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**CONTENTS****INHOUD**

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
<b>GOVERNMENT NOTICES</b>			<b>GOEWERMENSKENNISGEWINGS</b>		
<b>Agriculture, Department of</b>			<b>Arbeid, Departement van</b>		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 547 Plant Improvement Act (53/1976): Regulations: Establishments, varieties, plants and propagating material: Amendment.....	3	23389	R. 542 Wet op Arbeidsverhoudinge (66/1995): Bedingingsraad vir die Meubelnywerheid, KwaZulu-Natal: Uitbreiding van Voorsorgfonds en Stertebystandsvereniging Kollektiewe Wysigingsooreenkoms na Nie-partye.....	11	23389
R. 548 Plant Breeders' Rights Act (15/1976): Regulations: Plant breeders' rights: Amendment.....	7	23389	R. 554 Wet op Arbeidsverhoudinge (66/1995): Intrekking van Goewermentskennisgewings: Metaal- en Ingenieursnywerhede Bedingingsraad: Ingenieursnywerhede Voorsorgfonds Kollektiewe Ooreenkoms	14	23389
<b>Independent Communications Authority of South Africa</b>			R. 555 do.: Metaal- en Ingenieursnywerhede Bedingingsraad: Uitbreiding van Metaalnywerheid: Voorsorgfonds Kollektiewe Ooreenkoms na Nie-partye.....	14	23389
<i>Government Notice</i>			<b>Landbou, Departement van</b>		
R. 551 Independent Broadcasting Act (153/1993): Amendment of Regulations .	11	23389	<i>Goewermentskennisgewings</i>		
<b>Labour, Department of</b>			R. 547 Plantverbeteringswet (53/1976): Regulasies: Ondernemings, variëteite, plante en voortplantingsmateriaal: Wysiging .....	4	23389
<i>Government Notices</i>			R. 548 Wet op Planttelersregte (15/1976): Regulasies: Planttelersregte: Wysiging...	8	23389
R. 542 Labour Relations Act (66/1995): Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal: Extension of Provident Fund and Mortality Benefit Association Collective Amending Agreement to Non-parties.....	11	23389	<b>Onafhanklike Kommunikasie-Owerheid van Suid-Afrika</b>		
R. 554 Labour Relations Act (66/1995): Cancellation of Government Notices: Metal and Engineering Industries Bargaining Council: Engineering Industries Provident Fund Collective Agreement.....	14	23389	<i>Goewermentskennisgewing</i>		
R. 555 do.: Metal and Engineering Industries Bargaining Council: Extension of the Metal Industries Provident Fund Re-enacting and Amending Agreement to Non-parties.....	14	23389	R. 551 Independent Broadcasting Act (153/1993): Amendment of Regulations .	11	23389

## GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 547

10 May 2002

#### PLANT IMPROVEMENT ACT, 1976 (ACT No. 53 OF 1976)

#### REGULATIONS RELATING TO ESTABLISHMENTS, VARIETIES, PLANTS AND PROPAGATING MATERIAL: AMENDMENT

The Minister of Agriculture, acting under section 34 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), has made the regulations in the Schedule.

#### SCHEDULE

##### *Definition*

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1064 of 23 May 1980, as amended by Government Notices Nos. R. 1621 of 22 July 1983, R. 2173 of 28 September 1984, R. 1287 of 14 June 1985, (as corrected by Government Notice No. R. 1524 of 12 July 1985), R. 1522 of 12 July 1985, R. 256 of 14 February 1986, R. 1489 of 11 July 1986, R. 1903 of 12 September 1986, R. 1389 of 26 June 1987, R. 1700 of 7 August 1987, R. 86 of 22 January 1988, R. 2496 of 9 December 1988, R. 1518 of 14 July 1989, (as corrected by Government Notice No. R. 1976 of 15 September 1989), R. 2092 of 29 September 1989, R. 76 of 18 January 1991, R. 1638 of 12 July 1991 (as corrected by Government Notice No. R. 1971 of 16 August 1991), R. 2119 of 24 July 1992, R. 2618 of 18 September 1992, R. 891 of 28 May 1993, R. 1590 of 27 August 1993, R. 2057 of 29 October 1993, R. 513 of 18 March 1994, R. 1465 of 26 August 1994, R. 174 of 10 February 1995 (as corrected by Government Notice No. R. 319 of 3 March 1995), R. 1976 of 22 December 1995, R. 1177 of 19 July 1996, R. 97 of 24 January 1997, R. 1011 of 1 August 1997, R. 866 of 3 July 1998 (as corrected by Government Notice No. R. 949 of 24 July 1998), R. 1284 of 16 October 1998, R. 1015 of 27 August 1999, R. 232 of 17 March 2000, R. 919 of 15 September 2000, R. 1207 of 1 December 2000, R. 430 of 25 May 2001 and R. 19 of 11 January 2002.

##### *Substitution of Table 1 of the Regulations*

2. The table in Annexure A is hereby substituted for Table 1 of the Regulations.

No. R. 547

10 Mei 2002

## PLANTVERBETERINGSWET, 1976

(WET No. 53 VAN 1976)

**REGULASIES BETREFFENDE ONDERNEMINGS, VARIËTEITE, PLANTE EN  
VOORTPLANTINGSMATERIAAL: WYSIGING**

Die Minister van Landbou, handelende kragtens artikel 34 van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976), het die regulasies in die Bylae uitgevaardig.

