

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6678

Regulasiekoerant

Vol. 413

PRETORIA, 26 NOVEMBER 1999

No. 20643

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

0800 012 322

DEPARTMENT OF HEALTH

PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 121, 1999

HOUSING CONSUMERS PROTECTION MEASURES ACT, 1998 (ACT No. 95 of 1998)

In terms of section 31 (2) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), I hereby determine **1 December 1999** as the date on which section 9, 10, 11, 13 14 (1), 14 (3) to (9), 18 (1) and (2), 19, 21 and 22 of the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighteenth day of November, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

S. MTHEMBI-MAHANYELE

Minister of the Cabinet

PROKLAMASIES

van die

President van die Republiek van Suid-Afrika

No. R. 121, 1999

WET OP BESKERMINGSMAATREËLS VIR BEHUISINGSVERBRUIKERS, 1998 (WET No. 95 van 1998)

Kragtens artikel 31 (2) van die Wet op Beskermingsmaatreëls vir Behuisingsverbruikers, 1998 (Wet No. 95 van 1998), bepaal ek hierby **1 Desember 1999** as die datum waarop artikel 9, 10, 11, 13, 14 (1), 14 (3), tot (9), 18 (1) en (2), 19 en 22 van die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtiende dag van November Eenduisend Negehonderd Nege-en-Negentig.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

S. MTHEMBI-MAHANYELE

Minister van die Kabinet

No. R. 122, 1999

GENETICALLY MODIFIED ORGANISMS ACT, 1997 (ACT No. 15 OF 1997)

In terms of section 23 of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997), I hereby determine **1 December 1999** as the date on which the above-mentioned Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighteenth day of November, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI

President

By order of the President-in-Cabinet:

A. T. DIDIZA

Minister of the Cabinet

No. R. 122, 1999**WET OP GENETIES GEMANIPULEERDE ORGANISMES, 1997 (WET No. 15 VAN 1997)**

Ingevolge artikel 23 van die Wet op Geneties Gemanipuleerde Organismes, 1997 (Wet No. 15 van 1997), bepaal ek hierby **1 Desember 1999** as die datum waarop die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtiende dag van November Eenduisend Negehonderd Nege-en-negentig.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

A. T. DIDIZA

Minister van die Kabinet

No. R. 123, 1999**SALARIES AND ALLOWANCES OF DEPUTY PRESIDENT, MINISTER AND DEPUTY MINISTERS**

In terms of section 4 (1) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) ("the Remuneration Act"), I hereby determine that the annual salaries and allowances of the Deputy President, Ministers and Deputy Ministers shall be as specified in Column 2 of the Schedule with effect from 1 April 1999.

In terms of section 4 (3) of the Remuneration Act, I determine the amount of R40 000 per annum as that portion of the remuneration of the Deputy President or a Minister or Deputy Minister to which section 8 (1) (d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply.

In terms of section 4 (1) of the Remuneration Act, I hereby determine that a once off special allowance equal to one twelfth of the relevant total annual remuneration payable to an office bearer in accordance with the determination referred to in Government Notice No. 1038 of 14 August 1998, shall be payable to a person who, on 1 June 1999, was such an office bearer, but was not designated as a representative by the Electoral Commission in terms of item 16 of Schedule 2 to the Constitution of the Republic of South Africa, 1993, pursuant to the election of the National Assembly on 2 June 1999: Provided that no such special allowance is payable to a person who, within one month of 16 June 1999, was elected or appointed to any office under the State and received or is to receive remuneration for serving in that office: Provided further that any such special allowance shall be regarded as having been due to the persons concerned on 16 June 1999.

Government Notice No. 1038 of 1998, published in the *Government Gazette* of 14 August 1998, is hereby repealed.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighteenth day of November, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI

President

By order of the President-in-Cabinet:

T. A. MANUEL

Minister of the Cabinet

SCHEDULE**GRADING STRUCTURE, REMUNERATION AND ALLOWANCES OF THE DEPUTY PRESIDENT, MINISTERS AND DEPUTY MINISTERS**

Column 1		Column 2		
Grade	Office	Basic salary in Rand per annum*	Motor vehicle allowance in Rand per annum	Total remuneration in Rand per annum
Grade G	Deputy President.....	469 647	117 412	587 059
Grade F.....	Minister.....	414 228	103 557	517 785
Grade E1	Deputy Minister	336 678	84 170	420 848

* Includes the amount of R40 000 per annum determined by the President as the amount to which section 8 (1) (d) of the Income Tax Act, 1962, applies.

No. R. 123, 1999**SALARISSE EN TOELAES VAN ADJUNKPRESIDENT, MINISTERS EN ADJUNKMINISTERS**

Ingevolge artikel 4 (1) van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998 (Wet No. 20 van 1998) ("die Besoldigingwet"), bepaal ek hierby dat die jaarlikse salaris en toelae van die Adjunkpresident, Ministers en Adjunkministers met ingang van 1 April 1999 is soos vermeld in Kolom 2 van die Bylae.

Ingevolge artikel 4 (3) van die Besoldigingwet bepaal ek die bedrag van R40 000 per jaar as daardie gedeelte van die besoldiging van die Adjunkpresident of 'n Minister of Adjunkminister waarop artikel 8 (1) (d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van toepassing is.

Ingevolge artikel 4 (1) van die Besoldigingwet bepaal ek hierby dat 'n eenmalige spesiale toelae, gelyk aan een twaalfde van die betrokke totale jaarlikse vergoeding betaalbaar aan 'n ampsbekleër ooreenkomstig die bepaling bedoel in Goewermentskennisgewing No. 1038 van 14 Augustus 1998, betaalbaar is aan iemand wat, op 1 Junie 1999 so 'n ampsbekleër was, maar nie deur die Verkiesingskommissie ingevolge item 16 van Bylae 2 by die Grondwet van die Republiek van Suid-Afrika, 1993, na aanleiding van die verkiesing van die Nasionale Vergadering op 2 Junie 1999, as 'n verteenwoordiger aangewys is nie:

Met dien verstande dat sodanige spesiale toelae nie betaalbaar is aan iemand wat binne een maand na 16 Junie 1999, in enige amp onder die Staat verkies of aangestel is en vergoeding vir diens in daardie amp ontvang het of sal ontvang nie: Met dien verstande voorts dat geag word dat sodanige spesiale toelae op 16 Junie 1999 aan die betrokke persone toegeval het.

Goewermentskennisgewing No. 1038 van 1998, wat in die *Staatskoerant* van 14 Augustus 1998 gepubliseer is, word hierby herroep.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtiende dag van November Eenduisend Negehoenderd Nege-en-negentig.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

T. A. MANUEL

Minister van die Kabinet

BYLAE**GRADERINGSTRUKTUUR, BESOLDIGING EN TOELAES VAN DIE ADJUNKPRESIDENT, MINISTERS EN ADJUNKMINISTERS**

Kolom 1		Kolom 2		
Graad	Amp	Basiese salaris in Rand per annum*	Motorvoertuigtoelae in Rand per annum	Totale vergoeding in Rand per annum
Graad G	Adjunkpresident	469 647	117 412	587 059
Graad F	Minister	414 228	103 557	517 785
Graad E1	Adjunkminister	336 678	84 170	420 848

* Ingeslote die bedrag van R40 000 per annum wat deur die President bepaal is as die bedrag waarop paragraaf (d) van artikel 8 (1) van die Inkomstebelastingwet, 1962, van toepassing is.

