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Alle Proklamasies, Goewermements- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

GOVERNMENT NOTICE.

The following Government Notice is published for general information:—

DEPARTMENT OF LABOUR.

* No. 1856.] [5 October 1956.
INDUSTRIAL CONCILIATION ACT, 1937.

CLOTHING INDUSTRY (CAPE).

I, JOHANNES DE KLERK, Minister of Labour, do hereby—

- (a) in terms of sub-section (1) of section forty-eight of the Industrial Conciliation Act, 1937, declare that all the provisions of the Agreement which appears in the Schedule hereto, and which relates to the Clothing Industry, shall be binding from the first Monday after date of publication of this notice and for a period of three years, upon the employers' organization and the trade union which entered into the said Agreement and upon the employers and employees who are members of that organization or that union;
- (b) in terms of sub-section (2) of section forty-eight of the said Act, declare that the provisions contained in sections 3 to 15 (inclusive), and 17 and 18 of the said Agreement shall be binding from the first Monday after date of publication of this notice and for a period of three years, upon the other employers and employees engaged or employed in the said industry in the Magisterial District of the Cape, Wynberg, Simonstown, Bellville and Worcester;
- (c) in terms of sub-section (4) of section forty-eight of the said Act, declare that in the Magisterial Districts of the Cape, Wynberg, Simonstown, Bellville and Worcester and from the first Monday after date of publication of this notice and for a period of 3 years, the provisions contained in section 3 to 15 (inclusive), and 17 and 18 of the said Agreement, shall, *mutatis mutandis* apply in respect of such persons employed in the said industry as are not included in the definition of the expression "employee" contained in section one of the said Act.

J. DE KLERK,
Minister of Labour.

GOEWERMEMENTSKENNISGEWING.

Onderstaande Goewermementskennisgewing word vir algemene inligting gepubliseer:—

DEPARTEMENT VAN ARBEID.

* No. 1856.] [5 Oktober 1956.
NYWERHEID-VERSOENINGSWET, 1937.

KLERASIENYWERHEID (KAAP).

Ek, JOHANNES DE KLERK, Minister van Arbeid, verklaar hierby—

- (a) kragtens subartikel (1) van artikel agt-en-veertig van die Nywerheid-versoeningswet, 1937, dat al die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en op die Klerasienywerheid betrekking het vanaf die eerste Maandag na datum van publikasie van hierdie kennisgewing, en vir 'n tydperk van drie jaar bindend is vir die werkgewers-organisasie en die vakvereniging wat genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van daardie organisasie of daardie vereniging is;
- (b) kragtens subartikel (2) van artikel agt-en-veertig van genoemde Wet dat die bepalings vervat in artikels 3 tot en met 15, en 17 en 18 van genoemde Ooreenkoms vanaf die eerste Maandag na datum van publikasie van hierdie kennisgewing en vir 'n tydperk van drie jaar, bindend is vir die ander werkgewers en werknemers betrokke by of in diens in genoemde nywerheid in die magistraatsdistrikte die Kaap, Wynberg, Simonstad, Bellville en Worcester;
- (c) kragtens subartikel (4) van artikel agt-en-veertig van genoemde Wet dat die bepalings vervat in artikels 3 tot en met 15, en 17 en 18 van genoemde Ooreenkoms in die magistraatsdistrikte die Kaap, Wynberg, Simonstad, Bellville en Worcester vanaf die eerste Maandag na datum van publikasie van hierdie kennisgewing en vir die tydperk van drie jaar, *mutatis mutandis* van toepassing is ten opsigte van persone in diens in genoemde nywerheid wat nie by die woordskrywing van die uitdrukking „werknemer”, vervat in artikel een van genoemde Wet, ingesluit is nie.

J. DE KLERK,
Minister van Arbeid.

SCHEDULE.

INDUSTRIAL COUNCIL FOR THE CLOTHING INDUSTRY.
(CAPE).