**BYLAE*****Woordomskrywing***

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermenskennisgewing No. R. 1064 van 23 Mei 1980, soos gewysig deur Goewermenskennisgewings Nos. R. 1621 van 22 Julie 1983, R. 2173 van 28 September 1984, R. 1287 van 14 Junie 1985, (soos verbeter deur Goewermenskennisgewing No. R. 1524 van 12 Julie 1985), R. 1522 van 12 Julie 1985, R. 256 van 14 Februarie 1986, R. 1489 van 11 Julie 1986, R. 1903 van 12 September 1986, R. 1389 van 26 Junie 1987, R. 1700 van 7 Augustus 1987, R. 86 van 22 Januarie 1988, R. 2496 van 9 Desember 1988, R. 1518 van 14 Julie 1989, (soos verbeter deur Goewermenskennisgewing No. R. 1976 van 15 September 1989), R. 2092 van 29 September 1989, R. 76 van 18 Januarie 1991, R. 1638 van 12 Julie 1991 (soos verbeter deur Goewermenskennisgewing No. R. 1971 van 16 Augustus 1991), R. 2119 van 24 Julie 1992, R. 2618 van 18 September 1992, R. 891 van 28 Mei 1993, R. 1590 van 27 Augustus 1993, R. 2057 van 29 Oktober 1993, R. 513 van 18 Maart 1994, R. 1465 van 26 Augustus 1994, R. 174 van 10 Februarie 1995 (soos verbeter deur Goewermenskennisgewing No. R. 319 van 3 Maart 1995), R. 1976 van 22 Desember 1995, R. 1177 van 19 Julie 1996, R. 97 van 24 Januarie 1997, R. 1011 van 1 Augustus 1997, R. 866 van 3 Julie 1998 (soos verbeter deur Goewermenskennisgewing No. R. 949 van 24 Julie 1998), R. 1284 van 16 Oktober 1998, R. 1015 van 27 Augustus 1999, R. 232 van 17 Maart 2000, R. 919 van 15 September 2000, R. 1207 van 1 Desember 2000, 430 van 25 Mei 2001 en R. 19 van 11 Januarie 2002.

***Vervanging van Tabel 1 van die Regulasies***

2. Tabel 1 van die Regulasies word hiermee deur die tabel in Aanhangsel A vervang.



**"TABLE 1-TABEL 1  
FEES PAYABLE-GELDE BETAALBAAR**

No.	Particulars of service/ Aard van diens	Purpose/ Doel	Tariff/ Tarief
1.	Issuing of export certificate under section 27/ Uitreiking van uitvoersertifikaat ingevolge artikel 27	a) Application for a certificate/ Aansoek om 'n sertifikaat [Reg. 45A(2)(a)]	R40,00 per consignment in respect of seed exported/ R40,00 per besending ten opsigte van saad wat uitgevoer word
		b) Inspection and sampling of seed lots/ Onderzoek en monsterneming van saadlotte [Reg. 45(3)]	R60,00 for 30 minutes or portion thereof, including travelling time, spent by each officer on the service/ vir 30 minute of gedeelte daarvan, reistyd ingesluit, deur elke beampte aan die diens gewy
		c) Purity analysis/ Suiwerheidsontleding	R45,00 each/ elk
		d) Germination or viability test/ Ontkiemings- of lewenskragtigheidstoets	R230,00 each/ elk
		e) Varietal examination of samples/ Variëteitsondersoek van monsters [Reg. 45(3)]  (i) Category A (agronomic, vegetable and pasture crops and sweet corn)/ Kategorie A (akkerbou-, groente- en weidingsgewasse en suikermielies)  (ii) Category B (white and yellow maize)/ Kategorie B (wit- en geelmielies)  (iii) Category C (fruit, vines and citrus)/ Kategorie C (vrugte, rankplante en sitrus)	  R1 300,00 per examination/ per ondersoek         R1 550,00 per examination/ per ondersoek         R1 720,00 per examination/ per ondersoek
2.	Registration of premises under section 7/ Registrasie van perseel ingevolge artikel 7	a) Application for registration of premises in respect of a business/ Aansoek om registrasie van 'n perseel ten opsigte van 'n besigheid [Reg. 2(2)(b)]	R170,00 for one type of business/ vir een soort besigheid plus R85,00 for each additional type of business/ vir elke bykomende soort besigheid
		b) Application for renewal of registration of premises in respect of a business/ Aansoek om hernuwing van registrasie van 'n perseel ten opsigte van 'n besigheid [Reg. 3(2)(b)]	R170,00 for one type of business/ vir een soort besigheid plus R85,00 for each additional type of business/ vir elke bykomende soort besigheid

No.	Particulars of service/ Aard van diens	Purpose/ Doel	Tariff/ Tarief
3.	Variety listing/ Variëteitslysting	a) Application fee in respect of the recognition of a variety/ Aansoekgeld ten opsigte van die erkenning van 'n variëteit [Reg. 16(b)]	R750,00 each/ elk
		b) Investigation fee for variety list placement/ Onderzoekgeld vir variëteitsplasing: [Reg. 17(1)] (i) Category A (agronomic, vegetable and pasture crops and sweet corn)/ Kategorie A (akkerbou-, groente- en weidingsgewasse en suikermielies)	R1 300,00 each/ elk
		(ii) Category B (white and yellow maize)/ Kategorie B (wit- en geelmielies)	R1 550,00 each/ elk
		(iii) Category C (fruit, vines and citrus)/ Kategorie C (vrugte, rankplante en sitrus)	R1 720,00 each/ elk
		c) Application for the alteration or supplementation of the denomination of a variety/ Aansoek om die wysiging of aanvulling van die benaming van 'n variëteit [Reg. 20A]	R1 000,00 each/ elk
4.	General/ Algemeen	a) Perusal of a document/ Insae in 'n dokument [Reg. 52(1)]	R220,00 per occasion/ per geleentheid
		b) Application for a copy of a document/ Aansoek om 'n afskrif van 'n dokument [Reg. 52(3)]	R7,00 per page/ bladsy plus R0,80 per photocopy/ fotokopie
		c) Lodgement of appeal against a decision of or steps taken by the Registrar/ Indiening van appèl teen die beslissing van, of stappe gedoen deur die Registrateur [Reg. 53(1)(d)]	R3 000,00 each/ elk".