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 1420

26 November 1999

GENETICALLY MODIFIED ORGANISMS ACT, 1997 (ACT No. 15 OF 1997)

REGULATIONS

The Minister of Agriculture, acting under section 20 of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997), hereby—

- (a) makes the regulations set out in the Schedule hereto; and
- (b) determines that the said regulations shall come into operation on 1 December 1999.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any work or expression to which a meaning has been assigned thereto in the Act, shall have that meaning and—

“**activity**” means work undertaken with regard to the development, production, use and application of genetically modified organisms;

“**facility**” means any place where organisms are being genetically modified under conditions of contained use;

“**the Act**” means the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997); and

“**the guidelines**” means the Guidelines and Procedures for Genetically Modified Organisms as approved by the Council in terms of section 5 (l) of the Act.

Authority to import, export, develop, produce, use, release or distribute genetically modified organisms

2. (1) Subject to the provisions of subregulation (2), no applicant may import to or export from the Republic of South Africa, or develop, produce, use, release or distribute any genetically modified organism in the Republic of South Africa except in terms of a permit to undertake such an activity.

(2) Notwithstanding the provisions of subregulation (1), a permit referred to in the said subregulation shall not be required for organisms that are used under conditions of contained use in academic and research facilities, and for those organisms specified in Table 3 of the Annexure.

(3) An applicant shall, besides complying with the provisions of these regulations, also comply with the provisions of all other laws regulating the importation and exportation of genetically modified organisms.

Risk assessment of activities

3. (1) No person shall undertake any activity involving genetic modification unless a suitable and sufficient assessment of the risks created thereby to the environment and human health has been made.

(2) Lack of scientific knowledge or consensus on the safe use of genetically modified organisms shall not be interpreted as indicating a particular level of risk, an acceptable risk or an absence of risk.

Registration of facility and maintenance of records

4. (1) Subject to the provisions of subregulation (4), all facilities shall be registered with the registrar.

(2) An application for the registration of a facility shall be submitted to the registrar on a form that is obtainable from the office of the registrar.

(3) A separate application shall be lodged with the registrar in respect of each facility and each such application shall be accompanied by a locality map that clearly indicates where the facility is situated.

(4) Applications for the registration of a facility that has already been active prior to the commencement of these regulations, shall be submitted to the registrar within one (1) year of the date of such commencement: Provided that, if the Minister deems it necessary, upon the advice of the Committee, that a facility should be registered prior to the expiration of the one-year period, the Minister may by way of a written notice to the user, require that a particular facility be registered within a period specified in that notice.

(5) Upon registration of a facility, the registrar shall furnish, within three (3) months of receipt of an application, the applicant with a certificate of registration and a copy of the guidelines.

(6) The user of a registered facility shall, *inter alia* in hard copy format, keep and maintain the certificate of registration referred to in subregulation (5) and all records pertaining to risk assessments.

(7) The certificate and records referred to in subregulation (6) shall, upon request, be made available to the registrar or an inspector.

(8) The user shall notify the registrar of any change to the information provided in terms of this regulation and shall not dispose of any list, register and record maintained in terms of this regulation.

Applications for and issue of permits

5. (1) Unless the contrary is stated elsewhere in these regulations, a person intending to conduct any activity specified in column 1 of Table 1 of the Annexure, shall conduct such activity under the authority of a permit issued by the registrar.

(2) An application for a permit referred to in subregulation (1), shall be submitted to the registrar on a form that is obtainable from the office of the registrar.

(3) An application referred to in subregulation (2), shall be made not less than the number of days specified in column 2 of Table 1 of the Annexure, prior to the proposed commencement of the corresponding activity.

(4) The Council and Committee shall attend to applications within reasonable time frames as may be determined by the registrar from time to time in order to enable the registrar to issue permits within the number of days specified in column 2 of Table 1 of the Annexure opposite the corresponding activity.

(5) Where an applicant is unable to provide any information that is requested in an application form, such applicant shall, when submitting the application form to the registrar, furnish the registrar with written reasons for such inability.

(6) The applicable application fees specified in Table 2 of the Annexure shall accompany each application referred to in subregulation (2).

(7) The registrar shall, after receipt of an application referred to in subregulation (2)—

(a) acknowledge, in writing, receipt of such application within two (2) working days of such receipt; and

(b) examine the conformity of the application to the requirements of the Act; and—

(i) if the application does not conform to the requirements of the Act in any respect, immediately refer the application back to the applicant and request the applicant to rectify the application; or

(ii) if the application conforms to the requirements of the Act, submit the application to the Council for consideration.

(8) The Council may—

(a) approve an application referred to in subregulation (7) (b) (ii) and authorise the registrar to furnish the applicant with the applicable permit to undertake the activity concerned; or

(b) refuse such application and furnish written reasons therefor.

(9) The Council may in performing its function in terms of subregulation (8), consider the socio-economic impact that the introduction of a genetically modified organism may have on a community living in the vicinity of such introduction.

(10) An applicant shall immediately notify the registrar of any change in information provided in an application submitted in terms of this regulation if such application has not yet been considered under subregulation (8).

(11) Upon receipt of any change referred to in subregulation (10), the registrar shall refer the details of such change to the Council who may require the applicant to submit a fresh application.

(12) The registrar may, at his or her discretion, fast track any application for an activity involving genetically modified organisms for which a permit had previously been issued.

(13) When submitting documents in terms of these regulations to the Council, the registrar shall also submit such documents to the Committee when applicable.

Public notification of proposed trial release and general release of genetically modified organisms

6. (1) The applicant shall notify the public of any proposed release of genetically modified organisms prior to the application for a permit for such release.

(2) Public notification shall be in the form of a standard notice published in the printed media informing the public of the intended release.

(3) The notice referred to in subregulation (2), shall be obtainable from the office of the registrar and shall, *inter alia*, require the applicant to fill in the following details:

(a) full name and address of the applicant;

(b) a full description of the genetically modified organisms that the applicant proposes to release;

(c) a description of the proposed trial release, including the area and environment in which the release is to take place;

(d) a request that interested parties submit comments or objections in connection with the intended release to the registrar within a period specified in the notice: Provided that such period shall not be less than thirty (30) days after the date on which the notice appears in the media; and

(e) the address, of the registrar, to which comments or objections may be submitted.

- (4) The applicant shall publish the completed notice in at least three newspapers circulating in the area in which the proposed release is to take place.
- (5) A copy of the notice and proof of publication thereof shall accompany the application for the release.
- (6) The registrar shall refer any comments or objections received from interested parties to the Council.
- (7) The Council shall, when considering an application for a release, consider all the comments and objections referred to the Council in connection with the said application.

Accidents

7. In the event of an accident involving genetically modified organisms, it shall be the responsibility of the user concerned to ensure that—

- (a) the registrar is notified immediately both verbally and in writing of such accident and the registrar is at the same time, or as soon as possible thereafter, supplied with information regarding—
 - (i) the circumstances of the accident;
 - (ii) the identity and quantity of the genetically modified organisms released;
 - (iii) any information that is necessary to assess the impact of the accident on the environment and human health; and
 - (iv) the emergency measures taken to avoid or mitigate any adverse impact of such accident on the environment and human health; and
- (b) all appropriate short-term, medium-term and long-term measures are taken to avoid or mitigate any adverse impact of such accident on the environment and human health.

Requirements for effective management of waste

8. (1) Any person who possesses or controls waste shall manage and dispose of such waste so that the waste does not have any negative impact on the environment and human health.
- (2) The person mentioned in subregulation (1), shall comply with all relevant national, provincial and local authority legislation in his or her management and the disposal of the waste in his or her possession or under his or her control.