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1937, made and entered into between the

Cape Clothing Industry Manufacturers' Association (hereinafter referred to as "the employers" or "the employers' organization") of the one part, and the

Garment Workers' Union of the Cape Peninsula (hereinafter referred to as "the employees" or "the trade union") of the other part, being parties to the Industrial Council for the Clothing Industry (Cape).

1. SCOPE OF APPLICATION.

The terms of this Agreement shall be observed in the Magisterial Districts of the Cape, Wynberg, Simonstown, Bellville and Worcester by all employers and employees in the Clothing Industry.

2. PERIOD OF OPERATION.

(1) This Agreement shall come into operation on such date as may be specified by the Minister in terms of sub-section (1) of section forty-eight of the Act, and shall remain in force for a period of three years, or for such period as may be determined by him.

(2) Upon the expiry of this Agreement or any extension thereof and in the event of a subsequent Agreement not being negotiated within a period of two years from the expiry of this Agreement or any extension thereof, the fund shall be liquidated, as though the employees had left the industry.

3. DEFINITIONS.

Any expressions used in this Agreement which are defined in the Industrial Conciliation Act, 1937, shall have the same meanings as in that Act, and unless the contrary intention appears, words importing the masculine gender shall include female; further, unless inconsistent with the context—

"clerical employee" means an employee—

- (i) employed in the calculation, recording and payment of wages including operators of calculating machines and other mechanical aids, with the exception of the making out of pay envelopes by hand or machine but including calculations of incentive bonus payments from factory records;
- (ii) employed in the writing, typing or filing of correspondence;
- (iii) employed in bookkeeping, including accounting machine operators, cost and statistical clerks, operators of calculating machines;
- (iv) employed in dealing with records required in terms of the Agreement, i.e. maintaining of factory record cards, employee's blue service cards, time sheets, X-ray examinations and Provident Fund records;
- (v) employed as a shipping clerk;
- (vi) employed as an invoice clerk;
- (vii) employed as a cashier or telephone operator;
- (viii) employed in the keeping of main stock records;
- (ix) who is responsible for receipt and/or despatch of goods; in an establishment, or in any other premises which may form a part of, or are adjacent to, or are connected with the establishment in which the activity of the employer is carried on;

"Clothing Industry" or "industry" which consists of the clothing and shirt sections, shall include—

- (a) the making of all classes of men's and boy's tweed and linen hats, caps and all classes of outer and under garments (including knitted garments) for day or night wear, including shirts, collars, ties, socks, pyjamas and other nightwear; and
- (b) wholesale bespoke tailoring and the making of all classes of garments, including quantity production tailoring made to the order of any Department of State or Provincial Administration, the South African Railways and Harbours Administration or local authorities, but shall not include the making of millinery or the making of ladies' or girls' coats and costumes or any other outer garments made to the measurements of individual persons or the making of ladies' dresses manufactured for sale by retail by the manufacturers;

"clothing section" means—

- (a) that section of the Clothing Industry in which are made all classes of men's and boys' tweed and linen hats caps and all classes of outer and under garments;
- (b) wholesale bespoke tailoring and the making of all classes of garments including quantity production tailoring made to the order of any Department of State or Provincial Administration, the South African Railways and Harbours Administration, or local authorities, but shall not include shirts, collars, ties, pyjamas and other nightwear, millinery and the making of ladies' or girls' coats and costumes or any other outer garments made to the measurement of individual persons or the making of ladies' dresses manufactured for sale by retail by the manufacturer;

BYLAE.

NYWERHEIDSRAAD VIR DIE KLERASIENYWERHEID
(KAAP).

OOREENKOMS

ingevoelge die bepalings van die Nywerheid-versoeningswet, 1937, gesluit en aangeneem tussen die

Cape Clothing Industry Manufacturers' Association.

hieronder „die werkgewers" of „die werkgewersorganisasie" genoem), aan die een kant, en die

Garment Works' Union of the Cape Peninsula

hieronder „die werknemers" of „die vakvereniging" genoem), aan die ander kant, wat die partye is by die Nywerheidsraad vir die Klerasienywerheid (Kaap).

