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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 823

7 September 2001

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF THE TANNING SECTION COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council of the Leather Industry of South Africa and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 17 September 2001, and for the period ending 30 June 2001.

M. M. S. MDLADLANA

Minister of Labour

UMYANGO WEZOKUSEBENZA

No. R. 823

7 September 2001

UMTHETHO WEZEMISEBENZI, KA 1995

IMBONI YEZIKHUMBA YASENINGIZIMU AFRIKA: UKWELULWA KWESIVUMELWANO ESIPHINDA UKUMISWA NESICHIBIYELAYO SIKA WONKEWONKE SINEZELELA KWINGXENYE YEZINTO ZESIGABA ESISHUKA ISIKHUMBA KULABO ABENGWONA AMALUNGU

Mina, Membathisi Mphumzi Shepherd Mdladlana, uNgqongqoshe wezemisebenzi, ngokwesigaba 32 (2) soMthetho wobuDlelwano kwezemisebenzi, ka 1995, (Labour Relations Act, 1995), ngiyamemezela ukuthi iSivumelwano sika Wonkewonke esinezelelwa kwiSheduli yeSingisi exhunyiwe lapha, esahlangiswa emkhandlwini kaZwelonke wokuXoxisana kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesiKhumba eNingizimu Afrika (National Bargaining Council of the Leather Industry of South Africa) futhi esiyisibhopo ngokwesigaba 31 so Mthetho wobuDlelwano kwezemisebenzi, ka 1995, (Labour Relations Act, 1995), kulawo maqembu ahlanganisa isinezelelo sesivumelwano leso, siyababopha nabanye abaqashi nabaqashwa kulowo mkhakha wezibomi, kusekela ngomhlaka 17 September 2001, nangesikhathi sonke esiyophela mhla ziwu 30 June 2001.

M. M. S. MDLADLANA

Ungqongqoshe Wesemisebenzi

Gaphela: Amakhopi alesi sivumelwano esiZulu ayatholakala eMkhandlwini kaZwelonke wokuXoxisana ngamaHolo weziMboni zesiKhumba eNingizimu Afrika uma usicela.

No. R. 824

7 September 2001

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICE

LEATHER INDUSTRY OF SOUTH AFRICA: AGREEMENT FOR THE TANNING SECTION

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1017 of 27 August 1999, R. 47 of 28 January 2000, R. 555 of 9 June 2000 and R. 389 of 18 May 2001, with effect from 17 September 2001.

M. M. S. MDLADLANA

Minister of Labour

No. R. 824

7 September 2001

UMTHETHO WEZIMISEBENZI, KA 1995

UKUHOXISWA KWESAZISO SIKAHULUMENI

IMBONI YEZIKHUMBA YASENINGIZIMU AFRIKA: ISIVUMELWANO SESIGABA ESISHUKA ISIKHUBA

Mina, Membathisi Mphumzi Shepherd Mdladlana, uNgqongqoshe wemeSebenzi, ngokwesigaba 32 (7) soMthetho wobuDlelwano kwezemiSebenzi, ka 1995, ngihoxisa iSaziso sikaHulumeni esinguNombolo R. 1017 sika 27 August 1999, R. 47 sika 28 January 2000, R. 555 sika 9 June 2000 kanye No. R. 389 sika 18 May 2001, kusukela mhla ziwu 17 September 2001.

M. M. S. MDLADLANA

Ungqongqoshe WezemiSebenzi

SCHEDULE**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA****COLLECTIVE AGREEMENT: TANNING SECTION**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into between the

South African Tanning Employers' Organisation (SATEO)

(hereafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Southern African Clothing and Textile Workers' Union, National Union of Leather and Allied Workers

(hereafter referred to as the "employees" or the "trade unions"), of the other part,

being parties to the National Bargaining Council of the Leather Industry of South Africa.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement will be observed in the Tanning Section of the Leather Industry—

(a) In the Republic of South Africa, which includes the former Republic of Transkei, the former Republic of Bophuthatswana, the former Republic of Venda and the former Republic of Ciskei, as well as the former self-governing territories of KwaZulu, Qwa-Qwa, Lebowa, Gazankulu, KaNgwana and KwaNdebele.

