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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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RECTIFICATION

Notice is hereby given that the **regulation number** in the preamble of *Government Gazette* No. 25397 of 5 September 2003, was incorrectly published. The number should read as follows: **Regulation Gazette No. 7774.**

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 1328

26 September 2003

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972)

REGULATIONS RELATING TO FOODSTUFFS FOR INFANTS AND YOUNG CHILDREN

The Minister of Health intends, in terms of section 15 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Nutrition), within three months of the date of publication of this notice.

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SCHEDULE

1. Definitions

In these regulations, any expression to which a meaning, has been assigned in the Act, shall bear such meaning, and unless the context otherwise indicates -

"blends" means a blend of cow's milk, components of cow's milk, vegetable fats and/or glucose;

"brand name of designated product" means the name given by a manufacturer or distributor to a designated product or range of designated products;

"breastfeeding" means the suckling of the infant or young child on the mother's breast or the wet nurse's breast;

"canned foodstuff for infants or young children" means a foodstuff, whether in a ready-to-eat form or in a dry form requiring reconstitution with water only, packed in a hermetically sealed package and intended primarily for use during the infant's normal weaning period and for the progressive adaptation of infants and young children to ordinary foodstuffs;

"child-care institutions" means the whole or part of a public or private institution, facility, agency, building or place caring for babies, young children and other children, whether part-time or full-time, whether organised for profit or not;

"Codex" means the latest version of the relevant Codex Standards as issued by the Codex Alimentarius Commission of the Joint FAO/WHO Food Standards Programme;

"complaint" means any written information regarding a possible violation of these regulations which comes to the attention of the department or local authority concerned or a written complaint, charge or allegation of a violation of these regulations against any person, group or professional body (including a professional association or society, teaching or training institution, or any other health care or related facility);

"complementary food" means any foodstuff, whether in solid or liquid form, given to an infant as part of the transitional process during which an infant learns to eat food appropriate for his or her developmental stage while continuing to breastfeed or feed with any infant formula or follow-up formula and includes, but is not limited to, canned foodstuffs for infants or young children and processed cereal-based foodstuffs for infants or young children;

"container" means any form of packaging of foodstuffs for sale as a retail unit, including wrappers;

"designated product" means -

- (a) infant formula;
- (b) follow-up formula;
- (c) infant or follow-up formula for special dietary- or medical purposes
- (d) complementary foods;
- (e) any other milk product or milk-like product marketed or otherwise represented as suitable for feeding an infant or toddler;
- (f) any other product marketed or otherwise represented as suitable for feeding an infant up to the age of six months;
- (g) feeding bottles;
- (h) teats; or
- (i) related products such as dummies or feeding cups; whether locally or internationally manufactured;

"Directorate" means the Directorate: Nutrition of the national Department of Health;

"Director-General" means the head of the national Department of Health;

"distributor" means a person, corporation or other entity engaged in the business, whether wholesale or retail, of marketing any designated product and includes any person engaged in the business of providing information or public relations services in relation to any designated product;

“dummy” means an artificial teat for a baby or a toddler to suck, also referred to as a “pacifier”;

“feeding bottle” means a device with an artificial teat which is used to feed an infant or a toddler;

“feeding cup” means a cup with a spout, straw, teat or other device marketed or represented as suitable for feeding an infant or a toddler;

“follow-up formula” means a milk or milk-like product formulated industrially and marketed or otherwise represented for an infant or young child from the age of six months onwards;

“gift” means something given free of charge and includes, but is not limited to, a designated product, meals and refreshments, diaries, stationery, calendars, cot tags, stickers, growth charts, prescription pads, tongue depressors or any item of whatever value;

“health claim” means any representation that states, suggests or implies that a relationship exists between a foodstuff or a constituent of such foodstuff and health, and includes a nutrient function claim, other function claim, reduction of disease risk claim, pre-biotic claim and probiotic claim as defined in other labelling regulations under the Act;

“health establishment” means the whole or part of a public or private institution, facility, agency, building or place, whether organised for profit or not, that is operated or designed to provide inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing or rehabilitative, palliative, preventative or other health services, and includes child-care institutions and pharmacies;

“health professional” means a health worker with a professional degree, diploma, certificate or licence, such as a medical practitioner, nurse or midwife, or other person registered with a statutory council;

“health worker” means a person providing or in training to provide health care services in a health establishment, whether professional or non-professional, including a health care provider or a voluntary unpaid worker;

"hermetically sealed package" means an unopened package which forms an airtight closure, is impervious to liquid and which cannot be opened without breaking or damaging such package or the seal, adhesive label or other part thereof or attachment thereto;

"imitation dairy product" means a foodstuff such as tea or coffee creamer, blend or sweetened condensed milk with vegetable oils;

"infant" means a person under the age of 12 months;

"infant formula" means a foodstuff specially manufactured to meet an infant's nutritional requirements consisting of the milk of cows or other animals and/or on other constituents of animal, including fish, or plant origin, in liquid or powder form;

"infant or follow-up formula for special dietary or medical purposes" means infant or follow-up formula which is processed and/or formulated for special dietary uses and which is presented for the dietary management of infants and toddlers, and which is used only under medical supervision such as metabolic disorders namely phenylketonuria, maple syrup disease and galactosaemia.

"manufacturer" means a person, corporation or other entity engaged in the business of manufacturing a designated product whether directly, through an agent, or through a person controlled by or under an agreement with it;

"marketing" means promoting, distributing, selling, or advertising a designated product and includes product public relations and information services, including the use of professional service representatives, health workers such as mother craft nurses, or any person acting on behalf of a manufacturer or distributor, and **"market"** has a corresponding meaning;

"marketing personnel" means personnel, including health workers, who are involved in the marketing of a designated product;

"maternal nutritional supplement" means a substance in capsule, tablet, soft gel, liquid or powder form which is marketed or otherwise represented as being beneficial if taken by pregnant and lactating mothers in addition to or as part of their normal diet;

"medical dispensary" means a room in a health establishment where medicines are prepared and provided;

"negative claim" means a declaration or implication made on a label, in an advertisement or in any other manner that a foodstuff alone possesses specific characteristics or properties when in fact similar foodstuffs possess the same characteristics or properties;

"non-profit organization" means a trust, company or other association of persons –

- (a) established for a public purpose; and
- (b) the income and property of which are not distributable to its members or office-bearers except as reasonable compensation for services rendered;

"nutrition claim" means any representation which states, suggests or implies that a food has particular nutritional properties, including but not limited to the energy value and to the content of protein, fat, carbohydrate, vitamins and minerals, and includes nutrient content claims, glycaemic index claims or nutrient comparative claims as defined under other labelling regulations under the Act;

"pack-shot" means any representation of a designated product, including photographs, graphics or line drawings;

"pharmacy" means a place in or from which any service specially pertaining to the scope of practice of a pharmacist is provided, but does not include a medical dispensary;

"processed cereal-based foodstuff for infants or young children" means a foodstuff intended to supplement the diet of infants or young children, which has been prepared primarily from one or more milled cereal products such as wheat, barley, rice, oats, rye, maize, millet, sorghum or buckwheat, which products shall constitute at least 25% of the final mixture on a dry weight basis, and may also contain legumes (pulses), starchy roots (such as arrowroot, yam, or cassava) or starchy stems or oils seeds in smaller proportions, and the term shall include –

- (a) products consisting of cereals which are or have to be prepared for consumption with milk or other appropriate nutritious liquids;
- (b) cereals with an added high-protein food which are or have to be prepared for consumption with water or other protein-free liquids;
- (c) pasta, which is a foodstuff prepared from milled cereal products, which is to be used after cooking in boiling water or other appropriate liquids;
- (d) rusks and biscuits, which are cereal-based foodstuffs produced by baking, which may be used either directly or, after pulverisation, with the addition of water or milk or other

- suitable liquid, and milk biscuits consisting mainly of cereals and containing milk solids;
- (e) enzyme-treated flours of cereals, which are flours prepared with enzymes, the starch content of which has been transformed into dextrin, maltodextrin, maltose and glucose; and
 - (f) simple or composite cooked flours of cereals, which are foodstuffs that have been cooked in a way that distinguishes them as follows:
 - (i) partially cooked flours requiring a second short cooking before use;
 - (ii) cooked flours, for immediate use, as such not requiring any further cooking before use; and
 - (iii) dextrinised flours, the starch content of which has in part been transformed into dextrin by heat treatment;

“promote” means to employ a method of directly or indirectly encouraging a person to purchase or use a designated product, and includes but is not limited to point-of-sale advertising, giving of samples, special sales, free supplies, donations, free gifts, whether related or unrelated to purchases, free utensils or articles, prizes, carrier bags with pack-shots or product logos, prizes or special displays at retail outlets, discount coupons, premiums, special sales, loss-leaders, tie-in sales, rebates and other give-aways;

“proprietary product” means a designated product which is explicitly associated with a particular manufacturer or distributor;

“related products” means products or devices that may interfere with breastfeeding, such as dummies or feeding cups;

“retail outlet” means a pharmacy, shop, supermarket, medical hall or other premises used by, for example, a distributor, agent or importer;

“sample” means a single or small quantity of a designated product provided at no cost;

“scientific research material” means health-related research published in peer-reviewed, reputable and credible scientific journals;

“serving”, in relation to a foodstuff, means a reasonable quantity of food suitable for consumption as a single meal by infants or young children;

"sponsorship" means any financial assistance to a person, group or activity alone or with others and "sponsor" has a corresponding meaning;

"sugar" means the sugars listed in Annexure A under the heading "Sugars";

"teat" means a device resembling a female nipple for an infant or toddler to suck or which is used to feed food from a bottle, cup or other feeding device;

"tie-in sales" means the sale of any designated product that is linked to the purchase of any other product including a designated product;

"toddler" means a child from the age of 12 months up to the age of 24 months (two years);

"the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"worker in a health establishment" means a person providing or in training to provide services in a health establishment, whether professional or non-professional, including a voluntary unpaid worker;

"young children" means persons from the age of 12 months up to the age of three (3) years.

Chapter 1: Labelling, composition, packaging and manufacturing matters

2. General labelling, composition, packaging and other manufacturing matters

- (1) The requirements specified in regulations 2, 3, 4, 5 and 6 of these regulations are supplementary to the other labelling and packaging requirements laid down by the Act.
- (2) No person shall offer for sale or sell any –
 - (a) infant formula;
 - (b) follow-up formula;
 - (c) infant or follow-up formula for special dietary or medical purposes;
 - (d) complementary food;

- (e) any other milk product or milk-like product marketed or otherwise represented as suitable for feeding an infant or toddler; or
- (f) any other product marketed or otherwise represented as suitable for feeding an infant up to the age of six months,

that is not packed in a hermetically sealed package.

- (3) Subject to the provisions of subregulations (17) and (18), the products referred to in subregulation (2) and the components of such products shall not have been treated by ionizing radiation;

- (4) The label of a product referred to in subregulation (2) shall -

- (a) not show any photograph, drawing or graphic representation other than -
 - (i) for illustrating the method for preparation of infant formula, follow-up formula or infant or follow-up formula for special dietary or medical purposes as indicated in regulation 3(1)(b), or for complementary food for infants or young children;
 - (ii) for illustrating the sterilisation of equipment and utensils in the case of infant formula, follow-up formula and infant or follow-up formula for special dietary or medical purposes as indicated in regulation 3(1)(c);
 - (iii) the ingredients or composition of a complementary food for infants or young children; and
 - (iv) the logo of the manufacturer or distributor;
- (b) not contain any information relating to the nutritional content or other properties of human milk;
- (c) not contain words that such a product is suitable for all infants;
- (d) be written in English, except for the -
 - (i) instructions on preparation and use referred to in regulation 3(1)(b)(ii);

- (ii) sterilisation of equipment referred to in regulation 3(1)(c); and
 - (iii) directions for storage referred to in regulation 3(1)(d),
- which shall be in three official languages of which English is one;
- (e) indicate in the middle or at the bottom on the front panel of such label the age of the infant or young child for which such product is suitable.
- (5) No nutrition claim or health claim shall be permitted with regard to nutrients or food constituents that are required as a part of the essential composition of a foodstuff for infants or young children as determined in –
- (a) Codex; or
 - (b) Annexure B.
- (6) Subject to the provision of subregulation (5), any nutrition claim or health claim which a manufacturer or distributor intends to make shall be subject to the written approval of the Director-General prior to market appearance.
- (7) The written request by a manufacturer or distributor for written approval referred to in subregulation (6) shall contain conclusive proof of the efficacy and functionality of the nutrient or food constituent in the specific foodstuff in peer-reviewed clinical studies that have been published in credible, reputable scientific journals, complete copies of which shall be submitted with such written request.
- (8) (a) In order to ensure that a nutrition claim or health claim made by a manufacturer or distributor prior to the promulgation of these regulations is valid and scientifically correct, such manufacturer or distributor shall apply, within a period of 12 months after the promulgation of these regulations, for written approval for the nutrition or health claim from the Director-General.
- (b) A manufacturer or distributor referred to in paragraph (a) who does not obtain written approval within the period referred to in paragraph (a) shall be in contravention of these regulations.

- (9) The nutritional value of a foodstuff for the purpose of nutrition information on a label shall be done according to the methods of analysis and sampling as stipulated in Codex and other relevant regulations under the Act.
- (10) The essential composition and optional ingredients of any foodstuff for infants or young children including permitted additives shall be in accordance with Codex,
- (11) Any foodstuff for infants or young children shall be -
 - (a) free from residues of hormones;
 - (b) free from antibiotics as determined by means of agreed methods of analysis; and
 - (c) practically free from other contaminants, especially other pharmacologically active substances.
- (12) Any foodstuff for infants or young children shall be prepared under good manufacturing practices so that residues of those pesticides which may be required in the production, storage or processing of the raw materials or the finished food ingredient do not remain or, if technically unavoidable, are reduced to a minimum.
- (13) Any foodstuff for infants or young children shall -
 - (a) be prepared and handled in accordance with Codex; and
 - (b) comply with any microbiological criteria determined in Codex.
- (14) The name and address of the manufacturer shall appear on the label of a designated product in accordance with other labelling requirements laid down by the Act, and, in the case of an imported foods stuff, such label shall contain the contact details of the South African distributor.
- (15) The label of a designated product shall not refer to, promote or advertise another designated product.
- (16) No toys or any other form of gifts or tokens may be inserted or sold with the product referred to in subregulation (2).

(17) The addition of honey or maple syrup as a component in a foodstuff for infants or young children will be permitted: Provided that -

- (a) such honey has been irradiated according to existing legislation;
- (b) such honey or maple syrup complies with Codex microbiological standards; and
- (c) prove is on record that such honey or maple syrup is free from Botulism toxins.

(18) The addition of herbs and spices as a component in a foodstuff for infants or young children will be permitted: Provided that such herbs and spices has been irradiated according to current legislation.