Provisions with regard to appeal

9. (1) An appeal in terms of section 19 of the Act shall—
 - (a) be lodged with the Minister in writing within thirty (30) days from the date on which the appellant was notified in writing of the decision or action concerned;
 - (b) state the reference number and the date of the document by means of which such appellant was notified of that decision or action;
 - (c) state the grounds on which the appeal is based; and
 - (d) be accompanied by the fee specified in item 5 of Table 2 of the Annexure.
- (2) The appellant shall lodge an appeal with the office of the Minister and submit a copy thereof to the registrar.
- (3) The appeal board may request the appellant to appear before the appeal board in order to clarify any issue on appeal.
- (4) The appellant shall be notified in writing by the appeal board not less than seven (7) days in advance of the date, time and place at which he or she is to appear before the appeal board.
- (5) The appellant shall be entitled to legal representation during any appearance before the appeal board.
- (6) An appeal board shall provide the Minister with a decision on the appeal within thirty (30) working days after an appeal has been lodged with the appeal board.

Offences and penalties

10. Any person who contravenes or fails to comply with any provision or requirement of these regulations shall be guilty of an offence and shall be liable to the penalties as provided for in the Act.

Address for the submission of documents

11. (1) Any application, notice, appeal or other document that is to be submitted to the registrar in terms of these regulations shall—

- (a) when forwarded by post, be addressed to—

The Registrar: Genetically Modified Organisms
Private Bag X973
PRETORIA
0001;

- (b) when delivered by hand, be addressed to or delivered to—

The Registrar: Genetically Modified Organisms
Directorate: Genetic Resources
Dirk Uys Building—Room 263
30 Hamilton Street
PRETORIA.

- (2) Application forms may also be requested at the above-mentioned addresses.

No. R. 1420

26 November 1999

WET OP GENETIES GEMANIPULEERDE ORGANISMES, 1997 (WET No. 15 VAN 1997)

REGULASIES

Die Minister van Landbou, handelende kragtens artikel 20 van die Wet op Geneties Gemanipuleerde Organismes, 1997 (Wet No. 15 van 1997), het—

- (a) die regulasies in die Bylae uitgevaardig; en
(b) bepaal dat die genoemde regulasies op 1 Desember 1999 in werking sal tree.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan daar in die Wet 'n betekenis toegeken word, daardie betekenis en beteken—

“**aktiwiteit**” werk wat onderneem word ten opsigte van die ontwikkeling, produksie, gebruik en toepassing van geneties gemanipuleerde organismes;

“**die riglyne**” die Riglyne en Prosedure vir Geneties Gemanipuleerde Organismes soos goedgekeur deur die Raad ingevolge artikel 5 (l) van die Wet;

“**die Wet**” die Wet op Geneties Gemanipuleerde Organismes, 1997 (Wet No. 15 van 1997); en

“**fasiliteit**” 'n plek waar organismes geneties gemanipuleer word onder toestande van beheerde gebruik.

Magtiging om geneties gemanipuleerde organismes in te voer, uit te voer, te ontwikkel, te produseer, te gebruik, vry te stel of te versprei

2. (1) Behoudens die bepalings van subregulasie (2), kan geen aansoeker 'n geneties gemanipuleerde organisme in die Republiek van Suid-Afrika in- of uit die Republiek van Suid-Afrika uit te voer of in die Republiek van Suid-Afrika ontwikkel, produseer, gebruik, vrystel of versprei nie, behalwe ingevolge 'n permit om sodanige organismes te onderneem.

(2) Ondanks die bepalings van subregulasie (1), word 'n permit bedoel in vermelde subregulasie nie vereis vir organismes wat gebruik word in toestande van beheerde gebruik in akademiese en navorsingsfasiliteite nie, en vir daardie aktiwiteite gespesifiseer in Tabel 3 van die Aanhangsel.

(3) 'n Aansoeker moet benewens die bepalings van hierdie regulasies, ook aan die bepalings van alle ander wette wat die invoer en uitvoer van geneties gemanipuleerde organismes reguleer, voldoen.

Risiko-evaluering van aktiwiteite

3. (1) Niemand mag enige aktiwiteit betrokke by genetiesemanipulering onderneem nie, tensy 'n geskikte en toereikende evaluering gedoen is van die risiko's daardeur geskep vir die omgewing en menslike gesondheid.

(2) Gebrek aan wetenskaplike kennis of konsensus oor die veilige gebruik van geneties gemanipuleerde organismes mag nie vertolk word as dat 'n bepaalde risikovlak, 'n aanvaarbare risiko of 'n afwesigheid van risiko aangedui word nie.

Registrasie van fasiliteit en instandhouding van rekords

4. (1) Behoudens die bepalings van subregulasie (4), moet alle fasiliteite by die registrateur geregistreer word.

(2) 'n Aanzoek om registrasie van 'n fasiliteit moet voorgelê word aan die registrateur op 'n vorm wat verkrygbaar is vanaf die kantoor van die registrateur.

(3) 'n Afsonderlike aanzoek moet ingedien word by die registrateur ten opsigte van elke fasiliteit, en elke sodanige aanzoek moet vergesel gaan van 'n liggingskaart wat duidelik aandui waar die fasiliteit geleë is.

(4) Aanseeke om registrasie van 'n fasiliteit wat alreeds aktief was voor die inwerkingtreding van hierdie regulasies, moet binne een (1) jaar vanaf die datum van sodanige inwerkingtreding voorgelê word aan die registrateur. Met dien verstande dat, indien die Minister dit, op advies van die Komitee, nodig ag dat 'n fasiliteit voor die verstryking van die tydperk van een jaar geregistreer moet word, die Minister deur middel van 'n skriftelike kennisgewing aan die gebruiker kan vereis dat 'n bepaalde fasiliteit binne 'n tydperk in daardie kennisgewing gespesifiseer, geregistreer moet word.

(5) By registrasie van 'n fasiliteit, moet die registrateur die aansoeker binne drie (3) maande vanaf die ontvangs van 'n aansoek voorsien van 'n registrasiesertifikaat en 'n afskrif van die riglyne.

(6) Die gebruiker van 'n geregistreerde fasiliteit moet die registrasiesertifikaat bedoel in subregulasie (5) en alle rekords wat in verband staan met risiko-evaluerings, *inter alia* in hardkopieformaat, hou en in stand hou.

(7) Die sertifikaat en rekords bedoel in subregulasie (6) moet, op versoek, aan die registrateur of 'n inspekteur beskikbaar gestel word.

(8) Die gebruiker moet die registrateur in kennis stel van enige verandering in die inligting verstrekk ingevolge hierdie regulasie en mag nie met enige lys, register en rekord wat ingevolge hierdie regulasie in stand gehou word, wegdoen nie.

Aansoeke om en uitreik van permitte

5. (1) Tensy die teendeel elders in hierdie regulasies vermeld word, moet 'n persoon wat van voornemens is om enige aksie te verrig wat in kolom 1 van Tabel 1 van die Aanhangsel gespesifiseer word, sodanige aksie verrig kragtens die magtiging van 'n permit wat deur die registrateur uitgereik is.

(2) 'n Aansoek om 'n permit bedoel in subregulasie (1), moet voorgelê word aan die registrateur op 'n vorm wat verkrygbaar is vanaf die kantoor van die registrateur.

