

REPUBLIC
OF
SOUTH AFRICA



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VAN
SUID-AFRIKA

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OKTOBER 2000

No. 21631

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 999

13 October 2000

THE CONSTITUTIONAL COURT

NOTICE IN TERMS OF RULE 4 (8) OF THE RULES OF THE CONSTITUTIONAL COURT MADE BY THE PRESIDENT OF THE CONSTITUTIONAL COURT IN CONSULTATION WITH THE CHIEF JUSTICE UNDER SECTION 171 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT No. 108 of 1996), AND SECTION 16 OF THE CONSTITUTIONAL COURT COMPLEMENTARY ACT, 1995 (ACT No. 13 OF 1995) IN:

Case CCT 13/99

IN THE MATTER OF—

GERHARDUS FRANCOIS JANSE VAN RENSBURG NO

First Applicant

OMEGA TRUST POWER MARKETING CC

Second Applicant

versus

MINISTER OF TRADE AND INDUSTRY NO

First Respondent

LOUISE ARLENE TAGER NO

Second Respondent

ORDER OF COURT

On 29 September 2000 the Constitutional Court made the following order in the above-mentioned case:

1. No order is made regarding the confirmation proceedings in respect of the declaration of constitutional invalidity of section 7 (3) of the Consumer Affairs (Unfair Business Practices) Act, 71 of 1988 (the Act).
2. The order of constitutional invalidity in respect of section 8 (5) (a) of the Act is confirmed.
3. The order of constitutional invalidity referred to in paragraph 2 of this order is suspended for a period of 12 months from the date of this order to enable Parliament to correct the defects that have resulted in the declaration of invalidity:
 - 4.1 Pending the enactment of legislation by Parliament or the expiry of the period referred to in paragraph 3 of this order, whichever is the sooner, the Minister of Trade and Industry (the Minister) may not take action under section 8 (5) (a) of the Act unless he or she—
 - (a) has a reasonable suspicion that there exists an unfair business practice involving the person under investigation;
 - (b) has a reasonable apprehension that without such action the public will be irreparably harmed;
 - (c) is satisfied that there is no alternative remedy; and
 - (d) is satisfied that, having weighed the foregoing factors, the prospect of harm to the public if the order were not granted outweighs the harm to the interests of the affected person or persons if the order were granted.
 - 4.2 The Minister may not take action under section 8 (5) (a) (ii) unless, in addition to satisfying the conditions stipulated in paragraph 4.1 of this order, he or she also has a reasonable suspicion that the person to be interdicted has or will have the intention to defeat the claims of the public by concealing or dissipating assets.
5. At the same time that the notice under either section 8 (5) (a) subparagraph (i) or (ii) of the Act is issued, the Minister must furnish any person named in the notice with a written statement containing the facts on which he or she relied to satisfy himself or herself of the factors referred to in paragraphs 4.1 and 4.2 of this order. This statement should also advise the recipient that he or she has the right under section 13 (1) of the Act to appeal the action of the Minister to the special court or to take it on review to an appropriate court. The written statement should be furnished at the same time as the notice is given under section 8 (5) (a).
6. There is no order as to costs."

Thus done at Johannesburg on 3 October 2000.

M. S. STANDER

Registrar: Constitutional Court

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

No. R. 994

13 October 2000

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/473)

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

M. MPAHLWA

Deputy Minister of Finance

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Anno= tations
	Tariff Heading	Rebate Code	C D	Description		
317.03				By the deletion of rebate item 317.03.		

No. R. 994

13 Oktober 2000

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/473)

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

M. MPAHLWA

Adjunkminister van Finansies

BYLAE

I Korting= item	II				III Mate van Korting	Anno= tasies
	Tarief= pos	Korting= kode	T S	Beskrywing		
317.03				Deur kortingitem 317.03 te skrap.		

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