of the Basic Conditions of Employment Act, No. 75 of 1997, by the number of days of family responsibility leave on full remuneration granted to the employee at the employee's request in terms of section 27 of the Basic Conditions of Employment Act, No. 75 of 1997.

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

No. R. 1296

5 November 1999

CUSTOMS AND EXCISE ACT, 1964

**AMENDMENT OF SCHEDULE No. 1 (No. 1/1/1015)**

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

**T. A. MANUEL**  
Minister of Finance

**SCHEDULE**

Head= ing	Subhead= ing	C D	Article Description	Statistical Unit	Rate of Duty	Anno= tations
10.05			By the substitution for heading No. 10.05 of the following:			
*10.05			<b>Maize (corn):</b>			
	1005.10	1	- Seed	kg	15,3c/kg	
	1005.90	8	- Other	kg	15,3c/kg*	

No. R. 1296

5 November 1999

DOEANE- EN AKSYNSWET, 1964

## WYSIGING VAN BYLAE No. 1 (No. 1/1/1015)

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.

T. A. MANUEL

Minister van Finansies

## BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno= tasies
10.05			Deur pos No. 10.05 deur die volgende te vervang:			
*10.05			<b>Mielies:</b>			
	1005.10	1	- Saad	kg	15,3c/kg	
	1005.90	8	- Ander	kg	15,3c/kg <sup>7</sup>	

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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001  
Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515