(3) 'n Aansoek bedoel in subregulasie (2), moet nie minder nie as die getal dae gespesifiseer in kolom 2 van Tabel 1 van die Aanhangsel, voor die voorgestelde inwerkingtreding van die ooreenstemmende aktiwiteit gedoen word.

(4) Die Raad en Komitee moet binne redelike tydrame aandag skenk aan die aansoeke soos wat van tyd tot tyd deur die registrateur bepaal word ten einde die registrateur in staat stel om permitte uit te reik binne die getal dae in kolom 2 van Tabel 1 van die Aanhangsel gespesifiseer teenoor die ooreenstemmende aksie.

(5) Waar 'n aansoeker nie in staat is om enige inligting te verstrek wat in 'n aansoekvorm verlang word nie, moet sodanige aansoeker die registrateur van skriftelike redes vir sodanige onvermoë voorsien wanneer die aansoekvorm aan die registrateur voorgelê word.

(6) Die toepaslike aansoekgelde gespesifiseer in Tabel 2 van die Aanhangsel moet elke aansoek, bedoel in subregulasie (2), vergesel.

(7) Die registrateur moet, ná ontvangs van 'n aansoek bedoel in subregulasie (2)—

(a) ontvangs van sodanige aansoek binne twee (2) werksdae vanaf sodanige ontvangs skriftelik erken; en

(b) die voldoening van die aansoek aan die vereistes van die Wet ondersoek en—

(i) indien die aansoek in enige opsig nie aan die vereistes van die Wet voldoen nie, die aansoek onmiddellik terugverwys na die aansoeker en versoek dat die aansoeker die aansoek regstel; of

(ii) indien die aansoek aan die vereistes van die Wet voldoen, die aansoek vir oorweging aan die Raad voorlê.

(8) Die Raad kan—

(a) 'n aansoek bedoel in subregulasie (7) (b) (ii) goedkeur en die registrateur magtig om die aansoeker te voorsien van die toepaslike permit om die betrokke aktiwiteit te onderneem; of

(b) sodanige aansoek weier en skriftelike redes daarvoor verstrek.

(9) Die Raad kan in die uitvoering van sy werksaamhede ingevolge subregulasie (8), die sosio-ekonomiese uitwerking oorweeg wat die invoering van 'n geneties gemanipuleerde organisme kan hê op die gemeenskap wat in die nabyheid van sodanige invoering woon.

(10) 'n Aansoeker moet die registrateur onmiddellik in kennis stel van enige verandering in inligting verstrekk ingevolge hierdie regulasie voorgelê word indien sodanige aansoek nog nie kragtens subregulasie (8) oorweeg is nie.

(11) By ontvangs van enige verandering bedoel in subregulasie (10), moet die registrateur die besonderhede van sodanige verandering na die Raad verwys wat kan vereis dat die aansoeker 'n nuwe aansoek moet indien.

(12) Die registrateur kan enige aansoek om 'n aktiwiteit waarby geneties gemanipuleerde organismes betrokke is waarvoor 'n permit voorheen uitgereik is, na sy of haar goeddunke bespoedig.

(13) Wanneer dokumente ingevolge hierdie regulasies aan die Raad voorgelê word, sal die registrateur sodanige dokumente, waar toepaslik ook aan die Komitee voorlê.

Openbare kennisgewing van voorgestelde proefvrystelling en algemene vrystelling van geneties gemanipuleerde organismes

6. (1) Die aansoeker moet die publiek in kennis stel van enige voorgestelde vrystelling van geneties gemanipuleerde organismes voor die aansoek om 'n permit vir sodanige vrystelling.

(2) Openbare Verwittiging moet in die vorm van 'n standaard kennisgewing in die gedrukte media wees wat die publiek oor die beoogde vrystelling inlig.

(3) Die kennisgewing bedoel in subregulasie (2), sal verkrygbaar wees vanaf die kantoor van die registrateur en moet, *inter alia*, vereis dat die aansoeker die volgende besonderhede invul:

- (a) volle naam en adres van die aansoeker;
- (b) 'n volledige beskrywing van die geneties gemanipuleerde organismes wat die aansoeker voorstel om vry te stel;
- (c) 'n beskrywing van die voorgestelde proefvrystelling, met inbegrip van die gebied en omgewing waarin die vrystelling gaan plaasvind;
- (d) 'n versoek dat belangstellende partye binne 'n tydperk gespesifiseer in die kennisgewing by die registrateur kommentaar indien of besware opper met betrekking tot die beoogde vrystelling: Met dien verstande dat sodanige tydperk nie minder as dertig (30) dae na die datum waarop die kennisgewing in die media verskyn, sal wees nie; en
- (e) die adres van die registrateur, waar kommentaar of besware ingedien kan word.

(4) Die aansoeker moet die voltooide kennisgewing in minstens drie koerante publiseer wat in die gebied verskyn waar die voorgestelde vrystelling gaan plaasvind.

(5) 'n Afskrif van die kennisgewing en bewys van publikasie daarvan moet die aansoek om vrystelling vergesel.

(6) Die registrateur moet enige kommentaar of besware wat van belanghebbende partye ontvang word, na die Raad verwys.

(7) Die Raad moet alle kommentaar en besware wat met betrekking tot vermeldde aansoek na die Raad verwys word, oorweeg wanneer 'n aansoek om vrystelling oorweeg word.

Ongelukke

7. In die geval van 'n ongeluk waarby geneties gemanipuleerde organismes betrokke is, is dit die verantwoordelikheid van die betrokke gebruiker om te verseker dat—

- (a) die registrateur onmiddellik mondeling sowel as skriftelik in kennis gestel word van sodanige ongeluk en dat die registrateur terselfdertyd of so gou doenlik daarna voorsien word van inligting betreffende—
 - (i) die omstandighede van die ongeluk;
 - (ii) die identiteit en hoeveelheid van die vrygestelde geneties gemanipuleerde organismes;
 - (iii) enige inligting wat nodig is om die uitwerking van die ongeluk op die opgewing en menslike gesondheid te evalueer; en
 - (iv) die noodmaatreëls getref om enige nadelige uitwerking van sodanige ongeluk op die omgewing en menslike gesondheid te vermy of te versag; en
- (b) alle toepaslike kort-, medium- en langtermynmaatreëls wat getref word om enige nadelige uitwerking van sodanige ongeluk op die omgewing en menslike gesondheid te vermy of te versag

Vereistes vir doeltreffende afvalbestuur

8. (1) 'n Persoon wat in besit is van of beheer het oor afval, moet sodanige afval so bestuur en daarmee wegdoen dat die afval geen negatiewe uitwerking op die omgewing en menslike gesondheid het nie.

(2) Die persoon bedoel in subregulasie (1), moet in sy of haar bestuur van en wegdoening met die afval in sy of haar besit of onder sy of haar beheer aan alle tersaaklike wetgewing van nasionale, provinsiale en plaaslike owerhede voldoen.

Bepalings ten opsigte van appèl

9. (1) 'n Appèl ingevolge artikel 19 van die Wet moet—

- (a) skriftelik by die Minister aangeteken word binne dertig (30) dae vanaf die datum waarop die appellant skriftelik in kennis gestel is van die betrokke beslissing of stappe;
- (b) die verwysingsnommer meld en die datum van die dokument deur middel waarvan die appellant in kennis gestel is van daardie beslissing of stappe;
- (c) die beweegredes meld waarop die appèl gegrond is; en
- (d) vergesel gaan van die gelde gespesifiseer in item 5 van Tabel 2 van die Aanhangsel.