1. BESTEK VAN TOEPASSING.

Die bepalings van hierdie Ooreenkoms moet deur alle werkgewers en werknemers in die Klerasienywerheid in die magistraatsdistrikte die Kaap, Wynberg, Simonstad, Bellville en Worcester nagekom word.

2. GELDIGHEIDSDUUR.

(1) Hierdie Ooreenkoms tree in werking op 'n datum wat die Minister ingevolge subartikel (1) van artikel agt-en-veertig van die Wet bepaal, en bly van krag vir 'n tydperk van 3 jaar of vir 'n tydperk wat die Minister mag vasstel.

(2) By die beëindiging van hierdie Ooreenkoms, of enige verlenging daarvan, en in geval 'n daaropvolgende ooreenkoms nie binne 'n tydperk van twee jaar na die beëindiging van hierdie Ooreenkoms, of 'n verlenging daarvan, aangegaan is nie, moet die fonds gelikwedeer word asof die werknemers uit die diens van die nywerheid gestree word.

3. WOORDOMSKRYWINGS.

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig word en in die Nywerheid-versoeningswet, 1937, bepaal is, het dieselfde betekenis as in genoemde Wet, en tensy die teenoorgestelde bedoeling blyk, sluit woorde wat die manlike geslag aandui, ook vroue in; voorts tensy strydig met die samehang beteken— „klerklike werknemer" 'n werknemer wat die volgende werksaamhede verrig—

- (i) lone bereken, aanteken en uitbetaal, met inbegrip van: bedieners van rekenmasjiene en ander meganiese hulpmiddels, uitgesonderd betaalboekjies met die hand of masjiene opmaak maar met inbegrip van aansporingsloonbonus—uitbetalings uit fabrieksrekords bereken;
- (ii) korrespondensie uitskryf, tik of liasseer;
- (iii) boeke byhou, met inbegrip van boekhoumasjiene bedieners, klerke wat koste bereken en statistieke opstel, rekenmasjiene bedieners;
- (iv) rekords wat 'n vereiste is ingevolge die Ooreenkoms, behandel, d.w.s. fabrieksrekordkaarte, diensrekordkaarte van werknemers, tydstate, X-straalondersoek en Bystandfondse rekords byhou;
- (v) skeepsvaartklerk;
- (vi) faktuurklerk;
- (vii) hoofvoorraadrekords byhou;
- (viii) verantwoordelikheid aanvaar vir die ontvangs en/of versending van goedere in 'n inrigting of in alle ander persele wat 'n deel uitmaak van of geleë is naas of in verband staan met die inrigting waarin die werkgewer se bedryf beoefen word;

„Klerasienywerheid", of „nywerheid", wat uit die klerasie, en hemedafdelings bestaan—

- (a) die vervaardiging van alle soorte mans- en seunstweed- en linnehoede, -pette en alle soorte bo- en onderklere (met inbegrip van gebreide kledingstukke), vir dag- of nagdrag, met inbegrip van hemde, boordjies, dasse, sokkies, pyjamas en ander nagklere; en
- (b) groothandel-op-kleremakery en die vervaardiging van alle soorte kledingstukke met inbegrip van hoeveelhedsproduksie van klerasie wat op bestelling van 'n Staatsdepartement of Provinsiale Administrasie, die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens of plaaslike besture gemaak word, maar omvat nie hoedemakery of die vervaardiging van dames- of meisiesjasse en -kostuums of enige boklere wat volgens die mate van individuele persone gemaak is, of die maak van damesrokke wat vir verkoop in kleinhandel deur die vervaardigers vervaardig is nie;

„klerasieafdeling"—

- (a) daardie afdeling van die Klerasienywerheid waarin alle soorte mans- en seunstweed- en linnehoede, -pette en alle soorte bo- en onderklere gemaak word;
- (b) groothandel-op-maat-kleremakery en die vervaardiging van alle soorte kledingstukke, met inbegrip van hoeveelhedsproduksie van klerasie, wat volgens bestelling van 'n Staatsdepartement of Provinsiale Administrasie, die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens of plaaslike besture gemaak word, maar omvat nie hemde, boordjies, dasse, pyjamas en ander nagklere, hoedemakery en die vervaardiging van dames- of meisiesjasse en -kostuums, of enige ander boklere wat volgens die mate van individuele persone gemaak is, die maak van damesrokke wat vir verkoop in kleinhandel deur die vervaardiger gemaak is nie;