No. R. 548

10 May 2002

## PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 OF 1976)

**REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT**

The Minister of Agriculture, acting under section 44 of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), has made the regulations in the Schedule.

**SCHEDULE*****Definition***

1. In this Schedule "the Regulations" means the Regulations published by Government Notice No. R. 1186 of 12 September 1997, as amended by Government Notices Nos. R. 1582 of 28 November 1997, R. 867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999, R. 604 of 14 May 1999, R. 1271 of 29 October 1999, R. 392 of 20 April 2000, R. 690 of 14 July 2000, R. 1078 of 3 November 2000, R. 387 of 18 May 2001 and R. 667 of 27 July 2001.

***Substitution of Table 2 of the Regulations***

2. The table in Annexure A is hereby substituted for Table 2 of the Regulations.

No. R. 548

10 Mei 2002

## WET OP PLANTTELEERSREGTE, 1976 (WET No. 15 VAN 1976)

**REGULASIES BETREFFENDE PLANTTELEERSREGTE: WYSIGING**

Die Minister van Landbou, handelende kragtens artikel 44 van die Wet op Planttelersregte, 1976 (Wet No. 15 van 1976), het die regulasies in die Bylae uitgevaardig.

**BYLAE*****Woordomskrywing***

1. In hierdie Bylae beteken "die Regulasies" die Regulasies gepubliseer by Goewermentskennisgewing No. R. 1186 van 12 September 1997, soos gewysig deur Goewermentskennisgewings Nos. R. 1582 van 28 November 1997, R. 867 van 3 Julie 1998, R. 1285 van 16 Oktober 1998, R. 323 van 19 Maart 1999, R. 604 van 14 Mei 1999, R. 1271 van 29 Oktober 1999, R. 392 van 20 April 2000, R. 690 van 14 Julie 2000, R. 1078 van 3 November 2000, R. 387 van 18 Mei 2001 en R. 667 van 27 Julie 2001.

***Vervanging van Tabel 2 van die Regulasies***

2. Tabel 2 van die Regulasies word hierby deur die tabel in die Aanhangsel vervang.



**ANNEXURE/AANHANGSEL****"TABLE 2/TABEL 2****FEES PAYABLE/GELDE BETAALBAAR**

<b>No.</b>	<b>Purpose/Doel</b>	<b>Amount/Bedrag</b>
1.	An application for the grant of a plant breeder's right/ 'n Aansoek om die toestaan van 'n planttelersreg [Reg. 3(2)(f)]	R750,00 each/elk
2.	A claim to give priority in terms of section 8(2) of the Act to an application for the grant of a plant breeder's right/ 'n Aansoek om ingevolge artikel 8(2) van die Wet voorrang te verleen aan 'n aansoek om die toestaan van 'n planttelersreg [Reg. 4(2)(c)]	R500,00 each/elk
3.	An objection to the grant of a plant breeder's right/ 'n Beswaar teen die toestaan van 'n planttelersreg [Reg. 8(1)(e)]	R3 000,00 each/elk
4.	Examination fee for a plant breeder's right: Category A (agronomic, vegetable and pasture crops and annual ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie A (akkerbou-, groente- en weidingsgewasse en eenjarige sierplante) [Reg. 3(2)(g) and/en (9)(1)]	R1 300, 00 each/elk
5.	Examination fee for a plant breeder's right: Category B (fruit, vines, citrus and perennial ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie B (vrugte, rankplante, sitrus en meerjarige sierplante ) [Reg. 3(2)(g) and/en 9(1)]	R1 700,00 each/elk
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country/ Voorsiening van resultate van toetse en proewe deur die registrateur onderneem aan die toepaslike gesag in 'n konvensieland of 'n ooreenkomsland [Reg. 9(3)]	R3 000,00 each/elk
7.	Annual fee for a plant breeder's right/ Jaargeld vir 'n planttelersreg [Reg.10(1)]	R166,00 each/elk
8.	An application for the issue of a compulsory licence in respect of a plant breeder's right/ 'n Aansoek om die uitreiking van 'n verpligte lisensie ten opsigte van 'n planttelersreg [Reg. 13(1)(d)]	R3 000,00 each/elk
9.	Notice of the transfer of a plant breeder's right/ Kennisgewing van die oordrag van 'n planttelersreg [Reg. 14(2)(b)]	R500,00 each/elk

No.	Purpose/Doel	Amount/Bedrag
10.	An application for the alteration or supplementation of the denomination approved for a variety/ 'n Aansoek om die wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(1)(b)]	R1 000,00 each/elk
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety/ 'n Beswaar teen die beoogde goedkeuring van 'n wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(3)(e)]	R500,00 each/elk
12.	An objection against the intended termination of a plant breeder's right/ 'n Beswaar teen die voorgename beëindiging van 'n planttelersreg [Reg. 16(1)(f)]	R500,00 each/elk
13.	A notice of the voluntary surrender of a plant breeder's right/ 'n Kennisgewing van die vrywillige afstanddoening van 'n planttelersreg [Reg. 17(1)(b)(i)]	Free/Gratis
14.	Inspection of the register of plant breeders' rights/ Insae in die register van planttelersregte [Reg. 20(2)]	Free/Gratis
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ Insae in 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R220,00 per occasion/ geleentheid
16.	A certificate of any particulars in the register or of any document in connection with an application for the grant of a plant breeder's right/ 'n Sertifikaat van enige besonderhede in die register of van enige dokument in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)].	R220,00 per certificate/sertifikaat
17.	A copy of any particulars in the register or of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ 'n Afskrif van enige besonderhede in die register of van 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R7,00 per page/bladsy plus R0,80 per photocopy/ fotokopie
18.	Submission of appeal against any decision or action taken by the registrar in terms of the Act/ Voorlegging van appél teen enige beslissing van of stappe gedoen deur die registrateur ingevolge die Wet [Reg. 22(1)(d)]	R3 000,00 each/elk".