(2) Die appellant moet 'n appèl by die kantoor van die Minister aanteken en 'n afskrif daarvan by die registrateur indien.

(3) Die appèlraad kan die appellant versoek om voor die appèlraad te verskyn ten einde enige kwessie oor appèl op te klaar.

(4) Die appellant moet nie minder nie as sewe (7) dae vooraf skriftelik deur die appèlraad in kennis gestel word van die datum, tyd en plek waar hy of sy voor die appèlraad moet verskyn.

(5) Die appellant is geregtig op regsverteenvoordiging gedurende enige verskyning voor die appèlraad.

(6) 'n Appèlraad moet die Minister binne dertig (30) werkdade na 'n appèl aangeteken is by die appèlraad, voorsien van 'n beslissing oor die appèl.

Misdrywe en strawwe

10. 'n Persoon wat enige bepaling of vereiste van hierdie regulasies oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en strafbaar met die strawwe soos in die Wet bepaal.

Adres vir die voorlegging van dokumente

11. (1) Enige aansoek, kennisgewing, appèl of ander dokument wat aan die registrateur voorgelê moet word ingevolge hierdie regulasies, moet—

(a) indien per pos aangestuur, gerig word aan—

Die Registrateur: Geneties Gemanipuleerde Organismes

Privaat Sak X973

PRETORIA

0001;

(b) indien per hand afgelewer, gerig word aan of afgelewer word by—

Die Registrateur: Geneties Gemanipuleerde Organismes

Direktoraat: Genebronne

Dirk Uys Gebou—Kamer 263

Hamiltonstraat 30

PRETORIA.

(2) Aansoekvorms kan ook by bovermelde adresse aangevra word.

ANNEXURE • AANHANGESEL

TABLE 1 • TABEL 1

**ACTIVITIES REQUIRING PERMITS AND TIME FRAMES FOR THE ISSUING THEREOF/
AKTIWITEITE WAT PERMITTE VEREIS EN TYDRAME VIR DIE UITREIK DAARVAN**

[Reg. 5]

Activity/Aktiwiteit	No. of days/ Getal dae
1	2
1. Importation and exportation of genetically modified organisms/Invoer en uitvoer van geneties gemanipuleerde organismes	30
2. Contained use of genetically modified organisms/Beheerde gebruik van geneties gemanipuleerde organismes	30
3. Trial release of genetically modified organisms/Proefvrystelling van geneties gemanipuleerde organismes	90
4. General release and marketing of genetically modified organisms/Algemene vrystelling en bemarking van geneties gemanipuleerde organismes	180

TABLE 2 • TABEL 2

FEES PAYABLE • GELDE BETAALBAAR

Application/Aansoek	Fees/Gelde
1. Importation/exportation of genetically modified organisms/Invoer/uitvoer van geneties gemanipuleerde organismes	R30,00 per application/ per aansoek
2. Contained use of genetically modified organisms/Beheerde gebruik van geneties gemanipuleerde organismes	R200,00 per application/ per aansoek
3. Trial release/Proefvrystelling	R1 500 per application/ per aansoek
4. General release and marketing/Algemene vrystelling en bemarking	R3 000–R8 000 per application/per aansoek
5. Appeal/Appèl	R500,00 each/elk

TABLE 3 • TABEL 3

**GENETICALLY MODIFIED ORGANISMS THAT HAVE BEEN CLEARED FOR COMMERCIAL RELEASE AND/OR FOR
FOOD AND ANIMAL FEED ONLY**

**GENETIES GEMANIPULEERDE ORGANISMES WAT VERKLAAR IS VIR KOMMERSIËLE VRYSTELLING EN/OF
SLEGS VIR VOEDSEL EN VEEVOER**

Organism Organisme	Gene Geen	Marker Merker	Trait Eienskap	Variety strain Variëteit lyn	Permits already issued Permitte alreeds uitgereik	Country of origin Land van oorsprong	Additional requirements Addisionele vereistes
1	2	3	4	5	6	7	8
Cotton Katoen	cry 1A (c)	NptII	Insect ^R Insek ^w	Line 531	Conditional general release Voorwaardelike alge- mene vrystelling	RSA/RSA	* IRMS * GPWBS
Maize Mielie	cry 1A (c)	NptII	Insect ^R Insek ^w	Mon 810	Conditional general release Voorwaardelike alge- mene vrystelling	RSA/RSA	* IRMS * GPWBS
Maize Mielie	pat	bla	Herbicide ^T (<i>Glu- fosinate Ammo- nium</i>) Onkruidodder ^T (<i>Glufosinate Ammonium</i>)	T25 T14	Commodity clearance Produk klaring	Argentina Argentinië	Compliance with prescribed proto- col with regard to handling and packaging In ooreenstem- ming die voorge- skrewe protokol met betrekking tot hantering en verpakking
Soyabeans Sojaboon	EPSP S (RR)	NptII	Herbicide ^T (<i>Glu- fosinate Onkruidodder^T (Glufosinate)</i>)	Line 40-3-2	Commodity clearance Produk klaring	USA/VSA	Compliance with prescribed proto- col with regard to handling and packaging In ooreenstem- ming die voorge- skrewe protokol met betrekking tot hantering en verpakking

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 1391

26 November 1999

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

CLOTHING INDUSTRY (WESTERN CAPE): EXTENSION OF MAIN COLLECTIVE AGREEMENT TO NON-PARTIES

The following corrections to Government Notice No. R. 1258 appearing in *Government Gazette* No. 20547 of 22 October 1999, are hereby published for general information:

In the English Schedule:

1. 3. CLAUSE 4: WAGES

1.1 Part B: Factory Operatives

Underpresser, blocker:

Substitute the following for "If advanced to learner presser:" In paragraph (c) where it appears on page 59:

First six months from date of advancement.....	358,00
Second six months from date of advancement.....	423,50
Thereafter, the wage specified for a qualified Grade A employee, i.e.	466,50

1.2 Substitute the expression "less than 60 hours per week" for the expression "less than 50 hours per week" where it appears under the category "watchman or caretaker" at the end of the wage schedule on page 60.

No. R. 1392

26 November 1999

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

CLOTHING INDUSTRY (WESTERN CAPE): EXTENSION OF KNITTING DIVISION COLLECTIVE AGREEMENT TO NON-PARTIES

The following correction to Government Notice No. R. 1254 appearing in *Government Gazette* No. 20547 of 22 October 1999, is hereby published for general information:

In the English Schedule:

1. Clause 15. ANNUAL LEAVE AND PAID PUBLIC HOLIDAYS

Substitute the expression "paid public holiday" for the expression "paid holiday" where it appears in the second line of clause 15 (1) (b) (iii) on page 50.

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER****No. R. 1405****26 November 1999****AVIATION ACT 1962****PROPOSED AMENDMENT OF THE CIVIL AVIATION REGULATIONS**

Under Regulation 11.03.2.(l)(a) of the Civil Aviation Regulations, the Chairperson of the Regulations Committee hereby publishes for comment, the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the Schedule. Any comments or representations on this proposed amendment should be lodged in writing with the Chairperson of the Regulations, Committee for attention: Mr. Levers Mabaso, Private Bag X193 Pretoria 0001, fax no. (012) 323-7007 or E-mail at Mabaso@NDOT:DWV.Gov.za before or on 7 January 2000.