"wholesale bespoke tailoring" means the making from materials supplied by the maker of tailored outer-garments, including ladies' and girls' tailored outer-garments to the measurement of individual persons for the execution of special measure orders from dealers whose customers' measurements are taken by or on the responsibility of such dealers, or from measurements supplied by any Department of State, Provincial Administration, South African Railways and Harbours Administration, or any local authority; by a clothing factory;

"contributor" means any person, other than a traveller who is or has been in the Clothing Industry and from whose wages deductions have been made in terms of this Agreement;

"Council" means the Industrial Council for the Clothing Industry (Cape) registered in terms of section two of Act No. 11 of 1924, as amended, and deemed to have been registered under the Industrial Conciliation Act, 1937;

"experience" shall mean—

- (i) in relation to a clerical employee the total period or periods of employment which such employee has had as a clerical employee irrespective of the trade in which such experience was gained;
- (ii) in relation to employees other than clerical, travellers, labourers, belt-boys, mechanics, boiler attendants, drivers, watchmen, messengers, errand boys and tea girls, the total period or periods of employment of an employee in any branch of the Clothing Industry in any capacity other than that of a clerk, traveller, labourer, mechanic, belt-boy, messenger or errand boy, boiler attendant, tea-girl, driver of a vehicle, caretaker (or watchman);
- (iii) in relation to a belt-boy, and errand boy and/or messenger and a tea-girl, the total period or periods of employment which such employee has had as a belt-boy, errand boy and/or messenger and tea-girl, as the case may be, in the Clothing Industry;
- (iv) where retail or private tailors or retail or private dressmakers seek employment in the Clothing Industry in a capacity other than clerk, traveller, labourer, mechanic, belt-boy, messenger or errand boy, boiler attendant, tea-girl, driver of a vehicle, caretaker (or watchman) their total experience shall be reckoned for the purpose of calculating the minimum wage at which they may commence service;
- (v) where ironers and/or folders and/or operators of a Hoffman press who have been employed in the Laundry trade seek employment as ironers and/or folders and/or pressers in the Clothing Industry, their total experience shall be reckoned for the purpose of calculating the minimum wage at which they may commence service;

and subject to the provisions of section 4 (4) of this Agreement, each contract or service shall be deemed to have been continuous from the time the employee entered the employer's service until the time such service is legally terminated;

"fund" means the Provident Fund established under this Agreement;

"fund week" means a week calculated from midnight between Friday and Saturday to midnight between the next succeeding Friday and Saturday;

"nominee" means any person appointed by a member to whom any benefits accruing to such member at the time of his death shall be paid;

"retiral age" means the age of 65 in the case of male contributors and 60 in the case of female contributors;

"secretary" means the Secretary of the Council and includes any official appointed to assist the Secretary;

"wage" means the basic weekly wage (excluding cost of living allowance, overtime, or any supplementary earnings) prescribed in any wage regulating instrument in the industry or the ordinary weekly remuneration (excluding cost of living allowance, overtime or any supplementary wages) received by an employee, whichever is the greater.

4. PROVIDENT FUND.

The fund established under Government Notice No. 493 of 12th March, 1954, and known as the Cape Clothing Industry Provident Fund is hereby continued for the purpose of providing benefits to contributors.

The fund shall consist of—

- (a) any moneys standing to the credit of the fund in terms of the said fund established under Government Notice No. 493 of 12th March, 1954;
- (b) contributions paid into the fund in accordance with the provisions of this Agreement;
- (c) interest derived from the investment of any moneys of the fund;
- (d) any other sums to which the fund may become entitled.