No. R. 551

10 May 2002

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA  
ONAFHANKLIKE KOMMUNIKASIE-OWERHEID VAN SUID-AFRIKA**

**AMENDMENT OF REGULATIONS**

The Independent Communications Authority of South Africa ("ICASA") hereby, under section 78 (1) (d) of the Independent Broadcasting Act ("the IBA Act"), amends regulations 1.11 of the **Independent Broadcasting Authority's Advertising, Infomercials and Programme Sponsorship Regulations (1999)**.

Regulations 1.11 reads as follows:

News means "programming that is not current affairs by a broadcaster in which it reports on news events of immediate social, political or economic relevance and on matters of international, national and local significance".

**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID**

No. R. 542

10 May 2002

**LABOUR RELATIONS ACT, 1995**

**BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL: EXTENSION OF PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION COLLECTIVE 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 Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal 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 20 May 2002, and for the period ending 30 July 2006.

**M. M. S. MDLADLANA**

Minister of Labour

No. R. 542

10 Mei 2002

**WET OP ARBEIDSVERHOUDINGE, 1995**

**BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU-NATAL: UITBREIDING VAN VOORSORGFONDS EN STERFTEBYSTANDSVERENIGING KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Bedingingsraad vir die Meubelnywerheid, KwaZulu-Natal aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid met ingang van 20 Mei 2002, en vir die tydperk wat op 30 Julie 2006 eindig.

**M. M. S. MDLADLANA**

Minister van Arbeid

**SCHEDULE**

**BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL**

**PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION COLLECTIVE AMENDING AGREEMENT**

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

**KwaZulu-Natal Furniture Manufacturers' Association**

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

**National Union of Furniture and Allied Workers of South Africa**

and the

**Chemical Energy Paper Printing Wood and Allied Workers' Union**

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

being the parties to the Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal,

to amend the Agreement published under Government Notice No. R. 749 of 5 June 1998, as amended, extended and re-enacted by Government Notices Nos. R. 1690 of 24 December 1998, R. 367 of 14 April 2000 and R. 174 of 24 November 2000.

## CHAPTER 1

### 1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Furniture Manufacturing Industry, KwaZulu-Natal—
  - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union and who are engaged or employed in the Furniture Manufacturing Industry;
  - (b) in Area A, which consists of the Magisterial Districts of Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown and Mount Currie;
  - (c) in Area B, which consists of the Magisterial Districts of Greytown, Lions River, Port Shepstone, Richmond, Lower Tugela and Umzinto and the municipal areas of Estcourt, Ladysmith and Newcastle; and
  - (d) in Area C, which consists of the remainder of the Province of KwaZulu-Natal.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—
  - (a) only apply in respect of employees for whom minimum wages are prescribed in the Main Agreement and to working employers as defined in the Main Agreement;
  - (b) apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contracts entered into or any conditions fixed thereunder;
  - (c) not apply to any employee or working employer who at the date of the coming into operation of this Agreement is, or thereafter becomes, a participant in and member of any part other fund providing pension and/or provident benefits, which is in existence on the said date and in which the employer of the employee is on the said date a participant, or to the employer of such employee, during such period only as such other fund continues to operate and both employer and employee are participants therein, if in the opinion of the Council the benefits which the other fund provides are on the whole not less favourable than the benefits provided by the Council's fund;
  - (d) not apply to an employer who carries on not more than one business within the scope of applications of this Agreement and who employs less than five employees at all times in or in connection with such business: Provided that working employers shall be regarded as employees for the purposes of establishing the number of employers in such business: Provided further that an employer who is excluded by virtue of this paragraph and his employees may elect to participate in the funds provided for on a voluntary basis;
  - (e) the provisions of subclause (2) (d) shall not apply where an employer has more than four employees in his employ at the date of the coming into operation of this Agreement, and subsequently reduces his number of employees to less than five;
  - (f) notwithstanding the provisions contained in subclause (2) (d), an employer who has taken advantage of and enjoyed the exclusion contained therein may continue to do so for a period not exceeding three years, and upon expiry of the three-year period all the provisions of this Agreement shall apply to such employer and his employees;
  - (g) the terms of this Agreement shall not apply to non-parties in respect of clause 1 (1) (a).

### 2. PERIOD OF OPERATION OF AGREEMENT

This period shall come into operation in respect of the parties on 20 May 2002, and in respect of non-parties on such date as the Minister of Labour may extend the Agreement to non-parties, and the Agreement shall remain in force for the period ending 30 July 2006.

### 3. CLAUSE 14: BENEFITS

- (1) Renumber the existing clause 14 (6) to read 14 (6) (a).
- (2) Insert the following after clause 14 (6) (a):
  - (b) Notwithstanding the provisions contained in paragraph (6) (a) above, the Fund shall be entitled, upon written request of a contributing member during his period of membership with the Fund, to furnish a guarantee to a registered bank in respect of a loan by such registered bank to the member for any purposes referred to in the Fund's Housing Loan Scheme as approved by the Registrar from time to time, and then to deduct from the benefit to which this member or his beneficiary is entitled in terms of the rules of the Fund, such sum as has been guaranteed. The amount so guaranteed by the Fund shall not exceed 75% of the member's portion of contributions made to the Fund at the time of the furnishing of the guarantee.
  - (c) The Management Committee may consider and grant guarantees to contributing members to assist—
    - (i) in the purchase of a dwelling; or



- (ii) by way of a deposit towards the purchase of a dwelling from any local authority, provincial or state housing scheme; or
  - (iii) in the cost of erecting a dwelling in any rural or urban area in KwaZulu-Natal, where no aided housing scheme exists; or
  - (iv) in the cost of alterations and/or additions, provided that it relates to the provision of basic living accommodation only.
- (d) Members wishing to erect a dwelling under paragraph (c) (iii) and (iv) above are required to produce the following:
- (i) Title deed to the property or, in respect of tribal land, a letter of authority to build, issued by the tribal authority;
  - (ii) a quotation for materials required;
  - (iii) a building or sketch plan for the dwelling to be erected.