SCHEDULE 1

PROPOSER
SOUTH AFRICAN CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

**1.1 PROPOSED AMENDMENT TO REGULATION 139.02.7 (INSERTION OF
REGULATION 139.02.7(3))**

“The Aerodrome operator shall –

Establish a procedure to supplement existing Rescue and Fire Fighting Services on the airport, with-

- (a) Additional Rescue and Fire fighting personnel and equipment to cater for an aircraft diverting to that airport, if that aircraft falls within a higher category than that of the airport. These additional services must be provided to at least the level required for that category of aircraft. These additional services must be available on the airport during landing and take-off for such aircraft.
- (b) Make provisions to have medical equipment and medical personnel on standby and readily available until the aircraft has landed or taken off safely.
- (c) For the provision of the required additional services, a written agreement with the Local Authority can be entered into.
- (d) The technical standards to meet the above requirements, are those contained within the SA-CATS-AH.”

1.2 MOTIVATION

As more and more incidents occur where aircraft with a higher category than that of which an airport is equipped for, has to divert to such airports, it is imperative that the required level of safety can be provided.

The provision of the proposed supplement, to the regulations, will safeguard the airport as well as the aircraft operators, with regards to insurance claims that may be instituted in the event of an accident or incident that may take place during such diversions. Insurance liability referred to, are those that may be connected to personal injuries, or the loss of life, or damage to property during an accident or incident that may occur during such diversions.

The addition of the proposed regulation will also safeguard the CAA from possible law suits that may emanate from it not taking the necessary precautions to ensure that the minimum safety requirements are being met and maintained by airport operators.

1.3 NO CURRENT PROVISION EXISTS

SCHEDULE 2A

PROPOSER

SOUTH AFRICAN CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

2.1 PROPOSAL FOR THE AMENDMENT ON REGULATION 1 OF THE CAR
(DEFINITIONS)

This proposal relates to the insertion of the following definitions.

PROPOSED AMENDMENT TO REGULATION 1.00.1 (INSERTION OF THE
FOLLOWING DEFINITIONS)

2.1.1 ACCESS CONTROL

“access control” means the security procedure applied to ensure that only authorized persons, authorized vehicles and authorized items carried by such persons or transported in such vehicles, are allowed access into the premises, area or zone being controlled.”

2.1.2 ACCOUNT CUSTOMER

“account customer” means a consignor who is:

- (a) in possession of an established billing or credit account;
- (b) who has previously shipped cargo with the **regulated agent** or aircraft operator; and
- (c) whose business status has been verified by the **regulated agent** or aircraft operator within a given time frame.”

2.1.3 AIR SIDE

“air side” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.”

2.1.4 AUTHORISED PERSON

“authorized person” means any person as defined in section 1 of the Civil Aviation Offences Act, 1972, No. 10 of 1972.”

2.1.5 CARGO AREA

“cargo area” means the ground space and facilities provided for cargo handling including aprons, cargo buildings and warehouses, vehicle parks and roads associated therewith.”

2.1.6 CARGO BUILDING

“cargo building” means a building through which cargo passes between air and ground transport and in which processing facilities are located, or in which cargo is stored pending transfer to air or ground transport.”

2.1.7 CARGO

"cargo" means any property, other than airline stores or accompanied baggage or hand baggage, carried on an aircraft from or to South Africa to domestic and international destinations."

2.1.8 CONSIGNMENT SECURITY DECLARATION

"consignment security declaration" means a document signed by a person nominated by a **known consignor** or **regulated agent** certifying that the consignments(s) to which the document refers is **known cargo** which has

- (a) been secured in accordance with ICAO Standard 4.3.8 (Annex17)
- (b) been received in a secure condition and has been protected from unauthorized access since being taken into the companies custody."

2.1.9 CONSIGNOR

"consignor" means for the purpose of aviation security -

- (a) the origination of the goods; or
- (b) the place where the goods are prepared for carriage; or
- (c) the place where the goods become identifiable as airfreight."

2.1.10 CONSOLIDATED CARGO

"consolidated cargo" means a consignment of multi-packages which has been originated by more than one person each of whom has made an agreement for carriage by air with another person other than a scheduled air carrier."

2.1.11 DIPLOMATIC BAGS

"diplomatic bags" means items referred to under Article 27(3) of the Vienna Convention on Diplomatic relations, 1961."

2.1.12 FREIGHTER CLASS KNOWN CARGO

"freighter class known cargo" means cargo received either directly from an **account customer** or from an **account customer** via a **regulated agent** which, for carriage on a cargo only aircraft, may be regarded as **known cargo**."

2.1.13 KNOWN CARGO

"known cargo" means:

- (a) a consignment from a **known consignor** or a **regulated agent** to which the appropriate security controls have been applied; or
- (b) a consignment of **unknown cargo** which has subsequently been subjected to appropriate security controls."

2.1.14 KNOWN CONSIGNOR

"known consignor" means the originator of property for transportation by air for their own account and who has established business with a **regulated agent** or an airline on the basis of agreed criteria."

2.1.15 REGULATED AGENT

“regulated agent” means an agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.”

2.1.16 SCREENING

“screening” means the application of technical or other means which are intended to detect weapons, explosives or other dangerous goods or devices which may be used to commit an act of unlawful interference.”

2.1.17 UNACCOMPANIED BAGGAGE

“unaccompanied baggage” means which baggage transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs.”

2.1.18 UNKNOWN CARGO

“unknown cargo” means cargo which cannot be classified as known cargo or freighter class known cargo as defined shall be classified as unknown Cargo and shall be subject to physical search or X-ray screening before acceptance for air transport.”

2.2 MOTIVATION

These definitions are necessary in the light of the contents of the proposed Part 108 of the regulations contained in Schedule 2B hereto.

2.3 WORDING OF CURRENT DEFINITIONS

The definitions of the said expressions are not presently contained in the Regulations.

SCHEDULE 2B

PROPOSER

SOUTH AFRICAN CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

INSERTION OF PART 108 INTO THE CIVIL AVIATION REGULATIONS 1997

THE CARRIAGE BY AIR OF AIR CARGO, COURIER AND EXPRESS PARCELS.

108.08.1

- (1) Cargo, courier and express parcels carried on passenger and all cargo aircraft engaged on international and domestic flights shall be subjected to security controls by all companies engaged in the acceptance, storage and forwarding of cargo, courier and express parcel consignments.
- (2) All companies engaged in the acceptance, storage and forwarding of cargo, courier and express parcel consignments, intended for carriage on civil flights shall be listed with the South African Civil Aviation Authority. This will include but is not limited to an agent, freight forwarder or any entity who conducts business with an operator

and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail.

- (3) Each listed company shall have a security programme approved by the South African Civil Aviation Authority in respect of the acceptance, storage and forwarding of cargo, courier and express parcel consignments.
- (4) Each listed company shall have a designated official responsible for security.
- (5) The South African Civil Aviation Authority shall conduct inspections to ensure that the safety programme is being implemented and random checks of cargo, courier and express parcels, emanating from regulated agents shall be carried out as detailed in the National Aviation Safety Plan.
- (6) The security programme referred to shall describe the current security procedures relating to cargo, courier and express parcels carried on passenger and all cargo aircraft engaged in international and domestic flights which shall also indicate reference to the requirements.