3. Specific labelling and other requirements for infant formula, follow-up formula and infant or follow-up formula for special dietary or medical purposes

(1) A manufacturer or distributor shall not offer for sale or sell infant formula, follow-up formula or infant or follow-up formula for special dietary or medical purposes if the container or label affixed to such formula -

(a) does not have the following clear, conspicuous and easily readable messages: "Breastfeeding provides the best food for your baby and reduces the risk of diarrhoea and illnesses" and "Before you decide to use this product, consult your doctor or health worker for advice", which shall be -

- (i) on the top of the front label or main panel;
- (ii) in bold letters at least 5 mm high for a container of 500 g or smaller and shall increase proportionately with the size of the container;
- (iii) framed with a solid black line at least 1 mm thick;
- (iv) be in three official languages of which English is one; and
- (iv) repeated on the leaflet referred to in subregulation (6);

(b) does not provide instructions for the proper preparation and use -

- (i) which shall be in graphic representation which shall depict the use of the scoops referred to in subregulation (2), feeding cups and feeding bottles; and
 - (ii) which shall be in at least three official languages of which English is one;
- (c) does not provide instructions for the proper sterilisation of equipment and utensils and the proper preparation and use which shall -
 - (i) be in graphic representation and in colour coding which shall depict the use of the enclosed scoops referred to in subregulation (2), feeding cups and feeding bottles;
 - (ii) be in at least three official languages of which English is one;
 - (iii) indicate that potable, previously boiled water should be used;
 - (iv) indicate that only the enclosed scoop(s) should be used; and
 - (v) indicate that any formula left in the feeding cup or feeding bottle after a feed should not be given to the infant;
- (d) does not provide instructions for the proper storage and keeping before and after the package has been opened in at least three official languages of which English is one;
- (e) includes the terms "maternalised", "humanized" or similar expression;
- (f) does not include a warning preceded by the words "Important Notice" against the health hazards of improper preparation and use and must be in three official languages of which English is one;
- (g) does not include the words "Warning – follow instructions exactly. Prepare feeding cups or feeding bottles as directed. Incorrect preparation can make your baby ill" and must be in three official languages of which English is one;

- (h) does not include the words "Warning: Do not add salt" on the main panel in capital letters at least 3 mm height if the formula contains the maximum concentration of NaCl as determined in Codex;
 - (i) does not contain a message on the importance of regular clinic visits for growth monitoring; or
 - (j) does not contain a warning that the infant must be held while feeding.
- (2) A package of infant formula, follow-up formula or infant or follow-up formula for special dietary or medical purposes in a powdered form shall contain two scoops (one blue scoop for the water and one red scoop for the formula) to enable the use of such formula in accordance with the directions contained on the label on the container.
- (3) In the case of infant formula or infant formula for special dietary or medical purposes, the container or label shall indicate the monthly quantity necessary to feed an infant during the first six months of its life.
- (4) In the case of infant formula or follow-up formula, the container or label shall contain the words "It is recommended that infants over the age of six months should be offered appropriate complementary foods in addition to the infant formula or follow-up formula".
- (5) A manufacturer or distributor shall not offer for sale or sell follow-up formula or follow-up formula for special dietary and medical purposes if the container or label affixed to it does not include a warning that the foodstuff is not intended for infant under six months of age and that early introduction of this foodstuff may have health hazards for the infant, that shall be –
 - (a) in three official languages of which English is one;
 - (b) in letters at least 4 mm high; and
 - (c) repeated in the leaflet referred to in subregulation (6).

- (6) A manufacturer or distributor shall not offer for sale or sell infant formula, follow-up formula or infant or follow-up formula for special dietary or medical purposes if it does not include an information leaflet inserted between the label or container and the hermetically sealed package that include the following nutritional information -
- (a) an indication of the mass or volume of a serving of the ready-to-eat product, if not given elsewhere on the label;
 - (b) the required nutritional information in the format of Annexure C;
 - (c) the amount of each vitamin and mineral referred to in Annexure B contained in the product; and
 - (d) what percentage of the Recommended Dietary Allowance determined in Annexure D of the vitamins and minerals determined in Annexure B and protein are present in a single serving;
- (7) The nutritional information referred to in subregulation (6) may also be indicated by a manufacturer or distributor on the label of a product referred to in subregulation (1).

4. Specific labelling and other requirements for complementary food for infants or young children

- (1) A manufacturer or distributor shall not offer for sale or sell complementary food for infants or young children if the container or label affixed to such product does not -
- (a) provide instructions for proper preparation and use;
 - (b) provide instructions for proper storage before and after the package has been opened;
 - (c) include a warning preceded by the expression "Important notice" against the health hazards of improper preparation and use;
 - (d) include a warning that such foodstuff is not intended for infants under six months of age and that early introduction of such foodstuff may have health hazards for infants, that shall be -

- (i) on the front label or main panel;
 - (ii) in capital letters at least 3 mm high for a container of 50 g or smaller and shall increase proportionately with the size of such container; and
 - (iii) repeated in the leaflet referred to in subregulation (2);
 - (e) include the expression "Warning: Do not add salt" on the main panel in capital letters at least 3 mm height if such product contains the maximum concentration of NaCl as determined in Codex;
 - (f) contain the expression "home prepared foods are equally beneficial for infants from six months and young children";
 - (g) include an indication of the mass or volume of a serving;
 - (h) include the required nutritional information in the format of Annexure C and any other micronutrient which is present in such foodstuff: Provided that -
 - (i) such micronutrient is present in amounts of more than 5% per single serving; and
 - (ii) such micronutrient shall be one of the micronutrients listed in Annexure B; or
 - (i) include the relevant nutrition information where a health claim or nutrition claim referred to in regulation 2(6) is made,
- (2) Notwithstanding the provisions of subregulation (1), the label or container of a processed cereal based foodstuffs for infants or young children shall -
- (a) state that water, expressed breastmilk, milk or formula may be used for diluting or mixing where such foodstuff contains more than 15% protein; and
 - (b) contain the expression: "Expressed breastmilk, milk or a formula, but no water, shall be used for dilution of mixing in accordance with medical advice" where such foodstuff contains less than 15% protein and the quality thereof is less than 70% of that of casein.

- (3) The nutritional information referred to in subregulation (1)(h) may also be indicated by a manufacturer or distributor on a leaflet attached to a foodstuff referred to in subregulation (1) if the label space is not sufficient.

5. Specific labelling and other requirements of sweetened condensed milk, evaporated milk, skimmed milk powder, full cream milk powder and imitation dairy products

The labels of sweetened condensed milk, evaporated milk, skimmed milk powder, full cream milk powder and imitation dairy products shall be marked with the following words "Not for baby feeding", which shall be -

- (a) on the front label or main panel;
- (b) in three official languages of which English is one;
- (c) in capital letters at least 3 mm high; and
- (d) framed with a solid black line at least 1 mm thick.

6. Specific labelling and other requirements of feeding bottles, teats and dummies

- (1) A label, package or container of a feeding bottle or teat shall include -

- (a) a statement on the superiority of breastmilk for feeding infants which shall be -
 - (i) on the front label or main panel;
 - (ii) in capital letters at least 3 mm high for a label of 70 cm² and shall increase proportionately with the size of the label; and
 - (iii) framed with a solid black line at least 1 mm thick;
- (b) a statement that feeding with a cup is safer than bottle feeding and such statement shall be in bold letters at least 3 mm high;
- (c) instructions for proper cleaning and sterilisation of feeding bottles and teats which shall be in three official languages of which English is one;

- (d) a warning on the potential health hazards of using a feeding bottle especially if it is not properly sterilised which shall be in three official languages of which English is one;
 - (e) a warning on the negative impact of bottle-feeding and the need to follow preparation instructions carefully to ensure that an infant does not fall ill which shall be in bold letters at least 3 mm high; and
 - (f) the name and address of the manufacturer or distributor of the product or the local agent.
- (2) A label, package or container of a feeding bottle or teat shall not show any photograph, drawing or graphic representation other than -
- (a) for illustrating the cleaning sterilisation and as referred to in subregulation (1)(c); and
 - (b) the logo of the manufacturer or distributor.
- (3) The information referred to in subregulation (1) shall be written in English, except for the sterilisation of equipment referred to in subregulation (1)(c), which shall be in three official languages of which English is one.
- (4) The label on a dummy shall -
- (a) have a notice that the use of such a dummy can interfere with breastfeeding, which shall be:
 - (i) on the front label or main panel;
 - (ii) in bold letters at least 3 mm high; and
 - (iii) framed with a solid black line at least 1 mm thick; and
 - (b) have instructions for proper cleaning and sterilization of such a dummy which shall be in three official languages of which English is one;

- (c) have a warning on the potential health hazards of using a dummy especially if it is not properly sterilized;
 - (d) not show any photograph, drawing or graphic representation other than -
 - (i) for illustrating the cleaning and sterilisation referred to in paragraph (b); and
 - (ii) the logo of the manufacturer or distributor; and
 - (e) be written in English, except for the sterilisation of equipment referred to in paragraph (b) which shall be in three official languages of which English is one.
- (5) The label, package or container of a feeding bottle, teat or dummy shall not contain any words or images that create the impression that such feeding bottle, teat or dummy is manufactured in accordance with the recommendation of a medical or dental practitioner, or another person registered under the Health Professions Act, 1974 (Act No. 56 of 1974), or the Allied Health Professions Act, 1982 (Act No. 63 of 1982).
- (6) Any action, motion or benefits with regard to the feeding or sucking on a feeding bottle, dummy or teat or the physical properties of such feeding bottle, dummy or teat shall not in any form or manner be compared to the action, motion or benefits of suckling on a human breast or the physical properties of such human breast.

Chapter 2: Promotion-related matters

7. Sale and promotion of a designated product

- (1) No person shall sell, advertise or assist in the sale or advertisement of a designated product in a health establishment.
- (2) Notwithstanding the provisions of subregulation (1), a pharmacy may sell a designated product in a health establishment.
- (3) No person shall undertake or participate, in a health establishment or elsewhere, for example a shop, in any promotional practice or device in respect of -
 - (a) infant formula;

- (b) follow-up formula;
 - (c) infant or follow-up formula for special dietary or medical purposes
 - (d) any other milk product or milk-like product marketed or otherwise represented as suitable for feeding an infant or toddler;
 - (e) any other product marketed or otherwise represented as suitable for feeding an infant up to the age of six months;
 - (f) feeding bottles;
 - (g) teats; or
 - (h) related products such as dummies or feeding cups, whether locally or internationally manufactured.
- (4) A person may undertake or participate in a promotional practice or device in respect of a complementary foods: Provided that such promotional practice -
- (a) does not take place in a health establishment ; and
 - (b) complies with the requirements determined in subregulations (5) and (6).
- (5) A promotional practice or device, excluding T-shirts, caps and towels, in respect of a complementary food referred to in subregulation (4) shall -
- (a) in the case of written material contain -
 - (i) the appropriate age;
 - (ii) a warning that such food is not intended for infant under six months of age and that early introduction of such food may have health hazards for the infant; and
 - (iii) the expression "home prepared foods are equally beneficial for infants from six months or young children",

which shall be in bold letters at least 4 mm high for a page of A4 size or smaller and shall increase proportionately with the size of such material;

(b) in the case of audio or visual material -

(i) contain -

(aa) the appropriate age;

(bb) a warning that such food is not intended for infant under six months of age and that early introduction of such food may have health hazards for the infant; and

(cc) the expression "home prepared foods are equally beneficial for infants from six months and young children"

(ii) which shall be -

(aa) in the same voice and/or speed as used in the rest of the material;

(bb) of sufficient duration to be clearly understood; and

(cc) clear and conspicuous.

(6) A promotional practice or device in respect of a complementary food referred to in subregulation (4) shall not -

(a) contain, include, refer to or provide any nutrition claim or health claim unless the manufacturer or distributor of such food complies with the requirements indicated in regulation 2(6);

(b) contain, include, refer to or provide a negative claim;

(c) contain, include, refer to or provide any information related to the nutritional content or other properties of human milk;

(d) contain, include, refer to or provide the words "fortified" or a fortification logo;

- (e) contain, include, refer to or provide toys or any other forms of gifts or tokens; or
 - (f) create an association with -
 - (i) infant formula;
 - (ii) follow-up formula; or
 - (iii) infant or follow-up formula for special dietary or medical purposes;
- (7) A promotional practices or devices referred to in subregulations (3), (4), (5) and (6) include but are not limited to -
- (a) sale devices such as rebates, special display to promote sales, tie-in sales, grant of rewards, discount coupons, prizes and gifts;
 - (b) direct or indirect contact between marketing personnel and members of the public in furtherance of or for the purpose of promoting the business of the marketing personnel with regard to a designated product and for purposes of these regulations "indirect contact" includes television and radio, telephone or internet help lines and mother and baby clubs;
 - (c) the distribution of any information, educational material or other material on feeding of infants and toddlers except in accordance with regulations 11 and 13 of these regulations;
 - (d) electronic communications including web sites, internet and email except in accordance with regulations 11 and 13 of these regulations;
 - (e) promotional items such as T-shirts, caps and towels that refer to a designated product or to a brand name of a designated product as far as promotion to the general public is concerned;
 - (f) promotional items such as T-shirts, caps and towels that refer to a designated product, to a brand name of a designated product or to a manufacturer as far as promotion within a health establishment is concerned;
 - (g) outdoor advertisements such as billboards; and

(h) practices that create an association in any manner, whether written, visual or audio, between a manufacturer and -

(i) breastfeeding;

(ii) infant formula;

(iii) follow-up formula;

(iv) infant or follow-up formula for special dietary or medical purposes;

(v) any other milk product or milk-like product marketed or otherwise represented as suitable for feeding an infant or toddler;

(vi) any other product marketed or otherwise represented as suitable for feeding an infant up to the age of six months;

(vii) feeding bottles;

(viii) teats; or

(ix) related products such as dummies or feeding cups, whether locally or internationally manufactured.

(8) The name or label of a maternal nutritional supplement shall not be used to promote or create an association with a designated product, breastfeeding or breastmilk.

8. Gift packs

(1) Marketing personnel may donate gift packs to health establishments for distribution to families, mothers of new-born infants or pregnant mothers: Provided that such gift packs shall not -

(a) contain designated products or other items such as tokens, information or educational material, advertisements or images of artificial feeding on the packaging or labels of other products which are intended to induce the use of a designated product;

12. Provision of sponsorships prohibited

- (1) No manufacturer or distributor shall directly or indirectly -
 - (a) provide research grant or any other financial assistance to a health worker or health establishment relating to infant or young child health or nutrition; or
 - (b) sponsor the attendance of a health worker at a conference, seminar or any health related professional meeting relating to infant or young child health or nutrition,without the prior written approval of the head of the provincial department of health concerned.
- (2) No manufacturer shall directly or indirectly offer a gift in cash or in kind to a worker in a health establishment.
- (3) No worker in a health establishment shall accept a gift in cash or in kind from a manufacturer or distributor.