Where the application is approved and upon written request by a registered bank, the Fund shall issue a guarantee in accordance with the Rules.

- (e) Guarantees are not available for—
- (i) a second dwelling;
  - (ii) retaining walls;
  - (iii) garages;
  - (iv) temples;
  - (v) storerooms;
  - (vi) surrounding walls;
  - (vii) renovations.
- (f) The Management Committee may make such Rules as it deems expedient relating to the manner in which application is to be made.
- (g) Any guarantee furnished in terms of this scheme by the Fund, shall be limited in duration to the lifetime of the Fund. Should the Fund cease to exist for any reason whatsoever, be it by resolution or otherwise, then any guarantee furnished to a registered bank in terms of paragraph (b) and not redeemed as at the date of such termination of the Fund, shall lapse. The registered bank shall have no claim of any nature whatsoever against the Fund, the Management Committee or any other person, pursuant to the said termination of the Fund prior to the redemption of any guarantee.
- (h) A registered bank shall not be entitled to redeem a guarantee furnished to it in terms of paragraph (b) of this clause unless and until—
- (i) A member has defaulted on the payment of at least two loan installment payments to the bank; and
  - (ii) the registered bank has within 20 days of each such default dispatched, by registered post, written notification of such default by the member, to the Management Committee of the Fund, the member's employer and the member at an address nominated each such party. Such notice shall call upon the member to remedy the breach by making payment of such arrear installments within 10 days of receipt of such notification, failing which the guarantee shall be redeemable; and
  - (iii) the member has failed to correct such default within 10 days of receipt of the notice, which receipt shall be deemed to have occurred on the 3rd day following the date of posting of such notification; and
  - (iv) the member has become entitled to benefits in terms of the Fund Agreement as contemplated by clause 14 (1) (a) or (b).

These Scheme Rules stand in addition to any requirements which a registered bank may have in the granting of a loan to a contributing member."

**(4) Substitute the following for subclause (8) (c):**

- (c) Should no claim have been received from a member or his dependant or beneficiary within a period of six months of the date of the last placement of the advertisement, the benefits shall be forfeited to the Fund as moneys to which the Fund has become entitled in terms of clause 10 (2) (e) for the benefit of the remaining members, and there shall thereafter be no further claim against the fund: Provided that the Management Committee shall, in the event of a claim being received within a period of five years of the date of termination of services of a member in the Industry, be entitled, in its absolute discretion, to make payment to the member or dependant or beneficiary concerned out of the moneys that have reverted to the Fund.

Signed at Durban on this 22nd day of August 2001.

**B. NEETHLING**

Chairman

**G. MOONSAMY**

Vice-Chairman

**G. J. P. BLIGNAUT**

Secretary



**No. R. 554****10 May 2002**

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICES

**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: ENGINEERING INDUSTRIES PROVIDENT FUND COLLECTIVE AGREEMENT**

I, Membahtisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notice No. R. 627 of 13 July 2001 with effect from 20 May 2002.

**M. M. S. MDLADLANA**

Minister of Labour

**No. R. 554****10 Mei 2002**

WET OP ARBEIDSVERHOUDINGE, 1995

INTREKKING VAN GOEWERMENTSKENNISGEWINGS

**METAAL- EN INGENIEURSNYWERHEDE BEDINGINGSRAAD: INGENIEURSNYWERHEDE VOORSORGFONDS KOLLEKTIEWE OOREENKOMS**

Ek, Membahtisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermentskennisgewing No. R. 627 van 13 Julie 2001 in, met ingang van 20 Mei 2002.

**M. M. S. MDLADLANA**

Minister van Arbeid

**No. R. 555****10 May 2002**

LABOUR RELATIONS ACT, 1995

**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: EXTENSION OF THE METAL INDUSTRIES PROVIDENT FUND 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 Metal and Engineering Industries Bargaining Council 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 20 May 2002, and for the period ending 30 April 2006.

**M. M. S. MDLADLANA**

Minister of Labour

**No. R. 555****10 Mei 2002**

WET OP ARBEIDSVERHOUDINGE, 1995

**METAAL- EN INGENIEURSNYWERHEDE BEDINGINGSRAAD: UITBREIDING VAN METAALNYWERHEDE VOORSORGFONDS KOLLEKTIEWE OOREENKOMS NA NIE-PARTYE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn, en wat in die Metaal- en Ingenieursnywerhede Bedingingsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid met ingang van 20 Mei 2002, en vir die tydperk wat op 30 April 2006 eindig.

**M. M. S. MDLADLANA**

Minister van Arbeid

**Nota:** 'n Afrikaanse vertaling van die ooreenkoms by die Engelse kennisgewing sal so gou as doenlik in die *Staatskoerant* gepubliseer word.