THE DUTIES AND FUNCTIONS OF THE REGULATED AGENT

108.02.1 (1)

The duties and functions of the regulated agent in respect of cargo, courier and express parcels carried on passenger and all cargo aircraft engaged on international and domestic flights are as follows;

- (a) to establish and register the identity and the address of the consignor, and establish and record the credentials of the person who delivers the consignment as an agent of the consignor;
- (b) to determine within reason, by random physical checks or screening that the contents of a consignment does not contain any prohibited articles as listed in standards 4.1.1 of the Fifth Edition of Annex 17 and reflect their description on the airwaybill and cargo manifest;
- (c) to ensure that the consignments be safeguarded from unauthorised interference after the receipt, and thus that access to the cargo can be controlled;
- (d) to ensure that the receipt, processing and handling of cargo be carried out by properly recruited and trained staff;
- (e) to designate a person or persons responsible for the implementation, application and supervision of the required security controls;
- (f) to ensure that, for the purpose of security controls, each consignment tendered to an airline or another regulated agent for air transportation be accompanied by documentation, either on the airwaybill or on a separate declaration, which provides the following information;
 - (i) Name, address and identified details of the regulated agents concerned;
 - (ii) Name and address of the consignor;
 - (iii) Contents of the consignment;
- (g) a regulated agent shall be subject to listing by the authority annually.

108.01.1(2)

The declaration to be signed by regulated agents shall be in the format as set out in Document SA-CATS-SEC.

SECURITY CONTROLS

108.03.1

Air cargo, courier and express parcels shall only be carried by air where the regulated agent, the airline or other appropriate body has applied the following security controls:

- (a) Ensuring reception, processing and handling of cargo is performed by properly recruited and trained staff.
- (b) Determining with in reason that the cargo does not contain any prohibited article as listed in standard 4.1.1 of Annex 17 by:
 - (i) searching it by hand or physical check; or
 - (ii) screening it by X-ray; or
 - (iii) subjecting it to simulation; or
 - (iv) applying other means both technical and biosensory (e.g. sniffers, trace detectors, dogs, etc.)
 - (v) combination of above measures
 - (vi) preventive measures.

EXEMPTIONS

108.04.1

- (1) The security controls referred to in regulation 108.03.1 need not to applied in respect of
 - (a) Transshipment cargo, as in 108.05.1 below;
 - (b) Human remains;
 - (c) Live animals;
 - (d) Bona fide consignments of life-saving materials;
 - (e) Special nuclear materials;
 - (f) Diplomatic mail and
 - (g) High-value goods
- (2) Consignments that are exempted from security controls have to be
 - (a) Clearly declared on shipping documents as such;
 - (b) Physically checked upon receipt for signs of tampering;
 - (c) Subject to documentary checks to establish their bona fides;
 - (d) Protected from unlawful interference;

TRANSSHIPMENT CARGO

108.05.1

Transshipment cargo arriving by air need not to be screened provided that it is protected against unauthorized interference at the transit point with suitable security procedures. Other transshipment cargo arriving from outside the transit state and not being submitted to security controls at the point of departure or en route should normally be screened in accordance with security controls and protected from unauthorized interference.

AIR SERVICE OPERATORS RIGHT OF INSPECTION AND REFUSAL OF CARRIAGE

108.06.1

- (1) Air service operators reserve the right to examine, or cause to be examined by its agent, the packaging and contents of all cargo, courier and express parcel consignments and to inquire into the correctness of sufficiency of information or documentation tendered in respect of any consignment.
- (2) Carriers reserve the right, without assuming any liability, to refuse, delay or return any cargo, courier, express or mail consignments when circumstances so require or for security reasons, if it is believed that they may contain explosives or dangerous devices or would be transported in violation of applicable laws and regulations.
- (3) All shipments of a 'small parcel services' shall be X-rayed, physically searched or screened by other means prior to carriage.
- (4) Air service operators shall not accept cargo, courier or express parcel consignments for carriage by air unless they are known cargo or it has been physically or electronically screened by the airline. All unknown cargo must be physically searched, electronically screened or screened by other means.
- (5) Unaccompanied baggage shipped as cargo should be treated as originating from a regulated agent.

SECURITY SCREENING EQUIPMENT AND SECURITY SCREENING PERSONNEL

108.07.1

- (1) Any equipment used to screen cargo, courier or express parcel consignments must be capable of assisting its trained operator in the detection of explosives or dangerous devices.
- (2) The equipment used must be approved by the Authority as being suitable for the task and shall be maintained and serviced so as to meet manufacturers specifications as well as local health, safety and regulatory requirements.
- (3) Persons involved in the function of handling or screening of cargo, courier, express parcel or mail consignments either by physical, electronic or other means should be trained to a level of proficiency which will enable them to comply with the objectives of the National Aviation Safety Plan.
- (4) Officials responsible for training staff should verify that such proficiency has been attained.

MAIL

108.08.1

- (1) Mail from postal authorities should be considered as cargo from a regulated agent.
- (2) The responsibility for the security screening and sealing of mail is that of the postal authorities.
- (3) Carriers must ensure that mail is received by their authorised personnel who will establish the identity of the person presenting the mail.
- (4) In order to minimise the possibility that explosives, incendiary, or other dangerous devices are placed on board an aircraft through airmail, the following measures should be considered:
 - (a) Under Normal Conditions

- (i) visual inspection of mail bags to ensure they have not been tampered with;
 - (ii) mail should be kept in locked or closed containers and maintained under surveillance to ensure that the mail cannot be tampered with or substituted;
 - (iii) integrity of the mail sacks and seals should be verified upon receipt of the mail, again at the time of loading;
 - (iv) controlled access to mail storage and loading areas by means of identification checks, as well as physical deterrents; and
 - (v) surveillance of mail loading areas by all company personnel and the immediate notification to law enforcement personnel of persons or vehicles not adequately identified or authorised to be in the area.
- (b) Under Extreme Conditions
- (i) at times of high alert, measures additional to those used under normal conditions should be considered;
 - (ii) Screen each piece of mail which could contain a dangerous device and deliver for flight only that mail which they can ensure is free from explosives, incendiary or other dangerous devices;
 - (iii) Obtain assurance from the postal authorities that mail has been inspected for explosives, incendiary and other dangerous devices before bagging and delivery;
 - (iv) Consider search of mail bags by postal authorities;
 - (v) If equipment available, make use of X-ray equipment, pressure chamber (two cycles of compression/decompression) and delay mail for a variable period;
 - (vi) Circumstances may suggest mail not be carried by air.

CATERING SECURITY AND BONDED STOCKS

108.09.1

- (1) Sabotage can be perpetrated through catering, stores and duty free goods placed on board aircraft.
- (2) If the threat warrants, a search of the galley before loading of supplies must be carried out.
- (3) The following measures must be taken
 - (a) Catering and bonded stocks must be prepared within a secure facility and only authorized employees, appointed agents may place such commodities on board an aircraft.
 - (b) Catering must be prepared in a secure environment and, where possible, be sealed with a tamper proof seal to prevent tampering and interference.
 - (c) Catering equipment, material and laundry supplies may only be issued to authorized and appropriately identified persons.

- (d) Liquor stocks and other bonded items kept at airports and transit airports must be in bonded and stowed in secure storerooms. A proper record must be kept of stocks received and issued.
- (e) Liquor/duty free articles on board aircraft must be stored in secure lockable containers or trolleys.
- (f) Catering supplies may only be removed from an aircraft or facility by authorized employees, agent or representatives.

ADDITIONAL SECURITY MEASURES IN CASE OF A SPECIFIC THREAT

108.09.1

1. The measures to be implemented to increase or decrease cargo and mail security measures should on increase or decrease be justified as set out in Document SA-CATS-SEC.