(b) By all employers who are members of the employers' organisation, and by all employees who are members of the trade unions and who are engaged or employed in the said Section of the Industry.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement will apply to all employees for whom wages are prescribed in clause 7 (1) of this Agreement.

(3) The terms of this Agreement will not apply to non-parties in respect of clause 1 (1) (b), 2 and 3.

2. DATE AND PERIOD OF OPERATION OF AGREEMENT

This Agreement will come into operation on such date as the Minister of Labour extends the Agreement to non-parties, and will remain in force for the period ending 30 June 2002.

3. SPECIAL PROVISIONS

The provisions contained in clauses 8, 14 (2) and (3) of the Agreement published under Government Notice No. R. 1318 of 6 November 1998, as amended and renewed by Government Notices No. R. 287 of 12 March 1999, R. 1017 of 27 August 1999, R. 47 of 28 January 2000, R. 555 of 9 June 2000 and R. 389 of 18 May 2001 (hereinafter referred to as the "Former Agreement"), as further extended, renewed and amended from time to time, shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7 and 9 to 14 (1) and 15 of the Former Agreement (as further amended, extended and renewed from time to time), shall apply to employers and employees.

5. CLAUSE 3: DEFINITIONS

(1) Substitute the following for the definition of "Leather Industry" or "Industry".

"Leather Industry" or "Industry" means the industry in which employers and their employees are associated for one or more of the following:

(1) The manufacture of—

(a) footwear, excluding bespoke made footwear;

(b) travel goods and requisites, including suitcases, trunks, travelling, folding, sling, shopping, knitting and school bags, satchels, rucksacks, attachè, brief and vanity cases, and other similar containers;

(c) harnesses, saddlery, bridles, saddle bags, girths, leggings, stirrup straps and other similar equipment, wallets, purses, tobacco pouches, cases and boxes for jewellery, musical instruments, binoculars, arms, footwear, bottles, cigarettes, cigars and pipes, dog collars and leads, watch straps, rug straps, belts, braces, suspenders, garters, armlets, (excluding belts, braces, suspenders, garters, armlets manufactured from cloth), and other similar articles designed as substitutes;

- (d) handbags and other bags, and containers designed to hold ladies' and gentlemen's personal effects;
- (e) footballs, punch balls, netball balls and boxing gloves;
- (f) hockey and cricket balls.
- (2) (a) For the tanning, dressing and fellmongering of hides and skins; and
- (b) (i) preparation of cured or uncured hides and/or skins for tanning; for this purpose "preparation of hides and/or skins for tanning", without detracting from its ordinary or technical meaning, includes any of the following: Washing, soaking, fleshing, deburring, liming, unhairing, dewooling, removing scales, deliming, batting and pickling; and
- (ii) tanning of cured or uncured hides and/or skins; and/or
- (iii) retanning and/or dyeing and/or drying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating of leather and/or the combing and/or shearing and/or ironing of hides and/or skins with the wool or hair on; and
- (iv) cutting of upholstery panels from leather, provided that, for the purposes of sub paragraphs (i) to (iii) "hides and skins" include the following: Pelts with or without the fur on; sheep skins with or without the wool on; game and goat skins with or without the hair on; all types of reptile skins, and bird skins, with or without the feathers attached: Provided that the activities listed under subclause (1) (b) and (c) shall not include—
- (aa) the manufacture of metal components and/or attachments;
- (bb) the manufacture of canvas bank bags, canvas kit bags, canvas ruck sacks, canvas haversacks, canvas sampling bags and canvas explosives bags;
- (cc) the manufacture of any article from rubber;
- (dd) the manufacture of any article or the practice of any trade or occupation covered by the "Printing Industry" which, without in any way limiting the generally accepted meaning of the term, means the industry or undertaking in which employers and their employees are associated for the production of printed matter of any nature whatsoever;
- (ee) the manufacture of any article from metal or any kind of container (with or without metal parts) from fibre and/or cardboard (corrugated or otherwise) and/or paper or any compound of paper, and/or any like material, a constituent part of which is fibre and/or cardboard and/or paper and/or any constituent of paper and/or plastic, but excluding the manufacture wholly or mainly from fibres or plastic sheeting material of trunks, attaché cases, bags and all similar containers designed to hold personal effects, musical instruments and sporting kit.