13. Information, educational material or other material

- (1) Any information, educational material or other material, excluding scientific research material whether written, audio or visual on infant and young children feeding containing 600 words or less made available in the country by any person shall state the following:
 - (a) the superiority of breastmilk and breastfeeding;
 - (b) the value of exclusive breastfeeding for six months followed by sustained breastfeeding for two years and beyond; and
 - (c) the negative effect on breastfeeding and infant health of introducing partial artificial feeding.
- (2) Any information, educational material or other material excluding scientific research material whether written, audio or visual on infant and young children feeding containing more than 600 words made available in the country by any person shall clearly explain the following:

- (a) the superiority and benefits of breastmilk and breastfeeding;
 - (b) the value of exclusive breastfeeding for six months followed by sustained breastfeeding for two years and beyond;
 - (c) how to initiate and maintain exclusive and sustained breastfeeding
 - (d) how and why the introduction of artificial feeding or early introduction of complementary foods interferes with breastfeeding;
 - (e) why it is difficult to return to breastfeeding after a period of artificial feeding even if this is limited to a few feeds per day;
- (3) Notwithstanding the provisions of subregulations (1) and (2), any information, educational material or other material about the use of infant formula, follow-up formula or infant or follow-up formula for special dietary or medical purposes whether written, audio or visual made available in the country by any person shall clearly explain the following:
- (a) the proper preparation and use of such formula, including the cleaning and sterilisation of feeding utensils;
 - (b) the social and financial implications of its use including –
 - (i) in the case of infant formula or infant formula for special dietary or medical purposes for infants up to six months, how many tins will be needed for the first six months and how much will such tins cost;
 - (ii) in the case of follow-up formula or follow-up formula for special dietary or medical purposes for infants six months and older, how many tins will be needed from six months to two years and how much will such tins cost;
 - (iii) the need for an adequate supply of good quality water;
 - (iv) the equipment needed to sterilise the feeding bottles, teats or utensils;

- (v) the need for an adequate supply of fuel for sterilisation (boiling water) or other sterilisation solutions; and
 - (vi) the method and process of formula mixing;
 - (c) the health hazards of inappropriate foodstuffs and feeding methods and in particular the health hazards of unnecessary or improper use of infant formula, special formula or follow-up formula; and
 - (c) how to feed an infant with a cup.
- (4) Notwithstanding the provisions of subregulations (1) and (2), any information, educational material or other material about the use of complementary food whether written, audio or visual made available in the country by any person shall contain the following:
- (a) clear instructions for the proper preparation and use including cleaning of feeding utensils;
 - (b) a warning that such complementary food is not intended for an infant under six months of age and that early introduction of such complementary food may have health hazards for such infant; and
 - (c) a statement that home prepared foods are equally sufficient for an infant from six months and young children.
- (5) The statements and explanations in the information, educational material or other material referred to in subregulations (1), (2), (3) and (4) that are written, shall be:
- (a) in the same font type and letter size as the rest of the material; and
 - (b) clear and conspicuous.
- (6) The statements and explanations in the information, educational material or other material referred to in subregulations (1), (2), (3) and (4) that are audio or visual, shall be:

- (a) in the same voice and speed as used in the rest of the material;
 - (b) of sufficient duration to be clearly understood; and
 - (c) clear and conspicuous.
- (7) Information, educational materials or other materials referred to in subregulations (1), (2), (3) and (4) shall:
 - (a) not use any pictures or text, for example animals, story-book characters or other images associated with infants and young children, that encourage the use of infant formula, follow-up formula or infant or follow-up formula for special dietary or medical purposes or that discourage breastfeeding;
 - (b) contain only correct and current information;
 - (c) be in at least three official languages of which English is one, except for magazines, newspapers, books, television programmes and radio programmes that will be in the language of publication or broadcasting;
 - (d) not give the impression or create the belief that a designated product is equivalent to, comparable with, or superior to breastmilk or to breastfeeding;
 - (e) bear the date of publication and printing; and
 - (f) not make any reference to any proprietary product or contain the name or logo of any manufacturer or distributor of a designated product except by way of indicating a copyright.
- (8) A health worker may, subject to the requirements determined in subregulations (1), (2), (3) and (4) when necessary for the purpose of giving nutrition support or feeding advice to a mother, family member or care giver of an infant or young child that needs to be fed with a designated product -
 - (a) demonstrate feeding of or with a designated product;
 - (b) demonstrate the use of a designated product; or

- (c) give information including lectures:

Provided that such health workers shall not be employed or paid for (partly or fully) by a manufacturer or distributor.

14. Health workers

- (1) Heads of health establishments and national, provincial and local authorities shall take measures to promote, support and protect breastfeeding and to promote these regulations, and shall give information and advice to health workers regarding their responsibilities, in particular ensuring that health workers are familiar with all of the information specified in these regulations.
- (2) A health worker shall promote, support and protect breastfeeding.
- (3) A health worker shall work to eliminate practices such as prelacteal feeds, that directly or indirectly retard the initiation and continuation of exclusive breastfeeding for six months and sustained breastfeeding for two years and beyond.
- (4) A health worker shall submit a written report to the head of his or her workplace, of any offer he or she receives for a sample or gift or other benefit from a manufacturer or distributor or any other contravention of the provisions of the regulations.

15. Lodging of complaints


- (1) Any person, group, body or institution may submit a written complaint to the local authority concerned.
- (2) Notwithstanding the provisions of subregulation (1), any person, body or institution may submit a written complaint to the Directorate.

16. Repeal

Government Notice No. R. 1130 of 8 June 1984, as amended by Government Notices Nos. R. 2542 of 15 November 1985 and R. 1256 of 15 July 1994, is hereby repealed.

17. Commencement

- (1) The provision of Chapter 1 of these regulations shall come into operation 12 months after the promulgation of these regulations; and
- (2) The provisions of Chapter 2 of these regulations shall come into operation on the date of promulgation of these regulations.


MINISTER OF HEALTH
DATE: 6-9-2003

ANNEXURE 1A (Continued)

BI-24

REPUBLIC OF SOUTH AFRICA

NOTICE OF BIRTH

Must be completed in black ink. Please tick ☒ where applicable. Please refer to instruction booklet

INFORMATION FOR MEDICAL AND HEALTH USE ONLY

FILE No.:

DATE:

Place of birth: Public hospital <input type="checkbox"/>	Private hospital <input type="checkbox"/>	Doctor's office <input type="checkbox"/>	At home <input type="checkbox"/>	Clinic <input type="checkbox"/>	Other:
Facility name:			Facility code: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

MOTHER

Population group: African <input type="checkbox"/> Coloured <input type="checkbox"/> Indian <input type="checkbox"/> White <input type="checkbox"/> Other (specify)													
Education (Specify only highest class completed):													
None	Sub A Gr. 1	Sub B Gr. 2	Std. 1 Gr. 3	Std. 2 Gr. 4	Std. 3 Gr. 5	Std. 4 Gr. 6	Std. 5 Gr. 7	Std. 6 Gr. 8 Form 1	Std. 7 Gr. 9 Form 2 NTC 1	Std. 8 Gr. 10 Form 3 NTC 2	Std. 9 Gr. 11 Form 4 NTC 3	Std. 10 Gr. 12 Form 5	Univ. Tech.
Give full details of the kind of work the mother is doing													
What is the main activity of the mother's firm, institution or private employer? Describe the activity in as much detail as possible													

FATHER

Population group: African <input type="checkbox"/> Coloured <input type="checkbox"/> Indian <input type="checkbox"/> White <input type="checkbox"/> Other (specify)													
Education (Specify only highest class completed):													
None	Sub A Gr. 1	Sub B Gr. 2	Std. 1 Gr. 3	Std. 2 Gr. 4	Std. 3 Gr. 5	Std. 4 Gr. 6	Std. 5 Gr. 7	Std. 6 Gr. 8 Form 1	Std. 7 Gr. 9 Form 2 NTC 1	Std. 8 Gr. 10 Form 3 NTC 2	Std. 9 Gr. 11 Form 4 NTC 3	Std. 10 Gr. 12 Form 5	Univ. Tech.
Give full details of the kind of work the father is doing													
What is the main activity of the father's firm, institution or private employer? Describe the activity in as much detail as possible													

MATERNAL

Live birth <input type="checkbox"/>		Now living <input type="checkbox"/>		Now dead <input type="checkbox"/>		Date of previous live birth <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>							
Antenatal visit <input type="checkbox"/> Y <input type="checkbox"/> N		Clinical estimate of gestation <input type="text"/> <input type="text"/>		Newly born birth weight g <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>									
Mother transferred prior to delivery <input type="checkbox"/> Y <input type="checkbox"/> N		If yes, enter name of facility transferred from										Apgar score: 1 min <input type="text"/> <input type="text"/> 5 min <input type="text"/> <input type="text"/>	
Infant transferred? <input type="checkbox"/> Y <input type="checkbox"/> N		If yes, enter name of facility transferred from											
SELECTED RISK FACTORS FOR THIS PREGNANCY (Complete all items)				Tobacco use during pregnancy <input type="checkbox"/> Y <input type="checkbox"/> N		Average number of cigarettes per day <input type="text"/> <input type="text"/>		Weight gained during pregnancy in kg <input type="text"/> <input type="text"/>		Alcohol use during pregnancy <input type="checkbox"/> Y <input type="checkbox"/> N			
Hypertensive Disease		Eclampsia		Antepartum Haemorrhage		Anaemia		Diabetic		Cardiac Disease		Renal Disease	
Infection		Other:											
CONGENITAL ABNORMALITIES OF NEWBORN <input type="checkbox"/> Y <input type="checkbox"/> N													
METHOD OF THIS DELIVERY (Mark all that apply): <input type="checkbox"/> Y <input type="checkbox"/> N If yes, specify													
Vaginal		Vaginal birth after Previous C-section		Primary C-section		Repeat C-section		Forceps		Vacuum			
ABNORMAL CONDITIONS OF NEWBORN (All that apply)													
None		Anaemic (HCT <39HGB <13GL)		Neurological birth injury		Fetal alcohol syndrome		Hyaline membrane disease		Seizures		Meconium aspiration syndrome	
Assisted ventilation <30 min							Assisted >30 min						
Other (specify)													

G.P.-S. 017-0082



NOTICE OF BIRTH
(PERSONS ONE YEAR AND OLDER
BUT UNDER 15 YEARS)

[Section 9 of Act No. 51 of 1992: Regulation 6 (1)]

BI-24/1



This application must be accompanied by a BI-268 and as many as possible of the following which should be marked with an ☒ X

Baptismal cert. ☐ Maternity cert. ☐ Report: Social worker ☐ School register ☐ Other

A. CHILD		COMPLETE WITH BLACK BALLPOINT PEN																	
Surname	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Forenames in full	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Date of birth	<table border="1" style="width: 10%; height: 1.2em;"></table> <table border="1" style="width: 10%; height: 1.2em;"></table> <table border="1" style="width: 10%; height: 1.2em;"></table>	Gender	<table border="1" style="width: 10%; height: 1.2em;"></table> <table border="1" style="width: 10%; height: 1.2em;"></table>																
Place of birth: City/Town	<table border="1" style="width: 40%; height: 1.2em;"></table>	Country	<table border="1" style="width: 50%; height: 1.2em;"></table>																
Are the parents of the child married to each other?	<table border="1" style="width: 10%; height: 1.2em;"></table> If Yes, nature of marriage: Civil <input type="checkbox"/> Customary <input type="checkbox"/> Religious <input type="checkbox"/>																		
Date of marriage	<table border="1" style="width: 40%; height: 1.2em;"></table>																		
B. NATURAL FATHER OF CHILD/PARENT I.t.o. section 5 of the Children's Status Act, 1987*																			
Identity number	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Date of birth	<table border="1" style="width: 40%; height: 1.2em;"></table>																		
Surname	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Forenames in full	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Place of birth	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Citizenship	<table border="1" style="width: 40%; height: 1.2em;"></table>	Permanent residence permit No.	<table border="1" style="width: 50%; height: 1.2em;"></table>																
C. NATURAL MOTHER OF CHILD																			
Identity number	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Date of birth	<table border="1" style="width: 40%; height: 1.2em;"></table>																		
Present surname	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Maiden name	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Forenames in full	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Place of birth	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
Citizenship	<table border="1" style="width: 40%; height: 1.2em;"></table>	Permanent residence permit No.	<table border="1" style="width: 50%; height: 1.2em;"></table>																
D. ACKNOWLEDGEMENT OF PATERNITY I.R.O. A CHILD BORN OUT OF WEDLOCK																			
I hereby declare that I am the natural father of the above child.		Mother's permission to the acknowledgement of paternity.																	
<table border="1" style="width: 100%; height: 1.2em;"></table>	<table border="1" style="width: 100%; height: 1.2em;"></table>	<table border="1" style="width: 100%; height: 1.2em;"></table>	<table border="1" style="width: 100%; height: 1.2em;"></table>																
Initials and surname	Signature	Initials and surname	Signature																
Identity number	<table border="1" style="width: 100%; height: 1.2em;"></table>	Identity number	<table border="1" style="width: 100%; height: 1.2em;"></table>																
Date	<table border="1" style="width: 40%; height: 1.2em;"></table>	Date	<table border="1" style="width: 40%; height: 1.2em;"></table>																
E. INFORMANT																			
I, (forenames in full and surname).....																			
Identity number	<table border="1" style="width: 100%; height: 1.2em;"></table> declare that the above information is correct.																		
Contact address	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
			Postal code <table border="1" style="width: 10%; height: 1.2em;"></table>																
Telephone number	<table border="1" style="width: 40%; height: 1.2em;"></table>	Area code	<table border="1" style="width: 10%; height: 1.2em;"></table>																
<table border="1" style="width: 100%; height: 1.2em;"></table>	Date <table border="1" style="width: 10%; height: 1.2em;"></table> <table border="1" style="width: 10%; height: 1.2em;"></table> <table border="1" style="width: 10%; height: 1.2em;"></table>																		
Signature	Relationship to child																		
FOR OFFICIAL USE																			
Stat	Birth																		
<table border="1" style="width: 100%; height: 1.2em;"></table>	<table border="1" style="width: 100%; height: 1.2em;"></table>																		
<table border="1" style="width: 100%; height: 1.2em;"> <tr> <td>I</td><td>O</td><td>S</td><td>M</td> </tr> <tr> <td></td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td> </tr> </table>				I	O	S	M												
I	O	S	M																
<div style="float: right; text-align: center;"> Flat left thumb print of the informant </div>																			

*DELETE WHICHEVER IS NOT APPLICABLE.

ANNEXURE 1B (Continued)

BI-24/1

TO BE COMPLETED BY REGIONAL OR DISTRICT OFFICES

OFFICE STAMP

F. COUNTER CLERK

I hereby declare that I have interviewed the applicant and that I am satisfied that he/she is a South African citizen/not a South African citizen. The following motivation serves to confirm my recommendation:

Application for late registration is recommended/not recommended and the applicant has been handed over to an immigration officer/senior official.

Signature of official

Persal number

Date

G. TERMINAL OPERATOR

I hereby declare that I have verified/was not able to verify the particulars of the father and the mother on the terminal. The information is correct/not correct.

Signature of official

Persal number

Date

H. OFFICER RESPONSIBLE FOR APPROVAL/REFUSAL AT REGIONAL OR DISTRICT OFFICE

I hereby declare that I am satisfied/not satisfied that the particulars as indicated on this late registration of birth are correct and that the applicant is a South African citizen. The registration is hereby approved/not approved.

Signature of official

Persal number

Date

I. REMARKS

ANNEXURE 1C

G.P.S. 017-0059



REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF HOME AFFAIRS
**LATE REGISTRATION OF BIRTH
(15 YEARS AND OLDER)**

BI-24/15

SPACE FOR BAR CODE

This application must be accompanied by a BI-288 and as many as possible of the following which should be marked with an ☒ [X]

BI-288 ☐ Baptismal ☐ Hospital/Clinic/Maternity cert. ☐ Report: Social worker ☐ School register ☐ Other.....

A. CHILD

COMPLETE WITH BLACK BALLPOINT PEN

Surname

Forenames in full

Date of birth

Gender

Place of birth: City/Town

Country

Are the parents of the child married to each other?

If Yes

Nature of marriage:

Civil ☐Customary ☐Religious ☐

Date of marriage.

Flat left thumb print
of the person whose
birth is registered

B. NATURAL FATHER OF CHILD/PARENT I.O. section 5 of the Children's Status Act, 1987*

Identity number

Date of birth

Surname

Forenames in full

Place of birth

Citizenship

Permanent Residence Permit No.

C. NATURAL MOTHER OF CHILD

Identity number

Date of birth

Present surname

Maiden name

Forenames in full

Place of birth

Citizenship

Permanent Residence Permit No.

D. ACKNOWLEDGEMENT OF PATERNITY I.R.O. A CHILD BORN OUT OF WEDLOCK

I hereby declare that I am the biological father of the above child.

Mother's permission to the acknowledgement of paternity

Initials and surname Signature

Identity number

Date

Initials and surname Signature

Identity number

Date

E. INFORMANT

I, (forenames in full and surname).....

Identity number

I declare that the above information is correct.

Contact address

Postal code

Telephone number

Area code

Signature Relationship to child

Date

Flat left thumb print
of the informant

*DELETE WHICHEVER IS NOT APPLICABLE.