5. ESTABLISHMENT AND FUNCTIONS OF MANAGEMENT COMMITTEE.

(i) The administration of the fund shall be vested in a management committee consisting of three employers' representatives and three employees' representatives appointed by the Industrial Council for the Clothing Industry (Cape) in terms of section 10

„groothandel-op-maat-klerekemakery", die vervaardiging, uit materiaal wat deur die vervaardiger verskaf is, van snyers-gemaakte boklere, met inbegrip van snyersgemaakte dames- en meisiesboklere, deur 'n klerasiefabriek volgens die mate van individuele persone ter uitvoering van spesiale maatbestellings van handelaars van wie die klante se mate deur, of op verantwoordelijkheid van, sodanige handelaars geneem is, of volgens mate wat deur 'n Staatsdepartement, Provinsiale Administrasie, die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens of 'n plaaslike bestuur verskaf word;

„bydraer", 'n persoon, uitgesonderd reisiger, wat in die klerasienywerheid is of was, en van wie se besoldiging aftrekkings kragtens hierdie Ooreenkoms gemaak is,

„Raad", die Nywerheidsraad vir die Klerasienywerheid (Kaap), geregistreer kragtens artikel twee van Wet No. 11 van 1924, soos gewysig, en wat kragtens die Nywerheid-versoeningswet, 1937, as geregistreer beskou word;

„ondervinding"—

- (i) met betrekking tot 'n klerklike werknemer, die totale tydperk of tydperke van indiensneming wat sodanige werknemer as 'n klerklike werknemer het, afgesien van die bedryf waarin sodanige ondervinding opgedoen is;
- (ii) met betrekking tot werknemers, uitgesonderd klerklike werknemers, reisigers, arbeiders, dryfbandherstellers, werktuigkundiges, ketelbedieners, bestuurders van voertuie, wagte, bodes, boodskappers en teebedieners, die totale tydperk of tydperke van indiensneming van 'n werknemer in enige tak van die Klerasienywerheid in enige hoedanigheid, uitgesonderd dié van klerk, reisiger, arbeider, werktuigkundige, dryfbandhersteller, bode of boodskapper, ketelbediener, teebediende, bestuurder van 'n voertuig, opsigter (of wag);

- (iii) met betrekking tot 'n dryfbandhersteller, 'n boodskapper en/of bode en 'n teebediende, die totale tydperk of tydperke van indiensneming wat so 'n werknemer as dryfbandhersteller, boodskapper en/of bode en teebediende, na gelang van omstandighede, in die Klerasienywerheid gehad het;

- (iv) indien kleinhandel- of private klerekamers of kleinhandel- of private klerekamers in die Klerasienywerheid werk soek in 'n hoedanigheid, uitgesonderd dié van klerk, reisiger, arbeider, werktuigkundige, dryfbandhersteller, bode of boodskapper, ketelbediener, teebediende, bestuurder van 'n voertuig, opsigter (of wag), hul totale ondervinding moet tel vir die doel van berekening van die minimum loon waarteen hulle diens kan aanvaar;

- (v) indien strykers en/of opvouers en/of bedieners van 'n Hoffmanpers, wat in die wasnywerheid werksaam was, in die Klerasienywerheid werk soek as strykers en/of opvouers en/of persers, hul totale ondervinding moet tel vir die doel van berekening van die minimum loon waarteen hulle diens kan aanvaar;

en onderworpe aan die bepalinge van artikel 4 (4) van hierdie Ooreenkoms, moet elke dienskontrak as ononderbroke beskou word van die tyd af waarop die werknemer by die werkgever in diens getree het, totdat dié diens wettiglik beëindig word;

„Fonds", die Bystandfonds wat kragtens hierdie Ooreenkoms gestig is;

„fondsweek", 'n week bereken van middernag af tussen Vrydag en Saterdag tot middernag tussen die daaropvolgende Vrydag en Saterdag;

„benoemde", enige persoon, wat deur 'n lid benoem is, aan wie enige bystand, wat aan sodanige lid ten tye van sy dood verskuldig is, betaal moet word;

„afree-ouderdom", die ouderdom van 65 in die geval van manlike bydraers, en 60 in die geval van vroulike bydraers;

„sekretaris", die Sekretaris van die Raad, en omvat enige amptenaar wat aangestel is om die Sekretaris hulp te verleen;

„loon", die basiese weekloon (uitgesonderd lewenskostetoelae, oortyd- of enige aanvullende verdienste) wat in enige loon-reëlingsinstrument in die Nywerheid voorgeskryf is of die gewone weeklikse besoldiging (uitgesonderd lewenskostetoelae, oortyd- of enige aanvullende verdienste) wat 'n werknemer ontvang, na gelang van die grootste.