The word "plastic" as contained in the paragraph directly above means any of the group of material which consists of or contains as an essential ingredient an organic substance of a large molecular mass, and which, while solid in the finished state, at some stage in its manufacture has been or can be forced, i.e. cast, calendered, extruded or moulded into various shapes by flow, usually through the application singularly or together of heat and pressure."

(2) Substitute the following for the definition of "Tanning Section": " 'Tanning Section' means that part of the Leather Industry in which employers and their employees are associated—

- (a) for the tanning, dressing and fellmongering of hides and skins; and
- (b) (i) preparation of cured or uncured hides and/or skins for tanning; for this purpose "preparation of hides and/or skins for tanning" without detracting from its ordinary or technical meaning, includes the following: washing, soaking, fleshing, deburring, liming, unhairing, dewooling, removing scales, deliming, batting and pickling; and
- (ii) tanning of cured or uncured hides and/or skins; and/or
- (iii) retanning and/or dyeing and/or drying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating of leather and/or combing and/or shearing and/or ironing of hides and/or skins with the wool or hair on; and
- (iv) cutting of upholstery panels from leather: Provided that, for the purposes of subparagraphs (i) to (iii), "hides and skins" include the following: pelts with or without the fur on; sheep skins with or without the wool on; game and goat skins with or without the hair on; all types of reptile skins and bird skins with or without the feathers attached."

6. CLAUSE 7: REMUNERATION

7.1 Wages and wage rates.

Insert the following new subclause (13):

6. "(13) *Phasing-in period*

Non-party employers who previously operated outside the Council's geographical scope as at 8 February 2001, and who are paying wage rates less than those prescribed in clause 7.1 of this Agreement, will be granted a concession, allowing these employers to phase in the increase of their wage rates to the level of those prescribed in clause 7 in terms of the undermentioned timetable:

From 1 July 2001, 70% of the prescribed rate.

From 1 July 2002, 80% of the prescribed rate.

From 1 July 2003, 100% compliance with the prescribed rate.

Employers requiring further exemptions will have to apply for such in terms of the provisions of clause 12.

7. Substitute the following for clause 12:

"12. EXEMPTIONS

- (1) Any party falling within the Council's registered scope may apply to the Bargaining Council for exemption from any or all the provisions of this Agreement.
- (2) All applications for exemption from any of the provisions of this Agreement must be in writing on an application form as provided by the Council, and lodged with the Local Office of the Council for consideration by the District Committee of the area concerned.
- (3) The District Committee shall hear and decide applications for exemption in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
- (4) Exemption Criteria: The District Committee, when considering an application, must take into account the following criteria (the order not indicating any form of priority):
 - (a) any written and/or verbal substantiation provided by the applicant;
 - (b) fairness to the employer, its employees and other employers and the employees in the industry;
 - (c) whether an exemption, if granted, would undermine this Agreement or the collective bargaining process;
 - (d) whether it will make a material difference to the viability of a new business, or a business previously outside the jurisdiction of the Council;
 - (e) unexpected economic hardship occurring during the currency of the Agreement and job creation and/or loss thereof;
 - (f) the infringement of basic conditions of employment rights;
 - (g) the fact that a competitive advantage might be created by the exemption;
 - (h) comparable benefits or provisions where applicable;
 - (i) the applicant's compliance with other statutory requirements such as the Occupational Injuries and Diseases Act or Unemployment Insurance; or
 - (j) any other factor which is considered appropriate.
- (5) The District Committee, on approving an application, must within 14 days advise the applicant of such decision, and issue a Licence of Exemption setting out the following:
 - (a) the full name of the person or enterprise concerned;
 - (b) the provisions of this Agreement from which the exemption has been granted;
 - (c) the conditions subject to which exemption is granted;
 - (d) the period of the exemption;
 - (e) the date from which the exemption shall operate.
- (6) The District Committee may, on good cause shown, give the holder of a licence of exemption one week's notice of withdrawal of the exemption granted.
- (7) The District Committee, on not approving an exemption or part of an exemption, must advise the applicant(s) within fourteen (14) days of the date of such decision, providing the reason or reasons for not granting an exemption.
- (8) **Appeals:**

An independent body entitled the "Independent Appeal Body", will be appointed in accordance with the provisions of section 32 (3) (e) of the Act to hear and decide any appeal brought by a non-party against:

 - (a) the District Committee's refusal of an application for exemption from the provisions contained in this agreement; or
 - (b) the withdrawal of an exemption by the District Committee.
- (9) The Council or District Secretary shall, on receipt of a written application for an appeal, forward the application, together with the original application for exemption and all supporting documents, to the Independent Appeal Body for a decision.
- (10) The Independent Appeal Body shall hear and decide appeals in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.