No. R. 1325

26 September 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (3/550)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1 van 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		
306.01				Deur voor tariefpos 25.01 die volgende in te voeg:		
	"1515.30	01.06	66	Kasterolie en fraksies daarvan, vir die vervaardiging van chloroxyleneol	Volle reg "	
306.02				Deur voor tariefpos 28.00 die volgende in te voeg:		
	"1515.30	01.06	68	Kasterolie en fraksies daarvan, in onmiddellike verpakking met 'n inhoud van 200 kg of meer, vir verpakking in houers met 'n inhoud van hoogstens 100 ml, vir gebruik as 'n lakseermiddel van tariefpos 30.04	Volle reg"	

No. R. 1326

26 September 2003

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/278)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the 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	
	Tariff Heading	Rebate Code	C. D.	Description	Extent of Rebate	Annotations
460.15	"7306.30	01.06	61	<p>By the insertion after tariff heading 73.06 of the following:</p> <p>Tubes, pipes and hollow profiles, welded, of circular cross-section, of iron or non-alloy steel, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, after the Commission has been satisfied that the tubes, pipes and hollow profiles will be used in the manufacture of brake line and fuel line assemblies and the South African Bureau of Standards has certified that such tubes, pipes and hollow profiles comply with the specifications for brake and fuel lines used in motor vehicles</p>	Full duty"	

No. R. 1326

26 September 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 4 (NO. 4/278)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**M MPAHLWA
ADJUNK MINISTER VAN FINANSIES**

BYLAE

I Korting Item	II				III	
	Tariefpos	Korting= kode	T. S.	Beskrywing	Mate van Korting	Annotasies
460.15	"7306.30	01.06	61	<p>Deur na tariefpos 73.06 die volgende in te voeg:</p> <p>Buise, pype en holprofile, gesweis, met 'n sirkulêre dwarsdeursnee, van yster of nie-legering staal, in die hoeveelhede en op die tye en onderhewig aan die voorwaardes wat die Internasionale Handelsadministrasie Kommissie by bepaalde permit toelaat, nadat die Kommissie oortuig is dat die buise, pype en holprofile gebruik sal word in die vervaardiging van remvoerings en brandstoflyding monterings en die Suid-Afrikaanse Buro vir Standaarde tevrede is dat sulke buise, pype en holprofile voldoen aan die spesifikasies vir rem- en brandstoflydings wat in motorvoertuie gebruik word</p>	Volle reg"	

No. R. 1333

26 September 2003

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 3 (NO. 3/551)**

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

I				II	III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Annotations
317.04				<p>By the substitution for Note 5 to rebate item 317.04 of the following:</p> <p>"5. "Eligible exports" means exports of any of the following which are new and unused at the time of export:</p> <p>(i) Specified motor vehicles as defined in Note 7, fitted with an engine and gear-box, manufactured in terms of this rebate item and exported from the licensed premises by the manufacturer.</p> <p>(ii) Motor vehicles manufactured in terms of this rebate item in such quantities and under such conditions as the International Trade Administration Commission may allow by specific permit.</p> <p>(iii) Specified motor vehicles as defined in Note 7, not fitted with an engine or gear-box, exported from the licensed premises by the manufacturer, automotive components and automotive tooling as defined in Note 10, for which a certificate was issued by the International Trade Administration Commission, provided that the export of such components and tooling contribute to the achievement of the overall objectives of the Government's Motor Industry Development Programme.</p> <p>Such components and tooling shall, further more, meet the following criteria, namely that -</p>		

I				II		III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Annotations	
				<p>(a) they were wholly or partly manufactured in the common customs area;</p> <p>(b) not less than 25 per cent of the foreign currency earnings (as defined in Note 9) of the components and tooling is represented by the sum of:</p> <ul style="list-style-type: none">- the cost of labour in the common customs area;- the value of materials of the common customs area;- the factory overhead expenses (excluding profit) incurred in the common customs area in respect of the components and tooling; and <p>(c) the final process of manufacture was carried out in the common customs area: Provided that operations of packing or painting shall not qualify as manufacturing processes. In the event of the final process of manufacture not taking place in the common customs area, a determination as to the eligibility of the relevant product must be made by the International Trade Administration Commission</p>			

No. R. 1333

26 September 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (No. 3/551)**

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	C D	Beskrywing	Mate van Korting	Annota= sies
317.04				<p>Deur Opmerking 5 by kortinitem 317.04 deur die volgende te vervang:</p> <p>"5. "Gesikhte uitvoere" beteken uitvoere van enige van die volgende wat nuut of ongebruik is ten tye van uitvoer:</p> <p>(i) Gespesifiseerde motorvoertuie soos omskryf in Opmerking 7, toegerus met 'n enjin en ratkas, vervaardig onder hierdie kortingitem en uitgevoer deur die vervaardiger vanaf sy gelisensieerde perseel.</p> <p>(ii) Motorvoertuie vervaardig ingevolge hierdie kortingitem in die hoeveelhede en onderhewig aan die voorwaardes wat die Internasionale Handelsadministrasie Kommissie by bepaalde permit mag toelaat.</p> <p>(iii) Gespesifiseerde motorvoertuie soos omskryf in Opmerking 7, nie met 'n enjin of ratkas toegerus nie, uitgevoer vanaf die gelisensieerde perseel deur die vervaardiger, motorvoertuigkomponente en motorvoertuiggereedskap soos omskryf in Opmerking 10, waarvoor 'n sertifikaat uitgereik was deur die Internasionale Handelsadministrasie Kommissie, met dien verstande dat die uitvoer van sulke komponente en gereedskap bygedra het tot die uitvoer van die algehele doelwit van die Staat se Motorindustrie Ontwikkelingsprogram.</p>		

I	II				III	
Korting= item	Tarief= pos	Korting= kode	C D	Beskrywing	Mate van Korting	Annota= sies
				<p>Sodanige komponente en gereedskap sal verder aan die volgende vereistes voldoen, naamlik -</p> <p>(a) dit geheel of gedeeltelik in die gemeenskaplike doeanegebied vervaardig is;</p> <p>(b) nie minder as 25 persent van die vreemde valutaverdienste (soos omskryf in Opmerking 9) van die komponente en gereedskap verteenwoordig is deur die som van:</p> <ul style="list-style-type: none"> - die koste van arbeid in die gemeenskaplike doeanegebied; - die waarde van materiale in die gemeenskaplike doeanegebied; - die fabrieks oorhoofse koste (uitgesonderd wins) aangegaan in die gemeenskaplike doeanegebied ten opsigte van die komponente en gereedskap; en <p>(c) die finale vervaardigingsproses binne die gemeenskaplike doeanegebied plaasgevind het: Met dien verstande dat prosesse van verpakking en verf nie sal kwalifiseer as vervaardigingsprosesse nie. In die geval waar die finale proses van vervaardiging nie in die gemeenskaplike doeanegebied plaasvind nie, sal 'n beslissing ten opsigte van die wenslikheid van die relevante produk deur die Internasionale Handelsadministrasie Kommissie gemaak moet word</p>		

No. R. 1334

26 September 2003

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 4 (No. 4/279)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the 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		
410.03	"87.00	01.00	29	By the substitution for heading 87.00 of the following: Not exceeding two assembled motor vehicles per model manufactured under rebate items 317.04 and 317.07, entered as prototypes for use exclusively in the development or manufacture of new models, subject to a permit issued by the Controller and any additional conditions he may impose in each case: Provided that the prototypes are not offered, advertised, lent, hired, leased, pledged, given away, exchanged, sold or otherwise disposed of within a period of two years from the date of entry under this item: Provided further that any one of the foregoing acts with such vehicles within a period of two years from the date of entry in terms of this item shall render such vehicles liable to payment of duty	Full duty"	

No. R. 1334

26 September 2003

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/279)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 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		
410.03	"87.00	01.00	29	<p>Deur tariefpos 87.00 deur die volgende te vervang:</p> <p>Hoogstens twee gemonteerde motorvoertuie per model vervaardig onder kortingitems 317.04 en 317.07, geklaar as prototipes uitsluitlik vir gebruik in die ontwikkeling of vervaardiging van nuwe modelle, onderhewig aan 'n permit deur die Kontroleur uitgereik en enige verdere voorwaardes wat hy in elke geval mag stel: Met dien verstande dat die prototipes nie binne 'n tydperk van twee jaar na die datum van klaring onder hierdie item aan gebied, geadverteer, geleen, verhuur, verpag, verpand, weggegee, verruil, verkoop of andersins vervreem word nie: Met dien verstande voorts dat enigeen van voormelde handelinge met sodanige voertuie binne 'n tydperk van twee jaar na die datum van klaring kragtens hierdie item, sodanige voertuie onderhewig maak aan betaling van reg</p>	Volle reg"	

No. R. 1335

26 September 2005

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/280)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 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
460.17				<p>By the substitution for Note 1(ii) to rebate item 460.17 of the following:</p> <p>"(ii) For the purposes of paragraph (i) above the value of the excess duty free allowance and the value of an import rebate credit certificate shall be reduced by 35 per cent if the rebate is used to import specified motor vehicles. No adjustment shall, however, be made if the import rebate credit certificate is in respect of specified motor vehicles exported fitted with engines and gear-boxes."</p>		

No. R. 1335

26 September 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 4 (NO. 4/280)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**M MPAHLWA
ADJUNKMINISTER VAN FINANSIES**

BYLAE

Korting Item	Tariefpos	Kor- ting= kode	T. S.	Beskrywing	Mate van Korting	Anno= tasies
460.17				<p>Deur Opmerking 1(ii) by kortingitem 460.17 deur die volgende te vervang:</p> <p>"(ii) Vir die doeleindes van paragraaf (i) hierbo moet die waarde van die oorskot belastingvrye vergunning en die waarde van invoerkorting kredietseffikaat met 35 persent verminder indien die korting gebruik word vir die invoer van gespesifiseerde motorvoertuie. Geen aanpassing sal egter gedoen word indien die invoerkortingkredietseffikaat ten opsigte van gespesifiseerde motorvoertuie met enjins en ratkaste toegerus is, wat uitvoer is nie."</p>		

No. R. 1336

26 September 2003

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 5 (NO. 5/72)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**M MPAHLWA
DEPUTY MINISTER OF FINANCE**

SCHEDULE

I Refund Item	II				III Extent of Refund	Anno= tations
	Tariff Heading	Code	C. D.	Description		
537.00				<p>By the substitution for the Note to refund item 537.00 of the following:</p> <p>"NOTE:</p> <p>The value of import rebate credit certificates in respect of specified motor vehicles exported not fitted with an engine or gear-box exported by the registered manufacturer from the licensed premises, eligible automotive components, automotive tooling and motor vehicles manufactured under rebate item 317.07 and exported shall be reduced by 40%."</p>		

No. R. 1336

26 September 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 5 (NO. 5/72)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 5 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**M MPAHLWA
ADJUNKMINISTER VAN FINANSIES**

BYLAE

I Terug= betaling Item	II				III Mate van Terugbetal= ing	Anno= tasies
	Tarief= pos	Kode	T. S.	Beskrywing		
537.00				<p>Deur die Opmerking by terugbetalingitem 537.00 deur die volgende te vervang:</p> <p>"OPMERKING:</p> <p>Die waarde van invoerkortingkredietsertifikate ten opsigte van gespesifiseerde motorvoertuie sonder 'n enjin of ratkas deur die motorvoertuigvervaardiger vanaf die gelisensieerde perseel uitgevoer, geskikte motorvoertuigkomponente, motorvoertuiggereedskap en motorvoertuie onder kortingitem 317.07 vervaardig en wat uitgevoer is, moet met 40% verminder word."</p>		

No. R. 1337

26 September 2003

CORRECTION NOTICE

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1220)**

(A) By amending the English Text of Government Notice No. R.1202 of 22 August 2003 appearing in Government Gazette No. 25354.

1. By amending the article description against subheading 4801.00.20 to read:

"- Other paper and paperboard, of which more than 10 per cent by mass of the total fibre content consists of fibres obtained by a mechanical process, of a mass of 57 g/m² or more but not exceeding 65 g/m²".

2. By amending the article description against heading 48.03 to read:

"Toilet paper and similar paper, cellulose wadding or webs of cellulose fibres, of a kind used for household or sanitary purposes, in rolls of a width not exceeding 36 cm or cut to size or shape; handkerchiefs, cleansing tissues, towels, tablecloths, serviettes, napkins for babies, tampons, bed sheets and similar household, sanitary or hospital articles, articles of apparel and clothing accessories, of paper pulp, paper, cellulose wadding or webs of cellulose fibres".

3. By amending the expression "exluding" where it appears in the article description against heading 67.01 to read "excluding".
4. By amending the EU rate of duty against subheading 7604.15 of "3.35%" to read "3,35%".
5. By amending the expression "incur=" where it appears in the article description against heading 83.01 to read "incor=".
6. By amending the expression "loos-leaf" where it appears in the article description against heading 83.05 to read "loose-leaf".

(B) By amending the Afrikaans Text of Government Notice R.1202 of 22 August 2003 appearing in Government Gazette No. 25354.

1. By amending the expression "piperasienheksa= hidraat" where it appears in the article description against subheading 2933.59.30 to read "piperasienheksahidraat".
2. By amending the expression "glowing" where it appears in the article description against subheading 3305.20 to read "golwing".
3. By amending subheading "502.11" appearing against heading 35.02 to read "3502.11".
4. By amending the expression "koolwater= stowwe" where it appears in the article description against subheading 3824.71 to read "koolwaterstowwe".
5. By amending the expression "grein splitse" where it appears in the article description against subheading 4107.12 to read "greinsplitse".

6. By amending the expression "bottle=" where it appears in the article description against heading 42.02 to read "bottel=".
7. By amending the expression "44.11 and 44.12" to read "44.11 en 44.12"
8. By inserting the word "nie" after the word "bedek" against subheading 4411.91.
9. By amending the article description appearing against heading 48.03 to read:

"Toilet- of gesigsvoorraad, handdoek- of luiervoorraad en dergelike papier van 'n soort vir huishoudelike of sanitêre doeleindes gebruik, sellulose-watte en webbe van sellulose-vesels, hetsy gekreukel, gekrinkel, gebosseleer, geperforeer, op die oppervlak gekleur, op die oppervlak versier of bedruk al dan nie, in rolle of velle"

10. By amending the article description appearing against heading 48.07 to read

"Saamgestelde papier en papierbord (gemaak deur plat lae papier of papierbord met 'n kleefstof aanmekaar te plak), nie op die oppervlak bestryk of geïmpregneer nie, hetsy inwendig versterk al dan nie, in rolle of velle"

11. By amending subheading "616.91" appearing against heading 61.16 to read "6116.91".
12. By amending the expression "62.16 and 62.17" to read "62.16 en 62.17".
13. By amending the expression "platform" where it appears in the article description against subheading 6403.30 to read "plattvorm".
14. By amending the expression "(stoke)" where it appears in the article description against subheading 6603.20 to read "(stokke)".
15. By amending the expression "By the substitution for heading 69.14 of the following:" where it appears in the article description against heading 69.14 to read "Deur pos 69.14 deur die volgende te vervang:".
16. By amending the expression "metal" where it appears in the article description against heading 71.13 to read "metaal".
17. By amending the expression "ande" where it appears in the article description against subheading 7113.19 to read "ander".
18. By amending the expression "volgend" where it appears in the article description against heading 72.27 to read "volgende".
19. By amending the expression "silicon" where it appears in the article description against subheading 7227.20 to read "silikon".
20. By amending the article description appearing against heading 74.14 to read:

"Kook- of verwarmingsapparate van 'n soort vir huishoudelike doeleindes, nie-elektries, en onderdele daarvan, van koper"

21. By amending the expression "poleerkussinkies, -handskoene" where it appears in the article description against subheading 7418.1 to read "poleerkussinkies, -handskoene".
22. By amending the expression "dwarsdeursnee- afmeting" where it appears in the article description against subheading 7604.10.35 to read "dwarsdeursnee-afmeting".