**SCHEDULE****METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL****PROVIDENT FUND COLLECTIVE AGREEMENT FOR THE METAL INDUSTRIES**

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

**Association of Electric Cable Manufacturers of South Africa**  
**Border Industrial Employers' Association**  
**Cape Engineers' and Founders' Association**  
**Constructional Engineering Association (South Africa)**  
**Covered Conductor Manufacturers' Association**  
**Electrical Engineering and Allied Industries' Association**  
**Electronics and Telecommunications Industries' Association**  
**Gate and Fence Association**  
**Hand Tool Manufacturers' Association (HATMA)**  
**Iron and Steel Producers' Association of South Africa**  
**KwaZulu-Natal Engineering Industries' Association**  
**Lift Engineering Association of South Africa**  
**Light Engineering Industries' Association of South Africa**  
**Materials Handling Association**  
**Non-Ferrous Metal Industries' Association of South Africa**  
**Plastics Convertors' Association of South Africa**  
**Port Elizabeth Engineers' Association**  
**Pressure Vessel Manufacturers' Association**  
**Radio, Appliance and Television Association of South Africa (RATA)**  
**Refrigeration and Air-conditioning Manufacturers' Association of South Africa**  
**Sheetmetal Industries' Association of South Africa**  
**S.A. Electro-Plating Industries' Association**  
**S.A. Engineers and Founders' Association**  
**S.A. Fasteners Manufacturers' Association (SAFMA)**  
**S.A. Refrigeration and Air-conditioning Contractors' Association (SARACCA)**  
**S.A. Pump Manufacturers' Association**  
**S.A. Reinforced Concrete Engineers' Association (SARCEA)**  
**S.A. Tube Makers' Association**  
**S.A. Valve and Actuator Manufacturers' Association (SAVAMA)**  
**S.A. Wire and Wire Rope Manufacturers' Association**

(hereinafter referred to as the "employers" or the "employers' organisations"), of the one part, and the

**Electronic and Metal Workers' Union of South Africa**  
**Metal and Electrical Workers' Union of South Africa**  
**(Mynwerkersunie) MWU - Solidariteit (Mine Workers' Union) MWU - Solidarity**  
**National Employees' Trade Union**  
**National Union of Metalworkers of South Africa (NUMSA)**  
**S.A. Electrical Workers' Association**  
**Steel, Engineering and Allied Workers' Union of South Africa (SEAWUSA)**

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Metal and Engineering Industries Bargaining Council,

to amend the Agreement published under Government Notice No. R 652 of 8 May 1998, as amended, extended and re-enacted by Government Notices Nos. R. 114 of 11 February 2000, R. 361 of 26 April 2001 and R. 627 of 13 July 2001.

**1. SCOPE OF APPLICATION OF AGREEMENT**

- (1) The terms of this Agreement will apply to and be observed—
  - (a) throughout the Republic of South Africa; and

- (b) by all employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.

(2) The terms of this Agreement will not apply to an employer and his employee who are governed by and fall within the scope of application of the Engineering Industries' Pension Fund Agreement (formerly the Metal Industries Group Life and Provident Fund Agreement) in force for the time being.

(3) The terms of this Agreement will not, subject to subclause (4) below, apply to any employee who on 1 May 1991 was or thereafter became a participant in and member of any fund providing provident and/or pension benefits, which was in existence on the said date (and in which the employer of that employee was on the said date a participant) or to the employer of that employee, during such period only as such fund continues to operate and both employer and employee are participants therein: Provided that a fund which provides solely for payment of benefits on death will not be deemed to be a pension or provident fund for the purposes of this Agreement.

(4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subclause (3) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in clause 6 of the Former Agreement, a period of six weeks will be allowed to enable compliance with this requirement, subject to any such amendment being retroactive to the date of coming into operation of this Agreement.

(5) Clauses 1 (1) (b) 2 and 3 of this Agreement will not apply to employers and employees who are not members of the employers' organisations and trade unions, respectively.

## 2. PERIOD OF OPERATION OF AGREEMENT

This Agreement will come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and will remain in force until 30 April 2006.

## 3. SPECIAL PROVISIONS

The provisions contained in clause 8 of the Agreement published under Government Notice No. R. 652 of 8 May 1998, as amended, extended and re-enacted by Government Notices Nos. R. 114 of 11 February 2000, R. 361 of 26 April 2001 and R. 627 of 13 July 2001 (hereafter referred to as the "Former Agreement") will apply to employers and employees.

## 4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7 and 9 to 12 of the Former Agreement will apply to employers and employees.

## 5. CLAUSE 9: EXEMPTIONS

Substitute the following for this clause:

### "1. General

- (a) Any person bound by this Agreement may apply for exemption.
- (b) The authority of the Council to consider, grant and administer exemptions (excluding the hearing of appeals) is delegated to the Metal Industries Benefit Fund Administrators (MIBFA).

### 2. Fundamental principles for consideration

- (a) All applications must be in writing and fully motivated and be sent to the regional office of the Council for the area in which the applicant is located.
- (b) (i) The employer must consult with the workforce, through a trade union representative or, where no trade union is involved, with the workforce itself, and must include the views expressed by the workforce in the application.
- (ii) Where the views of the workforce differ from that of the employer, the reasons for the views expressed must be submitted with the application.
- (iii) Where an agreement between the employer and the workforce is reached, the signed written agreement must accompany the application.
- (c) In scrutinising an application for exemption MIBFA will consider the views expressed by the employer and the workforce, together with any other representations received in relation to that application.
- (d) The exemption may not contain terms that would have an unreasonably detrimental effect on the fair, equitable and uniform application of this Agreement in the Industry.
- (e) An application for exemption will not be considered if the contents of the application are covered by an arbitration award binding the applicant.

### 3. Urgent applications

- (a) In cases of urgent applications, details may be faxed or delivered to the Council in the region where the applicant is located.
- (b) MIBFA or the Managing Director and General Manager will consider the application, make a decision and communicate that decision to the applicant without delay.
- (c) The applicant is expected to put forward a substantive explanation as to the urgency of the application.