CONSIGNMENT SECURITY DECLARATIONS

108.10.1(1)

- (1) Goods travelling as export cargo must have been security cleared prior to departure. This may take place at the point where the goods are initially prepared for carriage as air cargo (the known consignor), at the airline's transit shed, or at some point between. Once the integrity of the consignment has been established it may be deemed to be **known cargo** and should be certified as such.
- (2) In order to remain as known cargo, consignments must be kept secure within the custody of regulated agents (or aircraft operators) and their approved sub contractors. Known cargo that is passed to a non-regulated agent, a non-approved sub contractor, or that about which suspicions have been raised must be treated as unknown cargo. There must be an unbroken and verifiable trail of accountability, in which the consignment security declaration plays an important part.
- (3) As known cargo passes from one principal to another, so a new declaration must be made. The consignment security declaration covers the activities of the principal and their approved sub-contractors. For example, where known cargo is collected by an approved sub-contractor of a regulated agent, delivered to that agent's premises, then delivered to the aircraft operator by another approved sub-contractor, one consignment security declaration should be raised by **the regulated agent** to cover all three stages. The regulated agent is responsible for ensuring that their sub-contractors comply with the security requirements.
- (4) A consignment security declaration must be drawn up for each consignment of known cargo. It may be a separate document or may be incorporated into existing documentation. It must relate specifically to that consignment and should carry a unique means of reference, for example the airwaybill or invoice Number. Declarations must be signed and dated by a member of staff trained and authorized to do so.
- (5) Consignments, other than those specifically exempt from security controls, not covered by a valid consignment security declaration must be treated as **unknown cargo**.
- (6) Consignments presented as **unknown cargo** should not be covered by any security declaration. Declarations such as "this consignment may be considered to be unknown cargo" are unnecessary and cause confusion. Cargo must be treated as unknown unless certified as known cargo.

APPROVAL**108.11.1**

- (1) Approval for operating as a regulated agent in the Republic of South African has to be obtained from the Commissioner.
- (2) The approval referred to in subregulation (1) is renewable on an annual basis before the expiry date of the existing approval.
- (3) Such an approval shall only be issued on compliance with the relevant provisions of the Regulations.
- (4) An application for the said approval has to be accompanied by the fee as prescribed in Part 187.
- (5) Before the issuing of the said approval the Authority will inspect the operation of the applicant to ascertain whether it complies with the relevant provisions.
- (6) An inspection fee at the hourly rate as set out in regulation 187.00.22A is payable before issuing of the required approval.
- (7) The above provisions is applicable mutatis mutatis in respect of an application for the renewal of a granted approval.

REQUIREMENTS**108.12.1**

- (1) The checklist for use in the vulnerability assessment of premises and procedures by regulated agents is contained in DOCUMENT SA-CATS-SEC.
- (2) The necessary components of a cargo security programme are contained in DOCUMENT SA-CATS-SEC.
- (3) The known cargo agreement has to comply with the format contained in DOCUMENT SA-CATS-SEC.

TRAINING**108.03.1(1)**

- (1) It shall be the responsibility of
 - (a) operators of all airlines operating in the Republic of South Africa; and
 - (b) the management of all licensed airports in the Republic of South Africato ensure that its personnel who are involved in the performing of duties and the screening of functions relating to security which in respect of paragraph (a) will include all airline staff, security supervisions and security managers and in respect of paragraph (b) managers and supervisions involved in the performance of duties and the exercising of functions relating to security undergo the required training.
- (2) The nature, contents and scope of the training to be received by the categories mentioned above is to be in accordance with Document SA-CATS-SEC.
- (3) In order for an aviation security trainer or instructor to provide the necessary training or instruction the requirements as set out in Documents SA-CATS-SEC are to be complied with.

5.1 MOTIVATION FOR INSERTION OF PART 108 INTO THE CIVIL AVIATION REGULATIONS, 1997.

2.2.1 As a Contracting State, to the CHICAGO CONVENTION South Africa implements the standards of the International Civil Aviation Organization (ICAO). Annex 17 is incorporated into South African Legislation under section 22A(3) of the Aviation Act, 1962 (Act No 74 of 1962) as well as the "Security Manual of Safeguarding Civil Aviation Against Acts of Unlawful Interference (Doc 8973/5) (restricted)" approved and published by decision of the council of the International Civil Aviation Organization in paragraph 139.02.2 of Technical Standards "Document SA-CATS-AH" (139.02.2).

2.2.2 It is necessary to draw the attention to the following paragraphs of Annex 17 to the said Convention.

Paragraph 4.3.6

Each Contracting State shall ensure the implementation of measures at airports serving international civil aviation to protect cargo, baggage, mail, stores and operators' supplies being moved within an airport and intended for carriage on an aircraft to safeguard such aircraft against an act of unlawful interference.

Paragraph 4.3.8

Each Contracting State shall establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger flights are subjected to appropriate security controls.

Paragraph 4.3.9

Each Contracting State shall establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger flights unless the security of such consignments is accounted for by a regulated agent or such consignments are subjected to other security controls to meet the requirements of paragraph 4.3.8.

2.2.3 This Programme outlines security measures that an agent, freight forwarder or any other entity who conducts business with an operator agrees to apply to meet the requirements of the CAA as the "Authority" as defined in section 1 of the South African Civil Aviation Authority Act No.40, 1998 when arranging for the transportation of cargo by air to domestic or international destinations.

2.3 The purpose of this programme is to prevent or deter the introduction of explosives or incendiary devices as an act of sabotage in INTERNATIONAL and DOMESTIC air cargo, to establish measures to ensure that consignments checked in as baggage by couriers for carriage on passenger and cargo flights are subjected to specific security controls, to establish measures to ensure the implementation of measures at airports serving international and domestic civil aviation to protect cargo, baggage, mail, stores and operator's supplies being moved within an airport and intended for carriage on an aircraft to safeguard such aircraft against an act of unlawful interference and to establish measures to ensure that cargo, courier and express parcels and mail intended for carriage on passenger and cargo flights are subjected to appropriate security controls. This is achieved by security measures, personnel identification requirements and the establishment of an audit trail which clearly documents all stages of handling and origins of particular items of domestic and international air cargo.

SCHEDULE 3

PROPOSER

SOUTH AFRICAN CIVIL AVIATION AUTHORITY
PRIVATE BAG X08
WATERKLOOF
0145

3.1 PROPOSED INSERTION OF REGULATION 187.00.11B INTO THE REGULATIONS

"Fees relating to Part 108 187.00.11B The following fees shall be payable upon application –

- | | | |
|-----|--|--------|
| (a) | for an approval to operate as a regulated agent | R |
| | | 500,00 |
| (b) | for the renewal of an approval to operate as a regulated agent | R |
| | | 500,00 |

3.2 MOTIVATION

In Part 108 provision is made for the payment of a fee in respect of an application for an approval to operate as a cargo forwarder as well as in respect of a renewal application.

3.3 CURRENT PROVISION

No current provision in respect of the relevant fees exists.

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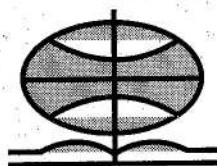
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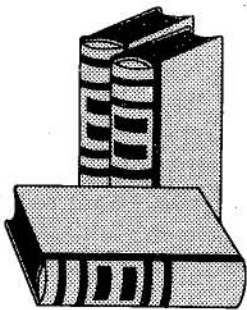
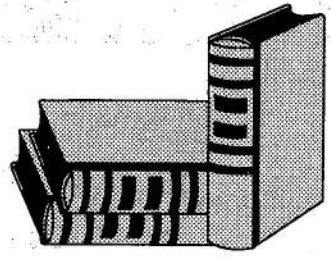
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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

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