23. By amending the general and EU rates of duty of "free" to "vry" where it appears against subheading 7604.21.90.
24. By amending the article description appearing against heading 76.10 to read:
"Aluminiumstrukture (uitgesonderd opslaangeboue van pos 94.06) en dele van strukture (byvoorbeeld, brûe, torings, traliemaste, dakke, dakraamwerke, deure en vensters en rame daarvoor en drumpels vir deure, balustrades, pilare en suile), aluminiumplate, -stange, -profile, -buisse en soortgelyke artikels, gereed gemaak vir gebruik in strukture:".
25. By amending the expression "Deur poste 83.01, 83.02, 83.03, 83.04 en 03.05 deur die volgende te vervang:" where it appears in the article description against subheadings 83.01, 83.02, 83.03, 83.04 en 83.05 to read "83.01, 83.02, 83.03, 83.04 en 83.05 deur die volgende te vervang:".
26. By amending the expression "sort" where it appears in the article description against heading 8301.20 to read "soort".
27. By amending the expression "sort" where it appears in the article description against heading 8301.30 to read "soort".
28. By amending the expression "leers" where it appears in the article description against heading 83.05 to read "lêers".
29. By amending the expression "leer" where it appears in the article description against subheading 8305.10 to read "lêer".
30. By amending the expression "kV.A" where it appears in the article description against subheading 8501.62 to read "kVA".
31. By amending the expression "kV.A" where it appears in the article description against subheading 8502.11 to read "kVA".
32. By amending the expression "kV.A" where it appears in the article description against subheading 8502.12 to read "kVA".
33. By amending the expression "kV.A" where it appears in the article description against subheading 8502.13 to read "kVA".
34. By amending the expression "oorskry" where it appears in the article description against subheading 8506.80.25 to read "oorskry".
35. By amending the expression "gebruik:" where it appears in the article description against subheading 9403.10 to read "gebruik".
36. By amending the expression "vetkryf" where it appears in the article description against heading 96.09 to read "vetkryt".

No. R. 1337

26 September 2003

VERBETERINGS KENNISGEWING

DOEANE-EN AKSYSWET, 1964
WYSIGING VAN BYLAE NO. 1 (1/1/1220)

(A) Deur die Engelse Teks wat in Goewermmentskennisgewing No. R.1202 van 22 Augustus 2003 wat in die Staatskoerant No. 25354 verskyn het, hiermee te wysig.

1. Deur die beskrywing van die artikel teenoor subpos 4801.00.20 te wysig deur die volgende:

“- Other paper and paperboard, of which more than 10 per cent by mass of the total fibre content consists of fibres obtained by a mechanical process, of a mass of 57 g/m² or more but not exceeding 65 g/m²”.

2. Deur die beskrywing van die artikel teenoor pos 48.03 te wysig deur die volgende:

“Toilet paper and similar paper, cellulose wadding or webs of cellulose fibres, of a kind used for household or sanitary purposes, in rolls of a width not exceeding 36 cm or cut to size or shape; handkerchiefs, cleansing tissues, towels, tablecloths, serviettes, napkins for babies, tampons, bed sheets and similar household, sanitary or hospital articles, articles of apparel and clothing accessories, of paper pulp, paper, cellulose wadding or webs or cellulose fibres”.

3. Deur die uitdrukking “exluding” in die artikel beskrywing teenoor pos 67.01 te wysig na “excluding”.

4. Deur die EU skaal van reg van “3.35%” teenoor subpos 7604.15 te wysig na “3,35%”.

5. Deur die uitdrukking “incur=” in die artikel beskrywing teenoor pos 83.01 te wysig na “incor=”.

6. Deur die uitdrukking “loos-leaf” in die artikel beskrywing teenoor pos 83.05 te wysig na “loose-leaf”.

(B) Deur die Afrikaanse Teks wat in Goewermmentskennisgewing No. R.1202 van 22 Augustus 2003 wat in die Staatskoerant No. 25354 verskyn het, hiermee te wysig.

1. Deur die uitdrukking “piperasienheksa= hidraat” in die artikel beskrywing teenoor subpos 2933.59.30 te wysig na “piperasienheksahidraat”.

2. Deur die uitdrukking “glowing” in die artikel beskrywing teenoor subpos 3305.20 te wysig na “golwing”.

3. Deur subpos “502.11” teenoor pos 35.02 te wysig na “3502.11”.

4. Deur die uitdrukking “koolwater= stowwe” in die artikel beskrywing teenoor subpos 3824.71 te wysig na “koolwaterstowwe”.

5. Deur die uitdrukking “grein splitse” in die beskrywing teenoor subpos 4107.12 te wysig na “greinsplitse”.

6. Deur die uitdrukking "bottle=" in die artikel beskrywing by pos 42.02 te wysig na "bottel=".
7. Deur die uitdrukking "44.11 and 44.12" te wysig na "44.11 en 44.12".
8. Deur die woord "nie" na die woord "bedek" by subpos 4411.91 in te voeg.
9. Deur die beskrywing van die artikel in pos 48.03 te wysig deur die volgende:

"Toilet- of gesigsyvoorraad, handdoek- of luiervoorraad en dergelike papier van 'n soort vir huishoudelike of sanitêre doeleindes gebruik, sellulose-watte en webbe van sellulose-vesels, hetsy gekreukel, gekrinkel, gebosseleer, geperforeer, op die oppervlak gekleur, op die oppervlak versier of bedruk al dan nie, in rolle of velle"
10. Deur die beskrywing van die artikel in pos 48.07 te wysig deur die volgende:

"Saamgestelde papier en papierbord (gemaak deur plat lae papier of papierbord met 'n kleefstof aanmekaar te plak), nie op die oppervlak bestryk of geïmpregneer nie, hetsy inwendig versterk al dan nie, in rolle of velle".
11. Deur subpos "616.91" by pos 61.16 te wysig na "6116.91".
12. Deur die uitdrukking "62.16 and 62.17" te wysig na "62.16 en 62.17".
13. Deur die uitdrukking "platform" in die artikel beskrywing teenoor subpos 6403.30 te wysig na "platvorm".
14. Deur die uitdrukking "(stoke)" in die artikel beskrywing teenoor subpos 6603.20 te wysig na "(stokke)".
15. Deur die uitdrukking "By the substitution for heading 69.14 of the following:" in die artikel beskrywing teenoor pos 69.14 te wysig na "Deur pos 69.14 deur die volgende te vervang:".
16. Deur die uitdrukking "metal" in die artikel beskrywing teenoor pos 71.13 te wysig na "metaal".
17. Deur die uitdrukking "ande" in die artikel beskrywing teenoor subpos 7113.19 te wysig na "ander".
18. Deur die uitdrukking "volgend" in die artikel beskrywing teenoor pos 72.27 te wysig na "volgende".
19. Deur die uitdrukking "silicon" in die artikel beskrywing teenoor subpos 7227.20 te wysig na "silikon".
20. Deur die beskrywing van die artikel teenoor pos 74.14 te wysig deur die volgende:

"Kook- of vewarmingsapparate van 'n soort vir huishoudelike doeleindes, nie-elektries, en onderdele daarvan, van koper".
21. Deur die uitdrukking "poleerkussinkies, -handskoene" in die artikel beskrywing teenoor subpos 7418.1 te wysig na "poleerkussinkies, -handskoene".
22. Deur die uitdrukking "dwarsdeursnee- afmeting" in die artikel beskrywing teenoor subpos 7604.10.35 te wysig na "dwarsdeursnee-afmeting".

23. Deur die algemene en EU skale van reg van "free" na "vry" teenoor subpos 7604.21.90 te wysig.
24. Deur die beskrywing van die artikel teënoor pos 76.10 te wysig deur die volgende:
"Aluminiumstrukture (uitgesonderd opslaangeboue van pos 94.06) en dele van strukture (byvoorbeeld, brûe, torings, traliemaste, dakke, dakraamwerke, deure en vensters en rame daarvoor en drumpels vir deure, balustrades, pilare en suile), aluminiumplate, -stange, -profile, -buisse en soortgelyke artikels, gereed gemaak vir gebruik in strukture:".
25. Deur die uitdrukking "Deur poste 83.01, 83.02, 83.03, 83.04 en 83.05 deur die volgende te vervang:" in die artikel beskrywing teënoor poste 83.01, 83.02, 83.03, 83.04 en 83.05 te wysig na "Deur poste 83.01, 83.02, 83.03, 83.04 en 83.05 deur die volgende te vervang:".
26. Deur die uitdrukking "sort" in die artikel beskrywing teënoor subpos 8301.20 te wysig na "soort".
27. Deur die uitdrukking "sort" in die artikel beskrywing teënoor subpos 8301.30 te wysig na "soort".
28. Deur die uitdrukking "leers" in die artikel beskrywing teënoor pos 83.05 te wysig na "lêers".
29. Deur die uitdrukking "leer" in die artikel beskrywing teënoor subpos 8305.10 te wysig na "lêer".
30. Deur die uitdrukking "kV.A" in die artikel beskrywing teënoor subpos 8501.62 te wysig na "kVA".
31. Deur die uitdrukking "kV.A" in die artikel beskrywing teënoor subpos 8502.11 te wysig na "kVA".
32. Deur die uitdrukking "kV.A" in die artikel beskrywing teënoor subpos 8502.12 te wysig na "kVA".
33. Deur die uitdrukking "kV.A" in die artikel beskrywing teënoor subpos 8502.13 te wysig na "kVA".
34. Deur die uitdrukking "oorskry" in die artikel beskrywing teënoor subpos 8506.80.25 te wysig na "oorskry".
35. Deur die uitdrukking "gebruik:" in die artikel beskrywing teënoor subpos 9403.10 te wysig na "gebruik".
36. Deur die uitdrukking "vetkryf" in die artikel beskrywing teënoor pos 96.09 te wysig na "vetkryt".

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 1321

26 September 2003

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL:
EXTENSION OF MAIN 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 6 October 2003, and for the period ending 30 June 2005.

M. M. S. MDLADLANA,
Minister of Labour

No. R. 1321

26 September 2003

WET OP ARBEIDSVIRHOUDINGE, 1995

**BEDININGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU-NATAL: UITBREIDING VAN HOOF 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 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 6 Oktober 2003, en vir die tydperk wat op 30 Junie 2005 eindig.

M. M. S. MDLADLANA,
Minister van Arbeid

SCHEDULE

**BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL
MAIN COLLECTIVE 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 Main Collective Agreement published under Government Notices Nos. R. 685 dated 18 May 1998, R. 1660 dated 18 December 1998, R. 312 dated 12 March 1999, re-enacted by R. 1217 of 22 October 1999, amended by R. 369 dated 14 April 2000, R. 1033 dated 27 October 2000, R. 90 dated 1 February 2002, R. 165 dated 7 February 2003, corrected by R. 264 dated 21 February 2003 and further amended by R. 400 dated 28 March 2003 and R. 649 dated 16 May 2003.

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 therein, respectively;
 - (b) in Area A, which consists of the Magisterial Districts of Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown and Mount Currie.

- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—
- apply only in respect of employees for whom minimum wages are prescribed in this Agreement;
 - apply to learners in so far as the provisions are not inconsistent with the provisions of the Skills Development Act, No. 92 of 1998, or any contracts entered into or any conditions fixed thereunder;
 - not apply to professional, technical, administrative, sales and office staff: Provided that such employees are in receipt of regular remuneration in excess of the maximum rate prescribed in Schedule A of the Main Agreement, excluding paragraph (XXI), plus R35,00;
 - not apply to managers, submanagers, foremen and supervisory staff if such employees are in receipt of regular remuneration of not less than R40 920 per annum or, where the employer of such staff does not provide or maintain a registered pension or registered provident fund and a registered medical aid fund, R48 140 per annum. These limits shall be increased from year to year by the same percentage as the increases granted to employees earning the highest rate set out in Schedule A of the Main Agreement.
- (3) Notwithstanding the provisions of subclauses (1) and (2), employers who carry on not more than one business within the scope of application of this Collective Agreement and who employ less than five employees at all times in or in connection with such business shall be entitled to the following phasing-in concessions: Provided that their employees consent thereto:

PHASE ONE: First two years of registration

During this period, the employer shall be exempt from Schedule A and clause 38B.

Any pro rata holiday-pay benefits accrued by employees during the first two years of registration with the Council shall be paid by the employer in terms of the Basic Conditions of Employment Act, 1997, when due.

PHASE TWO: Third year of registration

During this period, employees shall be remunerated at not less than 60% of the rate of pay prescribed in Schedule A and clause 38B.

Any pro rata holiday-pay benefits accrued by employees during the third year of registration with the Council shall be paid by the employer in terms of the Basic Conditions of Employment Act, 1997, when due.

PHASE THREE: Fourth year of registration

During this period, employees shall be remunerated at not less than 75% of the rate of pay prescribed in Schedule A and clause 38B.

In addition, the following contributions shall come into effect:

- Clause 13—Holidays and Holiday Fund.

PHASE FOUR: Fifth year of registration

During this period, employees shall be remunerated at not less than 90% of the rate of pay prescribed in Schedule A and clause 38B.

In addition, the following contributions shall come into effect:

- Clause 13—Holidays and Holiday Fund.
- Provident Fund and Mortality Benefit contributions prescribed in the Main Collective Agreement, as amended and extended from time to time.

PHASE FIVE: From sixth year onwards

All provisions of the Main Collective and Provident Fund and Mortality Benefit Association Collective Agreements as well as Schedule A, as amended and extended from time to time, shall apply.

- (4) The provisions of subclause (3) shall not apply where an employer has more than four employees in his employ at the date of the coming into operation of this Collective Agreement, and subsequently reduces this number of employees to fewer than five.