**4. Process**

- (a) MIBFA must issue to every person to whom exemption has been granted an exemption licence, setting out the following:
  - (i) The full name of the person or enterprise concerned;
  - (ii) the provisions of this Agreement from which the exemption has been granted;
  - (iii) the conditions subject to which exemption is granted;
  - (iv) the period of the exemption;
  - (v) the date from which the exemption will operate; and
  - (vi) the area in which the exemption applies.
- (b) MIBFA must ensure that—
  - (i) all exemption licenses issued are numbered consecutively;
  - (ii) an original copy of each licence is retained by MIBFA;
  - (iii) a copy of the exemption licence is sent to the applicant.
- (c) Unless otherwise specified in the licence of exemption, any exemption from this Agreement will be valid only in the region of the Council in which the application was made.
- (d) MIBFA may withdraw the exemption at its discretion.

**5. Appeals**

- (a) The Council Secretary must on receipt of an appeal against a decision of MIBFA submit it to the Independent Exemptions Appeal Board for consideration and finalisation.
- (b) An independent body, referred to as the Independent Exemptions Appeal Board (the Board), is hereby appointed and will consider, in accordance with the provisions of section 32 (e) and (f) of the Act, any appeal against an exemption granted or refused by MIBFA, or a withdrawal of an exemption.
- (c) In considering an appeal the Board will consider the recommendations of MIBFA, and any further submissions by the employer and the workforce or their respective employee organisations or trade unions, and will take into account the criteria set out above and also any other representations received in relation to the application.
- (d) Should the appeal be granted a licence of exemption will be issued in terms of subclause (4) (a) and (b) above and will be subject to subclauses (4) (c) and (d)."

Signed at Johannesburg, for and on behalf of the parties, this 8th day of January 2002.

**W. P. COETZEE**

Member

**L. TRENTINI**

Member

**J. BEUKES**

Council Secretary

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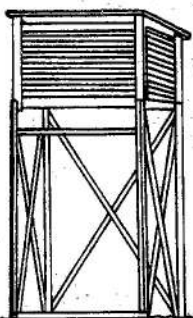
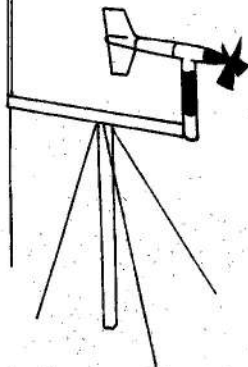
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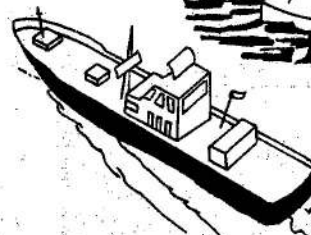
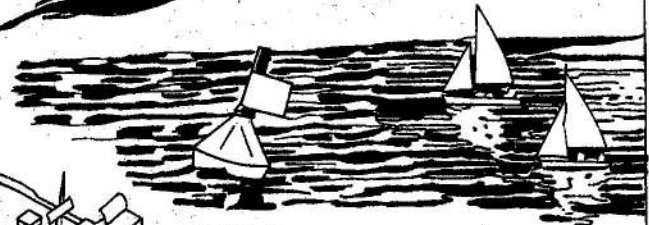
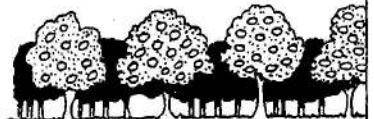
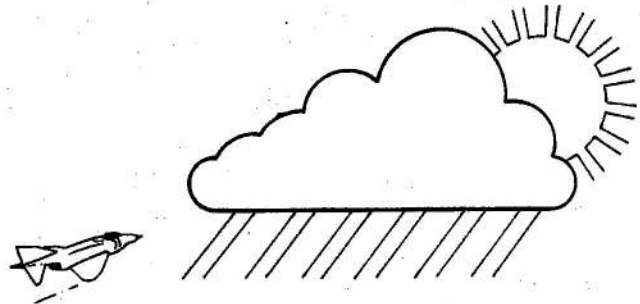
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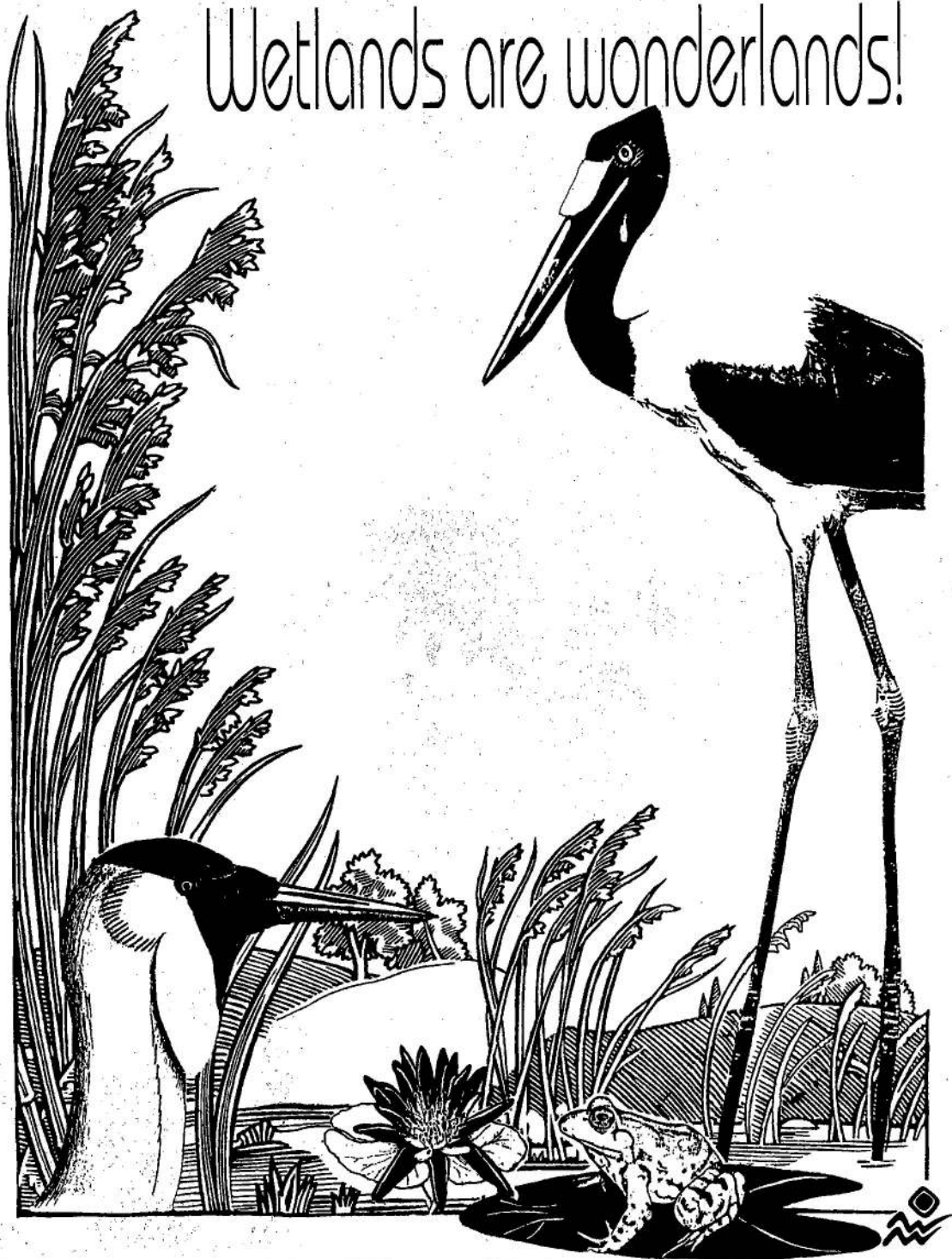