- (11) The Independent Appeal Body must consider all applications with reference to the criteria in subclause (4).
- (12) The Independent Appeal Body shall advise the Council and the applicant(s) of their decision within fourteen (14) days, providing full reasons for the decision. Should the Independent Appeal Body reverse the decision of the District Committee, the Council must issue the applicant with a licence of exemption in accordance with subclause (5).

Signed by the parties at Cape Town on this the 16th day of February 2001.

J. HENRY

Member of the Council

M. PAULSEN

Member of the Council

W. VAN DER RHEEDE

Member of the Council

L. M. VAN LOGGERENBERG

General Secretary of the Council

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 833

7 September 2001

CUSTOMS AND EXCISE ACT, 1964.- AMENDMENT OF SCHEDULE NO. 2 (NO. 2/92)

Under section 56 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 2 to the said Act is hereby amended, with effect from 13 September 2001, to the extent set out in the Schedule hereto.

**M. MPAHLWA
DEPUTY MINISTER OF FINANCE**

SCHEDULE

I Item	II				III Rebate Items	IV Imported from or originating in	V Rate of anti- dumping duty	VI Anno= tations
	Tariff Heading	Code	C. D.	Description				
206.02				By the deletion of tariff heading No. 2921.51.				

No. R. 833

7 September 2001

DOEANE- EN AKSYNSWET 1964.- WYSIGING VAN BYLAE NO. 2 (NO. 2/92)

Kragtens artikel 56 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 2 by genoemde Wet hiermee gewysig, met ingang van 13 September 2001, in die mate in die Bylae hierby aangetoon.

**M. MPAHLWA
ADJUNKMINISTER OF FINANSIES**

BYLAE

I Item	II				III Korting Items	IV Ingevoer vanaf of afkomstig van	V Skaal van anti- dumping reg	VI Anno= tasies
	Tarief= pos	Kode	T. S.	Beskrywing				
206.02				Deur tariefpos No. 2921.51 te skrap.				

No. R. 834

7 September 2001

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 2 (NO. 2/93)**

Under section 56 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 2 to the said Act is hereby amended to the extent set out in the Schedule hereto.

M. MPAHLWA
DEPUTY MINISTER OF FINANCE

SCHEDULE

I Item	II			III Rebate Items	IV Imported from or originating in	V Rate of anti- dumping duty	VI Anno= tations
	Tariff Heading	Code	C D				
210.02				By the deletion of tariff headings Nos. 4809.20 and 4816.20.			

No. R. 834

7 September 2001

**DOEANE- EN AKSYNSWET 1964.-
WYSIGING VAN BYLAE NO. 2 (NO. 2/93)**

Kragtens artikel 56 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 2 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

M. MPAHLWA
ADJUNKMINISTER VAN FINANSIES

BYLAE

I Item	II			III Kort= ing= items	IV Ingevoer vanaf of afkomstig van	V Skaal van anti- dumping reg	VI Anno= tasies
	Tarief= pos	Kode	T S				
210.02				Deur tariefposte Nos. 4809.20 and 4816.20 te skrap.			

No. R. 835

7 September 2001

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 3 (NO. 3/499)**

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

**M. MPAHLWA
DEPUTY MINISTER OF FINANCE**

SCHEDULE

Rebate Item	Tariff Heading	Rebate Code	C. D.	Description	Extent of Rebate	Anno-tations
313.01				By the deletion of tariff heading No. 39.21.		
313.02				By the deletion of tariff heading No. 68.12.		
313.07				By the deletion of rebate code 02.00 to tariff heading No. 39.21.		
				By the deletion of tariff heading No. 40.16.		
315.03				By the deletion of tariff heading No. 40.02.		
315.07				By the deletion of tariff heading No. 7616.90.		