- (5) 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 Agreement shall come into operation in respect of non-parties on such date as the Minister of Labour extends the Collective Agreement to non-parties and shall remain in force for the period ending 30 June 2005;

3. SCHEDULE A: WAGES

Substitute the following for Schedule A:

"SCHEDULE A—WAGES 1st JULY 2003 TO 30th JUNE 2003

	<i>Per hour R</i>	<i>Per week R</i>
(I) (1) Furniture making, i.e., any operation or process in the manufacture and/or assembling of furniture, either in whole or in part, performed by hand, with hand tools or mechanical appliances, but which excludes the operations referred to in subclause (2)	16,91	743,92

	<i>Per hour R</i>	<i>Per week R</i>
(2) Sundry furniture making operations		
(a) Bolting and tightening nuts, fixing handles by screws, bolts, nuts and screw bolts	14,81	651,55
(b) Affixing fittings of rod sockets, striking plates, escutcheons, shelf studs, nut covers, ferrules or dome glides and inserting screw bolts into stumps or legs, affixing any kind of glue block, attaching mirrors by means of adhesive tape.....	14,81	651,55
(c) Making and/or pointing wooden dowels and plugs by hand and/or machine	14,81	651,55
(d) Knocking in dowels and plugs by hand	14,81	651,55
(e) Sanding by hand, regardless of whether the article sandpapered is stationary or rotating	14,81	651,55
(f) Bending or laminating solid timber by hand or mechanical process	14,81	651,55
(g) Knocking in sockets for casters	14,81	651,55
(h) Filling holes or cracks with wood filler or similar substance	14,81	651,55
(i) Assisting in clamping or cramping: Provided that not more than one assistant is used by an employee in respect of not less than the wage prescribed in subclause (2).....	14,67	645,53
(II) Setting out, i.e., the preparation of a plan for the manufacture of furniture by means of a rod or other suitable material upon which are marked all or any of the dimensions of the article to be manufactured.....	16,91	743,92
(III) Marking out, i.e., the marking or scribing of articles of furniture, either in whole or in part, to dimensions by means of ruler, measuring rod, straight edge, template, jig or any other device, for the purpose of machining, fitting or assembling.....	16,91	743,92
(IV) (1) Furniture machining, i.e., any operation or process performed by using any type or class of machine in the manufacture of furniture, either in whole or in part but which excludes the operations referred to in subclause (2)	16,91	743,92
(2) Sundry furniture machining operations		
(a) Setting up and operating single drum sander, open disc sander, bobbin sander and wide belt sander	15,33	674,50
(b) Boring holes, morticing, hinge recessing for the purpose of cutting recesses for locks and hinges and operating a dowel inserting machine ...	15,33	674,50
(c) Operating air-filled sander and portable sander	14,81	651,55
(d) Making and jointing sandpaper rolls or discs and belts for machine sanders	14,67	645,53
(e) Repetitive marking by template or pattern.....	14,67	645,53
(V) (1) Furniture polishing, i.e., any operation or process by hand or mechanical appliance in the production of a polished and/or finished surface by means of shellac, paint, duco, lacquer, cellulose, varnish, enamel, stain, a paste which acts as an abrasive, and/or polisher, or both, or similar substances, and which includes the graining an matching of colours on all types of furniture, but which excludes the operations referred to in subclause (2).....	16,91	743,92
(2) Sundry polishing operations		
(a) Burnishing by machine	15,33	674,50
(b) Waxing	14,81	651,55
(c) Painting and/or filling edges of laminated board and/or plywood, to prepare a surface for polishing and/or lacquering and/or graining and/or matching of colours	14,81	651,55
(d) Removing doors and fittings prior to preparation for polishing.....	14,81	651,55
(e) Filling in with plaster of paris or any other filling material.....	14,81	651,55
(f) Handsanding	14,81	651,55
(g) Bleaching furniture with acids or any other bleaching agent.....	14,81	651,55
(h) Stripping	14,81	651,55
(i) Staining, filling, oiling and/or reviving by hand	14,81	651,55
(j) spraying metal.....	14,81	651,55

	<i>Per hour R</i>	<i>Per week R</i>
(k) straining materials.....	14,81	651,55
(l) cleaning spray guns.....	14,81	651,55
(m) touching up at point of loading and/or unloading, excluding the use of spray apparatus.....	14,67	645,53
(vi) (1) Furniture upholstery, i.e. any operation or process in covering any type of furni- ture, either in whole or in part, irrespective of the materials used, and includes, inter alia, cutting of all covers and loose covers, stitching and/or joining by hand or mechanical appliance, webbing which includes the positioning of webbing and substitutes (other than wooden or metal laths and crossbars), filling, cane weaving, buttoning, tacking, stapling, studding and padding, attaching of units to frame, but which excludes the operations referred to in subclause (4).....	16,91	743,92
(2) Seamsters or seamstresses engaged in slipstitching, sewing, and/or joining covers, flies, cushions, cords, pelmets or bolsters by hand or machine.....	15,16	666,85
(3) Learners employed in learning the class of work referred to in subclause (2)— during the first six months of employment.....	14,56	640,61
during the second six months of employment.....	14,68	646,08
during the third six months of employment.....	14,80	651,00
during the fourth six months of employment.....	14,92	656,47
thereafter.....	15,16	666,85
(4) Sundry furniture upholstery operations		
(a) Positioning wooden and metal laths and crossbars to frames.....	15,43	678,88
(b) Filling cushions with spring interiors and/or spring units.....	15,71	691,45
(c) Cutting foam rubber or similar material by band saw.....	15,71	691,45
(d) Fixing ready-made cane mats.....	15,33	674,50
(e) Tufting or buttoning by hand or machine, where this done in loose pieces in the pre-assembly stage, including quilted buttoning, but which excludes deep, diamond or pleated buttoning.....	15,96	702,38
(f) Securing, sewing or stapling interlaced pads to spring units, whether by hand or machine.....	15,43	678,88
(g) Laying out filling materials on a spring unit.....	15,43	678,88
(h) Spreading adhesive on backs and cover material and joining of same.....	15,16	666,85
(i) Loading, wheeling and operating a cloth spreading machine.....	15,16	666,85
(j) Teasing coir or other materials by machine.....	15,16	666,85
(k) Filling cushions with substances of materials other than spring interiors and/or spring units by machine.....	14,81	651,55
(l) Riempe work.....	14,81	651,55
(m) Affixing helical springs and/or chains and/or zig-zag or no-sag springs to frames for upholstery.....	14,81	651,55
(n) Springing up spring edges with zig-zag and/or no-sag type of spring to frames for upholstery, including the attaching of any component part, but excluding the tacking on and/or securing of hessian and/or sisal and/or substitutes for hessian or sisal.....	14,81	651,55
(o) Cutting platforms used for covering helical and/or no-sag springs.....	14,81	651,55
(p) Breaking up and/or cutting up by hand bulk rolls of upholstery materials of all kinds from selfedge to selfedge.....	14,81	651,55
(q) Cutting cardboard in upholstery sections by hand and/or machine.....	14,81	651,55
(r) Straight cutting materials by hand or machine for bottoms or underseating over springs (linen and hessian).....	14,67	645,53
(s) Teasing coir or other materials by hand.....	14,67	645,53
(t) Unwinding filling materials in rope form.....	14,67	645,53
(u) Banding upholster's beading.....	14,67	645,53
(v) Making buttons and tufts.....	14,67	645,53
(w) Assisting upholsterer in holding cover material.....	14,67	645,53

		Per hour R	Per week R
	(x) Cutting to shape and joining of foam rubber or latex by hand	14,67	645,53
	(y) Tacking on bottoms of upholstered article	14,67	645,53
	(z) (i) Tacking hessian or lining onto seat platforms	14,67	645,53
	(ii) Tacking or stapling cardboard to bare frames.....	14,81	651,55
	For the purposes of this clause and clauses (XI) and (XIV), "spring unit" means an independent assembly of springs so interconnected, associated or constructed as to provide a spring foundation and/or interior for use in an inner spring mattress, cushion seat or any other bedding and/or seating device.		
(VII)	(1) Furniture carving and/or wood-carving, i.e., any operation or process, either in whole or in part, performed with hand tools or mechanical appliance creating a shape, pattern, medallion or replica of any object, the purpose of which is to adorn and/or embellish any type of furniture, but which excludes the undermentioned sundry operation	16,91	743,92
	(2) Stippling and punching background to carving	14,81	651,55
(VIII)	Furniture wood-turning, i.e., any operation or process performed by hand or mechanical appliance in the manufacture of a shaped article or component part, used in connection with all types of furniture	16,91	743,92
(IX)	(1) Furniture veneering, i.e., any operation or process performed by hand or mechanical appliance in the overlay of all types of furniture parts, either in whole or in part, with veneer, but which excludes the operations mentioned in subclause (2)	16,91	743,92
	(2) Sundry veneering operations:		
	(a) Positioning of veneers by hand	14,67	645,53
	(b) Tapeless jointing by machine.....	14,67	645,53
	(c) Operating presses of any kind	14,67	645,53
	(d) Loading and unloading vacuum bags and presses of any kind	14,67	645,53
	(e) Washing off gum and tapes	14,67	645,53
	(f) Stacking parts after pressing	14,67	645,53
	(g) Veneering edges	14,67	645,53
	(h) Veneering edges by machine, which machine also trims and sands the edges	15,33	674,50
	(i) Lipping edges only by mechanical appliance	15,33	674,50
(X)	(1) Learner journeyman employed in learning the classes of work referred to in subclauses (I) to (IX), other than the sundry operations referred to therein—		
	during the first year of employment	15,21	669,04
	during the second year of employment	15,67	689,26
	during the third year of employment.....	16,31	717,68
	thereafter, the minimum prescribed wage.		
	If a person who has been employed as a belt sander, machine sander or borer is promoted to learner journeyman, his commencing wage shall be a minimum of ...	15,43	678,88
(XI)	(1) Bedding making, i.e., the manufacturing by hand or mechanical appliance, either in whole or in part, of all types of mattress filled with coir, hairlock, flock, kapok, cotton, wadding, hair, fibre, wool, feathers, grass, chaff, straw, rubber or any other similar materials, or any combination of spring interior, all types of wire springs, chain and/or spiral springs, full spiral springs, mesh springs, helical springs, all types of springs and/or spring units, pillows, cushions, bolsters, overlays, quilts, knocking and/or hooking on spring mattress wires, spiral springs and helical springs to frames, and which includes the following:		
	(a) Weaving spring mesh	15,43	678,88
	(b) Stuffing filling into mattress cases	15,43	678,88
	(c) Side stitching.....	15,43	678,88
	(d) Tufting	15,43	678,88

	<i>Per hour R</i>	<i>Per week R</i>
(e) Operating a border quilting machine	15,43	678,88
(f) Operating a top quilting machine	15,43	678,88
(g) Preparing frames and rollers for the top quilting machine	15,43	678,88
(h) Securing sewing or stapling interlaced pads to spring units	15,43	678,88
(i) Securing, mattress tops, whether quilted or not, in position for building a prebuilt interior or spring mattress	15,43	678,88
(j) Taping edging to a spring interior mattress	15,43	678,88
(k) Roll edging, but which excludes the operations referred to in subclause (2)	15,43	678,88
(l) Buttoning headboards ancillary to mattress making	15,65	688,71
(2) Sundry bedding operations		
(a) Cutting tips, borders and cases	15,16	666,85
(b) All sewing required in the manufacture of tops, borders, mattress cases, studio couch covers and component parts	15,16	666,85
(c) Sewing mattress handles to border	15,16	666,85
(d) Joining border lengths	15,16	666,85
(e) Closing up the mouth of a mattress	15,16	666,85
(f) Closing pillows, cushions, bolsters	15,16	666,85
(g) Bolting by hand bed mattress frames	15,16	666,85
(h) Preparing spools for a border quilting machine	15,16	666,85
(i) Cutting quilted borders to lengths	15,16	666,85
(j) Punching holes in mattress borders	15,16	666,85
(k) Fitting ventilators and handles to mattress borders	15,16	666,85
(l) Feeding the interlacing machine	15,16	666,85
(m) Cutting and making pads, irrespective of materials used	15,16	666,85
(n) Positioning laths and crossbars, or fixing webbing to mattress or bed frames	15,16	666,85
(o) Staining mattress frames	15,16	666,85
(p) Affixing lugs to mattress frames	14,81	651,55
(q) Positioning and securing a mesh to a mesh frame	14,81	651,55
(r) Hanging loops on needles in compression tufting	14,81	651,55
(s) Loading, wheeling and operating a clothspreading machine	14,81	651,55
(t) Operating a teasing machine	14,81	651,55
(u) Attending a loopmaking machine	14,81	651,55
(v) Attaching loops to buttons or tufts	14,81	651,55
(w) Fitting bed irons, domes, casters and sockets	14,81	651,55
(x) Staining and/or varnishing frames by hand	14,81	651,55
(y) Assembling, knocking or hooking on woven wire mesh and chain spring meshes to frames	14,81	651,55
(z) Fixing bed irons	14,81	651,55
(aa) Attaching spring units to bed frames	14,81	651,55
(ab) Filling pillows, cushions and bolsters with materials other than spring interiors and/or spring units	14,81	651,55
(ac) Mass-measuring pillows, bolsters, cushions and quilts	14,81	651,55
(ad) Stripping bedding	14,67	645,53
(ae) Cutting chain, hoop iron or any other similar materials	14,67	645,53
(af) Teasing coir or any other materials by hand	14,67	645,53
(ag) Tacking on cardboard or calico backs to upholstered headboards	14,81	651,55
(ah) Glueing plastic mesh to foam	14,67	645,53
(3) Learners employed in learning the class of work referred to in subclause (1) (Bedding making)—		
during the first six months of employment	14,73	648,27

		Per hour R	Per week R
	during the second six months of employment.....	14,88	654,83
	during the third six months of employment.....	15,01	660,29
	during the fourth six months of employment	15,13	665,76
	thereafter.....	15,43	678,88
(XII)	(1) Curtain-making, i.e., any operation or process performed by hand or mechanical appliance in the manufacture of curtains, either in whole or in part, and irrespective of the materials used, including hanging, fitting and fixing, but which excludes the operations mentioned in subclause (2).....	16,91	743,92
	(2) Sundry operations.....		
	(a) Seamsters or seamstresses engaged in slipstitching, sewing, and/or joining covers, flies, cushions, cords, pelmets, bolsters or curtains by hand or machine.....	15,16	666,85
	(b) Cutting edge-to-edge, but excluding cutting for pattern matching	15,16	666,85
	(c) Pressing and/or ironing curtaining.....	14,67	645,53
	(d) Handling materials.....	14,67	645,53
	(3) Learners employed in learning the class of work referred to in subclause (2) (a) (seamsters)—		
	during the first six months of employment.....	14,56	640,61
	during the second six months of employment	14,68	646,08
	during the third six months of employment.....	14,80	651,00
	during the fourth six months of employment	14,92	656,47
	thereafter.....	15,15	666,85
	(4) Learners employed in learning the class of work referred to in subclause (1), other than the sundry operations referred to in subclause (2) and learner seamsters referred to in subclause (3).....		
		The minimum prescribed learner journeymen Clause X of this schedule	
(XIII)	(1) Labouring, i.e.,		
	(a) assisting a mechanist in handling materials before and after machining...	14,67	645,53
	(b) attending a boiler, incinerator and/or oven.....	14,67	645,53
	(c) attending to dust bags and/or cyclones of sanding machines	14,67	645,53
	(d) baling and dipping upholstery springs.....	14,67	645,53
	(e) beating and/or teasing coir by hand.....	14,67	645,53
	(f) cleaning and sweeping premises	14,67	645,53
	(g) cleaning machinery, plant, tools and utensils.....	14,67	645,53
	(h) cleaning and blowing down equipment	14,67	645,53
	(i) cleaning metal rods	14,67	645,53
	(j) cutting metal rods, hinges, metal strips, wire, hoop iron and all similar materials	14,67	645,53
	(k) delivery by manually propelled vehicles.....	14,67	645,53
	(l) delivering letters and parcels.....	14,67	645,53
	(m) filling cushions with substances of materials, other than spring interiors and/or spring units by hand.....	14,67	645,53
	(n) glueing sandpaper discs.....	14,67	645,53
	(o) handling materials	14,67	645,53
	(p) lime washing.....	14,67	645,53
	(q) loading and/or unloading vehicles.....	14,67	645,53
	(r) loading and unloading kilns	14,67	645,53
	(s) making tea or other similar beverages	14,67	645,53
	(t) oiling and greasing machines and/or vehicles	14,67	645,53
	(u) operating presses of any type	14,67	645,53