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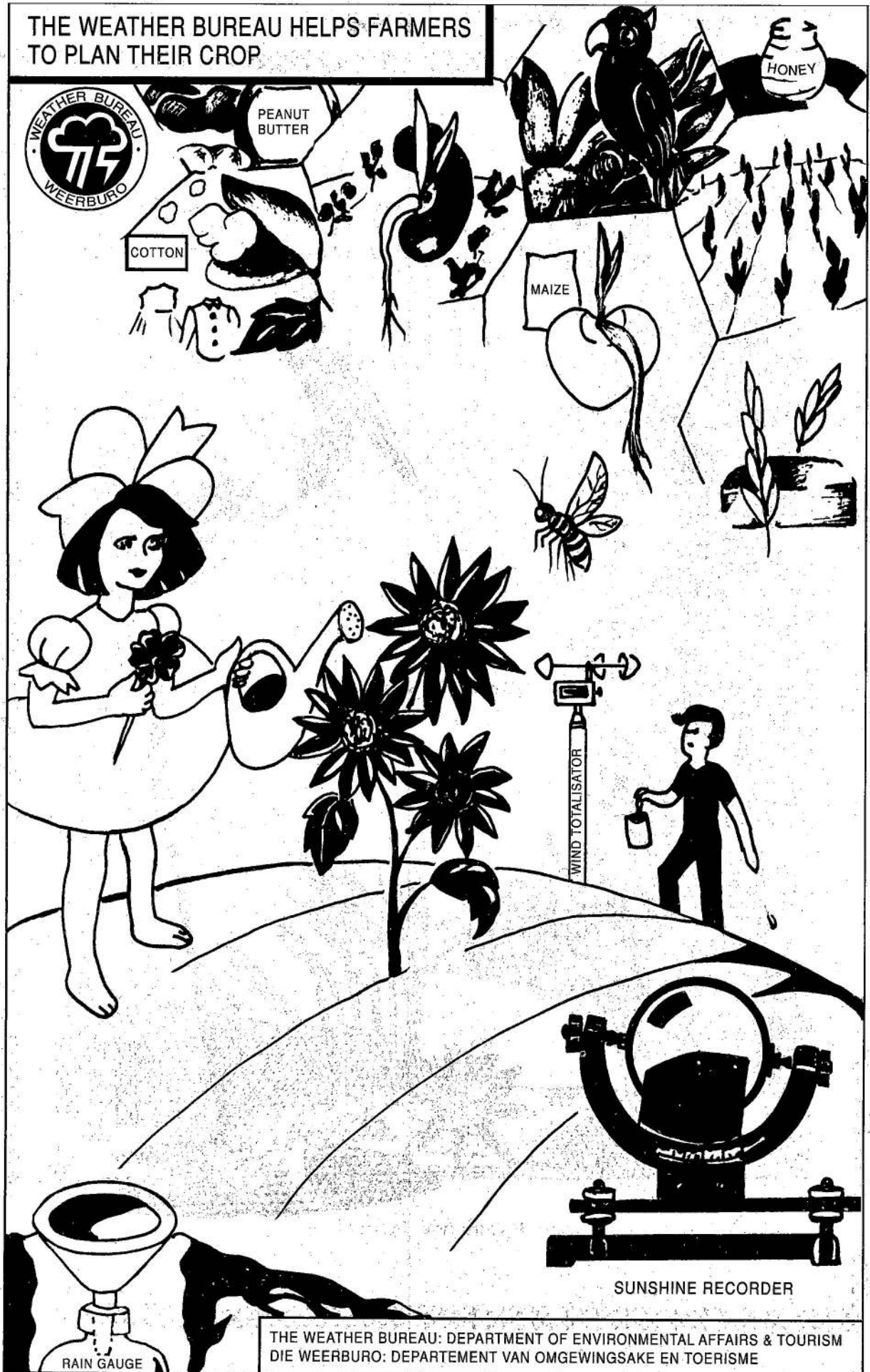
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