No. R. 835

7 September 2001

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (NO. 3/499)**

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

Korting= item	Tarief= pos	Korting= kode	T.S.	Beskrywing	Mate van korting	Anno-tasies
313.01				Deur tariefpos No. 39.21 te skrap.		
313.02				Deur tariefpos No. 68.12 te skrap.		
313.07				Deur kortingkode 02.00 by tariefpos No. 39.21 te skrap.		
				Deur tariefpos No. 40.16 te skrap.		
315.03				Deur tariefpos No. 40.02 te skrap.		
315.07				Deur tariefpos No. 7616.90 te skrap.		

No. R. 836

7 September 2001

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 3 (No. 3/500)**

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	Anno- tations
	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	
316.01		"02.06	66	By the insertion after rebate code 01.06 to tariff heading No. 8415.90 of the following: Air conditioning machines, having a rated cooling capacity exceeding 3 kW, incomplete or unassembled, for the manufacture of air conditioning machines identifiable for use in heavy vehicles as defined in Note 1 to rebate item 317.07	Full duty"	

No. R. 836

7 September 2001

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (No. 3/500)**

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	II				III	
Korting= item	Tarief= pos	Korting= kode	T S	Beskrywing	Mate van Korting	Anno= tasies
316.01		"02.06	66	Deur na kortingkode 01.06 by tariefpos No. 8415.90 die volgende in te voeg: Lugreëlingsmasjiene, met 'n berekende verkoelingsvermoë van meer as 3 kW, onvolledig of ongemonteer, vir die vervaardiging van lugreëlingsmasjiene uitkenbaar as vir gebruik in swaarvoertuie soos omskryf in Opmerking 1 van kortingitem 317.07	Volle reg"	

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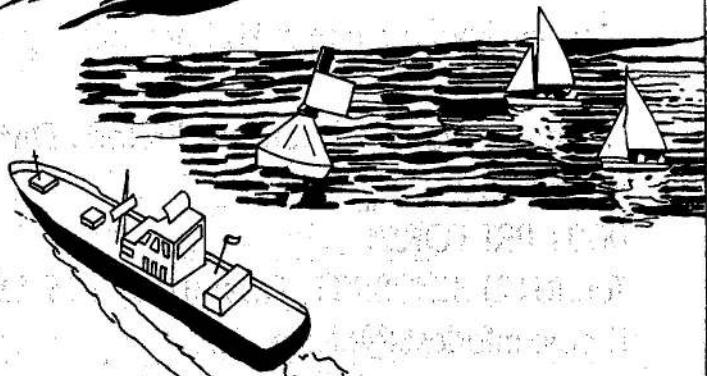
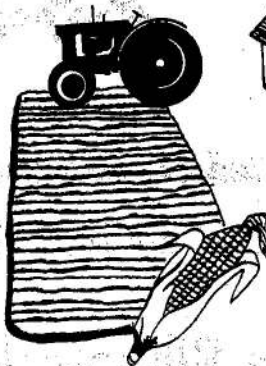
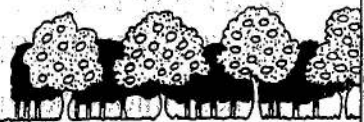
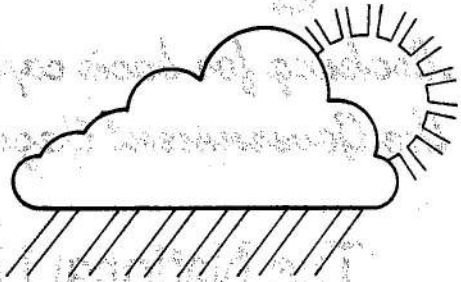
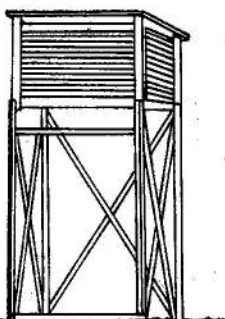
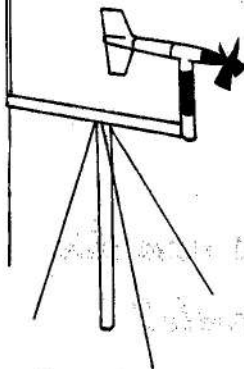
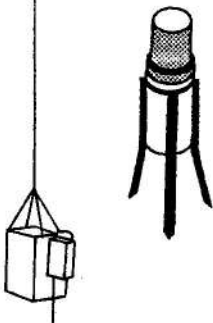
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