		Per hour R	Per week R
	(v) packing articles into cartons and/or cardboard containers and thereafter filling and closing such cartons and containers.....	14,67	645,53
	(w) preparing, mass-measuring and mixing glue; spreading glue by hand or machine; removing glue, washing and wiping off glue; applying glue hardener by hand, brush or machine	14,67	645,53
	(x) pushing or pulling a vehicle or handcart	14,67	645,53
	(y) riveting or making threads on iron bolts and rods	14,67	645,53
	(z) straightening and/or cutting hoop iron used for webbing	14,67	645,53
	(aa) stripping second-hand upholstery and bedding	14,67	645,53
	(ab) taping veneers and attending veneer press	14,67	645,53
	(ac) treating timber for preservation	14,67	645,53
	(ad) unpacking, baling and unbalancing raw materials	14,67	645,53
	(ae) wrapping in paper or cardboard	14,67	645,53
	(2) Labourers: New entrants (see definition under clause 3): Party shops only	12,70	558,61
(XIV)	Miscellaneous:		
	(1) Welding, other than spot-welding	16,91	743,92
	(2) Machine maintenance mechanic	16,91	743,92
	(3) Spot-welding	15,16	666,85
	(4) Despatch clerk, storeman, time-keeper	15,11	664,66
	(5) Caretaker or watchman	14,81	651,55
	(6) Packer	14,81	651,55
	(7) Constructing spring interiors and/or spring units and manufacturing their component parts	14,81	651,55
	(8) Learner packer	14,81	651,55
	(9) Bending, punching, riveting, drilling and/or assembling metal parts	14,67	645,53
(XV)	(1) Juvenile male employees engaged in a trade designated under the Manpower Training Act, 1981, during the authorised probation period.....	14,71	647,17
	(2) All other juveniles.....	14,71	647,17
(XVI)	Office employees—		
	during the first year of employment.....	14,73	648,27
	during the second year of employment.....	14,97	658,65
	during the third year of employment.....	15,32	673,96
	during the fourth year of employment	15,67	689,26
	during the fifth year of employment.....	16,03	705,11
	thereafter	16,47	724,79
(XVII)	Casual labourer—		
	Labourer employed for less than 30 hours in any one week for the specific purpose of loading and unloading vehicles, stacking timber and cleaning premises only.....	R75,00 per day	
(XVIII)	Chargehand—		
	In charge of employees who have no journeyman status.....	R10,00 per week above his minimum prescribe wage for the class of work performed by him	
	In charge of journeyman.....	R15,00 per week above the basic wage prescribed in this Agreement for employees employed on the same class	

	Per hour R	Per week R
(XIX) (1) Ornament and novelty making, i.e., any operation or process in the manufacture or assembly or ornaments and novelties, but which excludes the operations referred to in subclause (2).....	16,91	743,92
(2) The classes of work referred to in clauses (1), (2), (IV) (II), (V) (2), (VII) (2) and (IX) (2) hereof	16,91	743,92
Commencing weekly wage—stage 1	16,91	743,92
Upon completion of stage 1 and subsequent stages the weekly wage of an apprentice is to be increased by 25% of the difference between the minimum wage rate for labourers, plus R10,00, and that for journeymen in force at the time of completion of such stage.		
(XXI) Artisans—Employees who have passed a trade test in a designated trade and have completed N1	18,60	818,26."
(This represents the rate plus 10% on the following categories: (I) (1), (II), (III), (IV) (1), (V) (1), (VI) (1), (VII) (1), (VIII), (IX) (1), (XII) (1), (XIV) (1) and (2), (XIX) (1)		
	R	R

4. CLAUSE 38B: REMUNERATION

Substitute the following for clause 38B (1):

"(1) No employer shall pay and no employee shall accept wages lower than those prescribed hereunder:

(a) Driver of a motor vehicle, other than steam-propelled, authorised to carry or haul a pay-load of—		
(i) up to and including 4 530 kg.....	15,19	668,49
(ii) over 4 530 kg and up to and including 6 350 kg	15,29	672,86
(iii) over 6 350 kg.....	15,74	692,54
(b) Driver of steam-propelled vehicle.....	15,74	692,54
(c) Casual employee driving a motor vehicle, other than steam-propelled: Daily rate: Prescribed weekly wage, plus 10%, divided by 5.		
(d) Casual employee driving a steam-propelled vehicle: Daily rate: Prescribed weekly wage, plus 10%, divided by 5.		
(e) Drivers of forklifts, trucks, tractors, scooters or passenger cars	15,19	668,49."

Signed at Durban on this 19th day of June 2003.

B. NEETHLING

Chairperson

G. MOONSAMY

Vice-Chairperson

G.J.P. BLIGNAUT

Secretary of the Council

No. R. 1322

26 September 2003

LABOUR RELATIONS ACT, 1995

FURNITURE, BEDDING AND UPHOLSTERY INDUSTRY BARGAINING COUNCIL, GREATER NORTHERN REGION: EXTENSION OF MAIN AMENDING COLLECTIVE 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 and was concluded in the Furniture, Bedding and Upholstery Industry Bargaining Council, Greater Northern Region, and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding in the other employers and employees in that Industry, with effect from 6 October 2003 and for the period ending 30 June 2004.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1322

26 September 2003

WET OP ARBEIDSVERHOUDINGE, 1995

**MEUBEL-, BEDDEGOED- EN STOFFERINGSNYWERHEID BEDINGINGSRAAD, GROTER NOORDELIKE STREEK:
UITBREIDING VAN HOOF 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 Engelse Bylae hiervan verskyn en wat in die Meubel-, Beddegoed- en Stofferingsnywerheid Bedingingsraad, Groter Noordelike Streek, 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 6 Oktober 2003 en vir die tydperk wat op 30 Junie 2004 eindig.

M. M. S. MDLADLANA**Minister van Arbeid**

Nota: 'n Afrikaanse vertaling van die Ooreenkoms by die Engelse kennisgewing, is op aanvraag beskikbaar by die Bedingingsraad.

SCHEDULE**FURNITURE, BEDDING AND UPHOLSTERY INDUSTRY BARGAINING COUNCIL, GREATER NORTHERN REGION
MAIN COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995 (Act No. 66 of 1995), made and entered into by and between the

Furniture, Bedding and Upholstery Manufacturers' Association (FBUMA)

and

Curtain Makers' and Allied Products Association (CMAPA)

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

National Union of Furniture and Allied Workers of South Africa (NUFAWSA)

and

Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CEPPWAWU)

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

being the parties to the Furniture, Bedding and Upholstery Industry Bargaining Council, Greater Northern Region, to amend the Collective Agreement published under Government Notice No. R. 278 of 5 March 1999, as extended and amended by Government Notices Nos. R. 578 of 7 May 1999, R. 746 of 11 June 1999, R. 1272 of 29 October 1999, R. 1426 of 3 December 1999, R. 1482 of 17 December 1999, R. 542 of 2 June 2000, R. 888 of 8 September 2000, R. 577 of 29 June 2001, R. 1396 of 21 December 2001, R. 299 of 15 March 2002 and R. 1279 of 12 September 2003.

CHAPTER 1**1. SCOPE OF APPLICATION**

1.1 The terms of this Agreement shall be observed in the Furniture, Bedding and Upholstery Industry, Greater Northern Region—

1.1.1 by all employers who are members of the employer's organisations and by all employees who are members of the trade unions, and who are engaged or employed in the Furniture, Bedding and Upholstery Industry, respectively;

1.1.2 in the Province of the Transvaal as it existed immediately prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in the Magisterial District of Vryburg as it was constituted as at 24 June 1960.

1.2 Notwithstanding the provisions of clause 1.1 the provisions of this Agreement shall—

1.2.1 apply only to employees for whom wages are prescribed in this Agreement and to the employers of such employees;

1.2.2 apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Manpower Training Amendment Act, 1990, or learnerships under the Skills Development Act, 1998, or any contracts entered into or any conditions fixed thereunder; and

1.2.3 be subject to the provisions of the Determination by the Court, dated 30 October 1984, in the matter between the Industrial Councils for the Furniture and Bedding Manufacturing Industry, Transvaal and Natal, and the Industrial Councils for the Building Industry, Transvaal and Natal, and the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry.

1.3 The following provisions shall not apply to non-parties: Clauses 1.1.1 and 2 of Chapter 1, Chapter 2A and items 3.1 of Schedule 1.

2. PERIOD OF OPERATION OF AGREEMENT

2.1 PARTIES

This Agreement shall come into operation on 8 August 2003 and shall remain in force for the period ending 30 June 2004, subject to the following provisions:

Employees who are employed by members of the Employers' Organisations who are party to this Agreement shall be entitled to four (4) week's back-pay on the increase of weekly wages. The back-pay of the increase in weekly wages for these employees shall not be subject to Bargaining Council contributions and shall be paid to these employees as a lump sum.

2.2 NON-PARTIES

This Agreement shall come into operation on such a date as Minister of Labour extends the Agreement to non-parties, and shall remain in force for the period ending 30 June 2004.

3. CHAPTER 1

NEGOTIATING AND INDUSTRY DISPUTE SETTLEMENT PROCEDURES

CLAUSE 8: ARBITRATION

- (1) Substitute the following for clause 8.7:

"In any arbitration proceedings, a party to the dispute may appear in person or be represented in accordance with section 138 (4) of the Labour Relations Act, 1995 (Act 66 of 1995, as amended). These provisions may be varied by agreement between the parties to the dispute."

- (2) Substitute the following clause 8.8:

"Unless otherwise provided for in terms of this procedure, any arbitration in terms of this Agreement is conducted in terms of the Labour Relations Act, 1995 (Act 66 of 1995, as amended)."

- (3) Delete clause 8.8.1.

- (4) Delete clause 8.8.2.

- (5) Substitute the following for clause 8.14:

"Penalties and costs may be levied in accordance with the Labour Relations Act, 1995 (Act 66 of 1995, as amended)."

4. DISPUTE RESOLUTION PROCEDURE FOR THE INTERPRETATION, APPLICATION OR ENFORCEMENT OF COLLECTIVE AGREEMENTS ENTERED INTO THROUGH THE FURNITURE AND BEDDING INDUSTRY BARGAINING COUNCIL

CLAUSE 7: ARBITRATION

- (1) Substitute the following for clause 7.11:

"Any arbitration in terms of this Agreement shall be conducted in terms of the Labour Relations Act, 1995 (Act 66 of 1995, as amended)."

- (2) Substitute the following for clause 7.16:

"The arbitrator may make any appropriate award that gives effect to the Collective Agreement. In considering the retrospective application of any award, the arbitrator shall consider, *inter alia*, the period of operation of the collective agreement in question and the reasons for any delays in processing the dispute. The arbitrator shall include an order in the arbitration award for the recovery of the costs of conducting the arbitration. Penalties and costs may be levied in accordance with the Labour Relations Act, 1995 (Act 66 of 1995, as amended)."

5. SCHEDULE 1

CALCULATION OF CONTRIBUTIONS PAYABLE TO THE COUNCIL

- (1) Substitute the following for items 3.1 and 3.2:

"3.1 FURNMED SICK BENEFIT SOCIETY (payable only when more than 16 hours per week have been worked):

3.1.1 **Member:** R35,00 per week from the employee and R35,00 per week from the employer.

3.1.2 **Adult dependants:** R20,00 per week per adult dependant from the employee.

3.1.3 **Minor dependants:** R20,00 per week per minor dependant from the employee.

3.1.4 **Extraordinary dependants:** R70,00 per week per extraordinary dependant from the employee."

3.2 NUFWSA SICK BENEFIT SOCIETY (payable only when more than 16 hours per week have been worked):

3.2.1 **Member:** R50,00 per week from the employee and R35,00 per week from the employer.

3.2.2 **Dependants:** R00,00 per week for any registered dependants."

(2) Substitute the following for item 4:

"4. EXPENSES OF THE COUNCIL (payable only when more than 16 hours have been worked) R3,50 per week from the employee plus an equal amount from the employer.

This amount shall be increased annually by the percentage equivalent to the average percentage increase in the prescribed minimum wages."

4. SCHEDULE 2

SPECIFIED MINIMUM WEEKLY WAGE INCREASES AND MINIMUM WEEKLY WAGE RATES

Substitute the following for Schedule 2:

Sectors	Grades	PARTY		NON-PARTY	
		Minimum weekly wage increases applicable as from 8 August 2003	Minimum weekly wage rates applicable as from 8 August 2003	Minimum weekly wage increases applicable as from the date that the Minister of Labour extends this Agreement to non-parties	Minimum weekly wage rates applicable as from the date the Minister of Labour extends this Agreement to non-parties
Furniture, Bedding and Upholstery	Unskilled employees (all unskilled employees employed in the Industry after 1 July 2001).....	R25,00	R325,00	R25,00	R325,00
	Unskilled employees (all unskilled employees employed in the Industry before 1 July 2001).....	R47,00	R325,00	R47,00	R325,00
	Semi-skilled employees ..	R47,00	R566,00	R47,00	R566,00
	Skilled employees.....	R49,00	R610,00	R49,00	R610,00
	Chargehands	R49,00	Rate of pay will be one level above the average pay level of employees working under his/her supervision	R49,00	Rate of pay will be one level above the average pay level of employees working under his/her supervision
	Formen/Supervisors	R49,00	R660,00	R49,00	R660,00
Curtaining	Grade I.....	R37,00	R645,25	R37,00	R645,25
	Grade II (A).....	R37,00	R598,80	R37,00	R598,80
	Grade II (B).....	R37,00	R587,30	R37,00	R587,30
	Grade III (A).....	R37,00	R563,85	R37,00	R563,85
	Grade III (B).....	R37,00	R552,36	R37,00	R552,36
	Grade IV (A)	R37,00	R528,29	R37,00	R528,29
	Grade IV (B)	R37,00	R516,79	R37,00	R516,79
	Grade V	R30,00	R481,61	R37,00	R481,61
Drivers	Subsistence allowance ...	N/a	R35,00 per night	N/a	R35,00 per night

Agreement signed at Johannesburg on this 29th day of July 2003.

H. A. DE KLERK

Chairman

E. NKOSI

Vice-Chairman

W. A. JANSE VAN RENSBURG

No. R. 1323

26 September 2003

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF THE FOOTWEAR SECTION TECHNOLOGICAL FUND COLLECTIVE 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 29 September 2003, and for the period ending 10 May 2008.

M. M. S. MDLADLANA

Minister of Labour

UMNYANGO WEZEMISEBENZI

No. R. 1323

26 September 2003

UMTHETHO WEZEMISEBENZI, KA 1995

IMBONI YEZIKHUMBA YASENINGIZIMU AFRIKA: UKWELUWA KWESIVUMELWANO SIKAWONKEWONKE SESIKHWA-MA SOBUCIKO BOBUCHWEPHESHE SENGXENYE YEZINTO ZOKUGQOKA EZINYAWENI KULABO ABANGA ZIMBANDAKANYI

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 Africa (National Bargaining Council of the Leather Industry of South Africa) futhi esiyisibhobo ngokwesigaba 31 soMthetho wobuDlelwano kwezemisebenzi, ka 1995 (Labour Relations Act, 1995), kulawo maqembu ahlanganisa isinezelelo sesivumelwano leso, siyababopha nabanye abaqashi nabaqashwa kulowo mkhakha wezibomi, kusekela ngomhlaka 29 September 2003, nangesikhathi sonke esiyophela mhla ziwu 10 May 2008.

M. M. S. MDLADLANA

Ungqongqoshe Wezemisebenzi

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

SCHEDULE**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: FOOTWEAR SECTION: TECHNOLOGICAL FUND COLLECTIVE AGREEMENT**

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

Southern African Footwear and Leather Industries Association (SAFLIA)

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

National Union of Leather and Allied Workers (NULAW)

and the

Southern African Clothing and Textile Workers Union

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

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

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1. CLAUSE 1: SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed—
- (a) in the Republic of South Africa, as it existed prior to the promulgation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);
 - (b) by all employers who are members of the employers' organisations and who are engaged in the Footwear Section of the Leather Industry and by all employees who are members of the trade unions and who are employed in the Footwear Section of the Leather Industry.
- (2) Notwithstanding the provisions of subclause (a), the terms of this Agreement shall not apply to non-parties in respect of clauses 1 (1) (b) and 2.

2. DATE AND PERIOD OF OPERATION

This Agreement shall come into operation on such date as the Minister of Labour extends the Agreement to non-parties, and shall remain in force for the period ending 10 May 2008.

3. DEFINITIONS

All expressions used in this Agreement which are defined in the Labour Relations Act, 1995, shall have the same meaning as in that Act, and unless the contrary intention appears, words importing the masculine gender shall include the feminine.