4. BYSTANDSFONDS.

Die fonds wat ingevolge Goewermentskennisgewing No. 493 van 12 Maart 1954 gestig is en bekendstaan as die Cape Clothing Industry Provident Fund, word hierby voortgesit met die doel om bystand aan bydraers te verleen.

Die fonds bestaan uit—

- (a) alle geld wat in die krediet van die fonds staan ooreenkomstig genoemde fonds wat ingevolge Goewermentskennisgewing No. 493 van 12 Maart 1954 gestig is;
- (b) bydraes wat ooreenkomstig die bepalinge van hierdie Ooreenkoms in die fonds gestort word;
- (c) rente wat uit die belegging van geld van die fonds verkry word;
- (d) enige ander bedrae waarop die fonds geregtig word.

5. STIGTING EN FUNKSIES VAN BESTUURSKOMITEE.

(i) Die administrasie van die fonds berus by 'n bestuurskomitee wat bestaan uit drie verteenwoordigers van die werkgevers en drie verteenwoordigers van die werknemers, wat deur die Nywerheidsraad vir die Klerasienywerheid (Kaap) kragtens artikel 10 van die

of the Constitution of the Council at a duly constituted meeting of the Council, together with the chairman and vice-Chairman of the Council who shall be *ex officio* members of the management committee.

(ii) For each representative an alternate shall be appointed in the manner provided for in section 10 (1) of the Constitution of the Council as amended.

(iii) Two employers' representatives and two employees' representatives shall constitute a quorum and all matters shall be determined by a majority of vote. The chairman shall have a deliberative vote only. Alternates of members who are absent may be counted as full representatives for the purposes of quorum and if no quorum is present within 30 minutes of the time fixed, the meeting will stand adjourned to a date not later than seven days thereafter fixed by the chairman. At such adjourned meeting of which members shall be given written notice, those present shall form a quorum. For the purpose of a quorum, the chairman and vice-chairman of the Council shall, if present be regarded as representatives.

(iv) If any representative is absent from any meeting and is not represented by an alternate, the voting power of the side he represents shall be reduced and a similar reduction shall be made on the other side to preserve equality of voting power. No motion shall be considered unless seconded and all matters forming the subject of motions shall be decided by majority vote of those present.

(v) All expenses of administration shall be a charge on the fund.

(vi) The management committee shall have power to—

- sanction all payments and expenditure on behalf of the fund;
- engage and dismiss paid servants of the fund, fix their remuneration, and define their duties;
- supervise the working of any local committees appointed;
- appoint sub-committees to help in the administration of the fund;
- draft rules for the payment of benefits and fix the time and place for such payments;
- perform all such other duties as the committee may deem necessary or desirable for the proper administration of the fund.

Two copies of the rules of the fund and any amendments thereof shall be lodged with the Secretary of the Council who shall transmit one copy to the Secretary of Labour.

6. CONTRIBUTIONS.

(i) For the purpose of the fund, each employer shall deduct from the wages of each of his employees, other than travellers and who has worked during any week irrespective of the time so worked the amounts set out hereunder:—

- Group I: In the case of an employee earning a basic wage of £3. 7s. 6d. per week or less, the sum of sixpence.
- Group II: In the case of an employee earning a basic wage in excess of £3. 7s. 6d. per week, the sum of ninepence.

Provided that such deductions shall be made only in respect of employees whose total experience for the purposes of the Clothing Industry (Cape) exceeds one year.