Further, unless inconsistent with the context—

"Act" means the Labour Relations Act, 1995;

"Council" means the National Bargaining Council for the Leather Industry of South Africa;

"Footwear Section" means that part of the Leather Industry in which employers and their employees are associated for the manufacture of all types of footwear, excluding bespoke-made footwear;

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

(1) 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, attache, 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 and armlets manufactured from cloth) and other similar articles designated 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 and/or 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 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 leather and/or combing and/or shearing and/or ironing hides and/or skins with the wool or hair on; and
- (iv) cutting 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: Provided that the activities listed under subparagraphs (1) (b) and (c) shall not include—

- (aa) the manufacture of metal components and/or attachments;
- (bb) the manufacture of canvas bank bags, canvas kita bags, canvas ruck sacks, canvas haver-sacks, 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 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, attache cases, bags and all similar containers designed to hold personal effects, musical instruments and sporting kit; and the word "plastic" as contained in the paragraph above, means any of the group of materials 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;

(3) for the—

- (a) preparation of cured or uncured hides and/or skins for tanning; and 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, bating and pickling; and

- (b) tanning the cured and uncured hides and/or skins; and/or
 (c) retanning and/or dyeing and/or drying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating leather and/or combing and/or shearing and/or ironing hides and/or skins with the wool or hair on; and
 (d) cutting upholstery panels from leather:

Provided that, the purposes of subparagraphs (a) to (c), "hides and skins" includes the following:

Pelts with or without the fur on; sheepskins 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.

"Main Agreement" means the Agreement of the Footwear Section of the Industry in operation at the time.

4. FOOTWEAR SECTION TECHNOLOGICAL FUND

(1) The Fund, known as the Footwear Industry Technological Fund (hereinafter referred to as "the Fund"), originally established on 3 September 1982 in terms of Government Notice No. R. 1790, is hereby continued.

(1) (a) The objects of the Fund shall be—

- (i) to promote, stimulate and encourage interest and expertise in technical, economic and scientific matters associated with the production and distribution of footwear with a view to maximum efficiency in the industry;
- (ii) to promote and finance industrial, technological and economic research and testing whether by the Southern African Footwear and Leather Industries Association (SAFLIA) (Association) or by other institutions recognised by the Association as appropriate for the conduct of such activities;
- (iii) to render financial assistance, in appropriate circumstances to bodies and organisations that promote, encourage and protect the economic development of the footwear industry in Southern Africa;
- (iv) to finance projects aimed at promoting sustainable economic growth and employment in the footwear industry;
- (v) to undertake, sponsor and finance activities aimed at furthering the interests of the industry by means of studies or investigations independently or in association with other institutions and organisations;
- (vi) to organise and sponsor study tours;
- (vii) to receive contributions, fees, donations and legacies for the purpose of furthering the objects of the Fund, and to spend or allocate such funds in accordance with these objects and the provisions of the Constitution of the Fund (Constitution);
- (viii) to borrow, invest, lend, subscribe or donate money for the furtherance of these objects.
- (ix) to acquire an moveable or immovable property and sell, let, mortgage or otherwise deal with or dispose of such property or assets belonging to the fund and use such property or assets for any purpose that may be approved in terms of the Constitution.
- (x) to do all such things as may be necessary to achieve the aims set out in this Constitution provided that the objects detailed herein shall be interpreted to aim at securing benefits for the industry as a whole.

(1) (b) The Council hereby authorises the collection of levies for the purposes of implementing the objects of the Fund as stated above. Such collection shall take place in accordance with the procedure set out in this clause.

(2) Every employer engaged in the Footwear Section shall pay to the Fund a monthly levy in respect of each employee for whom wages are prescribed in the Main Agreement.

(3) The amount of the levy shall be calculated on the basis of the five per cent of the total monthly contributions payable to the Provident Fund of the Bargaining Council of the Leather Industry of South Africa in terms of the Provident Fund Agreement. For the purposes of this subclause, "total monthly contributions" means the contributions payable by both employers and employees in terms of the relevant provisions of the Provident Fund Agreement.

(4) The amount payable each month in terms of this Agreement shall be forwarded to the General Secretary of the Council, P.O. Box 40057, Walmer, 6065, not later than the 15th day of the month immediately following the month to which it relates, together with a statement in such form as may be prescribed from time to time.

(5) Should any amount due in terms of subclause (4) not be received by the Council on the due date, the employer shall pay interest on such amount or on such lesser amount as remains unpaid, at a rate of interest determined by the Council from time to time, subject to the provisions of the Limitation and Disclosure of Finance Charges Act, 1968.

(6) Interest on overdue amounts shall be calculated from the first day of the month in which payment became due until the day on which payment is actually received by the Council. The Council shall, in its absolute discretion, be entitled to waive payment of such interest or part thereof.

(7) In the event of the employer failing to submit the amount payable in terms of subclause (4), the Council shall, for the purpose of instituting legal proceedings, calculate all outstanding levies payable based on the last amount submitted by the employer.

(8) The Council shall, at the end of each month, remit to the Fund the total amount of contributions collected in terms of this Agreement.

(9) Copies of the Constitution of the Fund, its audited annual accounts and balance sheets shall be lodged with the Registrar of Labour Relations. The Constitution shall include any amendments to the Constitution as may be adopted from time to time.

5. COMPOSITION OF THE FUND

(a) The Fund shall consist of—

- (i) the proceeds of contributions by employers in the Industry as prescribed by the Agreement in terms of the Labour Relations Act, 1995.
- (ii) Such earnings as may accrue from investment of the proceeds.
- (iii) Such fees for services rendered, donations and legacies as may accrue to the Fund.

6. DISSOLUTION OF THE FUND

(a) In the event of the Fund being dissolved for any reason whatsoever, the Management Committee shall forthwith appoint trustees to continue to administer the Fund until such time as available monies have been expended in accordance with the provisions of the Constitution and with the objects of the Fund.

(b) Any arrangements with the trustee or trustees as to the cost of administration and liquidation of the balance of the Fund shall be subject to the approval of the Director-General: Department of Labour.

7. EXEMPTIONS

(1) Any party falling within the Council's registered scope may apply to the Bargaining Council for exemption from any or all of the provisions of this Agreement.

(2) All applications for exemption from any of the provisions of this Agreement shall be in writing on an application form as provided by the Council and lodged with the Council for consideration by the Management Committee.

(3) The Management 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 Management Committee, when considering an application, shall 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 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) an 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 Management Committee, on approving an application, shall within 14 days advise the applicant of such decision, and issue a licence of exemption 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 shall operate.

(6) The Management 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 Management Committee, on not approving an exemption or part of an exemption, shall 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", shall be appointed in accordance with the provisions of section 32 (3) (e) and (f) of the Act to hear and decide any appeal brought by non-party against—

- (a) the Management Committee's refusal of an application for exemption from the provisions contained in this Agreement, or
- (b) the withdrawal of an exemption by the Management Committee.

(9) The Council or General 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 shall 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 Management Committee, the Council shall issue the applicant with a licence of exemption in accordance with subclause (5).

(13) In the event of a party or non-party appealing against the Management Committee's decision, such party or non-party will be liable for payment of costs incurred by the Council in the event of the Independent Appeal Body upholding the Management Committee's decision.

8. DISPUTE RESOLUTION

(1) The Secretary of the Council may at any time require a designated agent to monitor compliance with the provisions of this Agreement.

(2) Any person may lodge a complaint or refer a dispute about the interpretation, application or enforcement of this Agreement to the Secretary of the Council for resolution in terms of this Agreement.

(3) The Secretary of the Council may require a designated agent to investigate the complaint or dispute.

(4) The designated agent shall investigate the facts surrounding the dispute and if the agent has reason to believe that a collective agreement has been breached, the agent may endeavour to secure compliance with the agreement through conciliation.

(5) The designated agent shall submit a written report to the Secretary on the investigation, the steps taken to secure compliance and the outcome of those steps.

(6) If in the course of performing a designated agent's duties, an agent discovers what appear to be a breach of the Agreement, the agent—

- (a) may investigate the alleged breach;
- (b) may endeavour to secure compliance with the Agreement; and
- (c) shall submit a report to the Secretary on the investigation, the steps taken to secure compliance and the outcome of those steps.

(7) On receipt of the report, the Secretary may—

- (a) require the designated agent to make further investigations;
- (b) if further conciliation is indicated, appoint a conciliator from the Council's panel of conciliators;
- (c) refer the dispute for conciliation to the Disputes committee of the Council;
- (d) issue a compliance order; or
- (e) refer the dispute to arbitration in terms of this Agreement.

(8) If a conciliator is appointed or the dispute is referred to the Disputes Committee, the Secretary shall decide the date, time and venue of the conciliation meeting and shall serve notices of these particulars on the parties to the dispute.

(9) Where a dispute is referred to conciliation, the conciliator or disputes committee shall attempt to resolve the dispute within a period of 30 days or within an extended period as agreed by the parties to the dispute.

(10) Where a dispute is not resolved after a conciliation meeting, or after 30 days, or after any extended period as agreed between the parties, the Council shall issue a certificate stating that the dispute was not resolved.

(11) Where the Act requires a dispute to be resolved through arbitration and a certificate has been issued in terms of subclause (10), any party may request the Council to appoint an arbitrator to resolve the dispute. Such request shall be made within 30 days of the date of the certificate issued in terms of subclause (10). The parties to the dispute may agree to extend this period or the arbitrator may condone a late referral on good cause shown.

(12) If a compliance order is issued, that order shall be served on the party allegedly in breach of the Agreement.

(13) The party on whom the order is served may object in writing. The objection shall be served on the Council within 14 days of the service of the order.

(14) If a party objects, the Secretary may take any of the steps referred to in subclause (7) except the issue of another compliance order.

(15) If a party fails to object, the Secretary may, at any time, apply to have the order made an arbitration award.

(16) If the dispute is referred to arbitration, the Secretary shall appoint an arbitrator from the Council's panel of arbitrators. Arbitrators serving on the panel shall be appointed to arbitrate matters on a rotational basis, unless the parties to the dispute agree on an arbitrator from the panel, with the next available arbitrator being appointed should any panel member(s) not be available in terms of such rotation.

(17) The Secretary, in consultation with the arbitrator, shall decide the date, time and venue of the arbitration hearing.

(18) The secretary shall serve notices of the date, time and venue of the arbitration on—

(a) the parties to the dispute;

(b) any person who may have a legal interest in the outcome of the arbitration.

(19) Unless this Agreement provides otherwise, the arbitrator shall resolve the dispute through arbitration.

(20) The arbitrator shall conduct the arbitration in a manner that the arbitrator considers appropriate in order to determine the dispute fairly and quickly, but shall deal with the substantial merits of the dispute with the minimum of legal formalities.

(21) Subject to the arbitrator's discretion as to the appropriate form of the proceedings, a party to the dispute, including the Council, may give evidence, call witnesses, question witnesses of any other party, and address concluding arguments to the arbitrator.

(22) The arbitrator may suspend the arbitration proceedings and attempt to resolve the dispute through conciliation if the Council and the parties to the dispute consent to this.

(23) In any arbitration proceedings, a party to the dispute may appear in person or be represented by a legal practitioner or by a member, office-bearer or official of that party's trade union or employers' organisation and, if the party is a juristic person, by a director or employee.

(24) If the party who referred the dispute to the Council fails to appear in person or to be represented at the arbitration proceedings, the arbitrator may dismiss the matter.

(25) If a party, other than the party who referred the dispute to the Council, fails to appear in person or be represented at the arbitration proceedings, the arbitrator may—

(a) continue with the arbitration proceedings in the absence of that party; or

(b) adjourn the arbitration proceedings to a later date.

(26) The Secretary may refer disputes to expedited arbitration if the Secretary is satisfied that—

(a) a compliance order has been issued and the party on whom the order has been issued has not objected to the order;

(b) the dispute is capable of being determined by written evidence only;

(c) the dispute is only about the interpretation of the Agreement; or

(d) the parties to the dispute agree.

(27) Notwithstanding the provisions of subclause (23), the arbitrator may determine the dispute and make the compliance order an award without hearing oral evidence if the arbitrator is satisfied that—

(a) the parties have been properly served; and

(b) it is appropriate in the circumstances to do so.

(28) Within 14 days of the conclusion of the arbitration proceedings—

(a) the arbitrator shall issue an arbitration award with reasons, signed by the arbitrator; and

(b) the Council shall serve a copy of that award on each party to the dispute.

(29) On good cause shown, the Secretary of the Council may extend the period in which the arbitration award and the reasons are to be served and filed.

(30) The arbitrator may make any appropriate award, including an order for costs, that gives effect to the collective agreement.

(31) An arbitrator may at his or her own initiative or as a result of an application by an affected party, vary or rescind an award—

- (a) erroneously sought or made in the absence of any party affected by the award;
- (b) in which there is ambiguity, or an obvious error or omission, but only to the extent of that ambiguity, error or omission; or
- (c) granted as a result of a mistake common to the parties to the proceedings.

(32) The Secretary of the Council may apply to make the arbitration award an order of the Labour Court under section 158 (1) of the Labour Relations Act.

(33) The provisions of this dispute procedure shall stand in addition to any other legal remedy through which the Council may enforce a collective agreement or recover any money due.

(34) (a) If the arbitrator finds that any party has failed to comply with any provision of the collective agreement which is binding on that party, the arbitrator may, in addition to any other appropriate order, impose a penalty.

(b) The maximum penalty that the arbitrator may impose for a failure to comply with any provision of the collective agreement—

- (i) not involving a failure to pay an amount due to an employee/party in terms of any provision is the penalty determined in terms of Table One or Table Two;
- (ii) involving a failure to pay an amount due to an employee/party, is the greater of the amount determined in terms of Table One or Table Two.

TABLE ONE

MAXIMUM PERMISSIBLE PENALTY NOT INVOLVING AN UNDERPAYMENT

No previous failure to comply.....	R100 per employee in respect of whom the failure to comply occurs
A previous failure to comply in respect of the same provision	R200 per employee in respect of whom the failure to comply occurs
A previous failure to comply within the previous 12 months or two previous failures to comply in respect of the same provision within three years	R300 per employee in respect of whom the failure to comply occurs
Three previous failures to comply in respect of the same provision within three years	R400 per employee in respect of whom the failure to comply occurs
Four previous failures to comply in respect of the same provision within three years	R500 per employee in respect of whom the failure to comply occurs

TABLE TWO

MAXIMUM PERMISSIBLE PENALTY INVOLVING AN UNDERPAYMENT

No previous failure to comply.....	25% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within three years	50% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provision within three years	75% of the amount due, including any interest owing on the amount at the date of the order
Three previous failures to comply in respect of the same provision within three years	100% of the amount due, including any interest owing on the amount at the date of the order
Four or more previous failures to comply in respect of the same provision within three years	200% of the amount due, including any interest owing on the amount at the date of the order

Signed by the parties at Durban this 12th day of June 2003.

D. J. F. LINDE
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

No. R. 1324

26 September 2003

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL: EXTENSION OF PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

The following corrections to Government Notice No. R. 1179 appearing in *Government Gazette* No. 25306 of 15 August 2003, is hereby published for general information:

1. In clause 2—**PERIOD OF OPERATION OF AGREEMENT**: The date "30 June 2005" should be replaced with the date "30 June 2006".
 2. In clause 7—subclause (2) (b) (iii)—the word "employee" should read "employer".
 3. In clause 7—subclause (2) (e)—insert the word "Court" between the words "Labour" and "order" at it appear in the last sentence.
 4. In clause 7—subclause 5—**Exemptions appeal board**—in subclause 5 (d)—the word "All" at the beginning of the sentence should read "All". In the second line the word "dae" should read "date".
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