(ii) To the amount so deducted the employer shall add a like amount and forward month by month, but not later than the fourteenth day of each month, the total sum to the Secretary of the Council.

(iii) Such total sum must be accompanied by a summary showing the name and address of the employer, the number of contributions deducted in respect of each group during each week of the month in question, the total amount of such deductions and the total amount of the employers' like contribution.

(iv) In the case of the first such payment by any employer the sum must be accompanied by the following additional information:—

- The full names and addresses of each contributor.
 - The "group" and service record card number of each contributor and the employer shall thereafter notify the fund week by week of all changes in the list of contributors, and of changes from one group to another.
- (v) Thereafter the employer shall not later than by the 15th February of each year, render to the fund an annual return of—
- contributors in respect of the last pay week in January of that year. This annual return shall, in respect of such pay week, show—
 - the name and address of the employer;
 - the full names and addresses of each contributor employed during such pay week;
 - the "group" and service record card number and provident fund number (if any) of each contributor.
 - employees who are not contributors in respect of the last pay week in January of that year. This annual return shall, in respect of each pay week, show—
 - the name and address of the employer;
 - the full names and addresses of such employees, who are not contributors employed during such pay week;
 - the service record card number of each such employee;

konstitusie van die Raad by 'n behoorlik saamgestelde byeenkoms van die Raad aangestel is, saam met die voorsitter en ondervoorsitter van die Raad, wat amptshalwe lede van die bestuurskomitee is.

(ii) Vir elke verteenwoordiger moet 'n plaasvervanger aangestel word volgens die wyse waarop voorsiening in artikel 10 (1) van die konstitusie van die Raad, soos gewysig, gemaak is.

(iii) Twee verteenwoordigers van die werkgewers en twee verteenwoordigers van die werknemers vorm 'n kworum, en alle sake word deur 'n meerderheidstem beslis. Die voorsitter beskik slegs oor 'n beraadslagende stem. Plaasvervangers van lede wat afwesig is, kan as volle verteenwoordigers vir die doeleindes van 'n kworum beskou word, en indien daar geen kworum binne 30 minute na die vasgestelde tyd is nie, moet die vergadering tot 'n datum van hoogstens sewe dae daarna, soos deur die voorsitter vasgestel, verdaag word. By so 'n uitgestelde vergadering, waarvan lede skriftelik kennis moet ontvang, vorm die lede wat teenwoordig is 'n kworum. Vir die doel van 'n kworum moet die voorsitter en ondervoorsitter van die Raad, indien teenwoordig, as verteenwoordigers beskou word.

(iv) Indien 'n verteenwoordiger van 'n byeenkoms afwesig is en nie deur 'n plaasvervanger verteenwoordig word nie, moet die stemkrag van die kant wat hy verteenwoordig, 'n vermindering ondergaan, en 'n soortgelyke vermindering moet aan die ander kant geskied om die gelykheid van die stemkrag te bewaar. Geen voorstel kan oorweeg word nie tensy dit gesekondeer is, en alle sake wat die onderwerp van voorstelle uitmaak, moet deur 'n meerderheidstem van die aanwesiges beslis word.

(v) Alle onkoste van die administrasie moet deur die fonds gedra word.

(vi) Die bestuurskomitee beskik oor die bevoegdheid om—

- namens die fonds alle betalings en uitgawes goed te keur;
- betaalde amptenare van die fonds aan te stel en af te dank, hul besoldiging vas te stel en hul pligte te bepaal;
- oor die werk van enige aangestelde plaaslike komitees toesig te hou;
- subkomitees aan te stel om met die administrasie van die fonds behulpsaam te wees;
- vir die uitbetaling van bystand, reëls op te stel, en die tyd en plek vir sulke uitbetalings vas te stel;
- alle ander sodanige pligte, soos die komitee vir die behoorlike administrasie van die fonds nodig of wenslik ag, na te kom.

Twee afskrifte van die reëls van die fonds, en enige wysigings daarvan moet by die Sekretaris van die Raad ingedien word, wat een afskrif aan die Sekretaris van Arbeid moet besorg.

6. BYDRAES.

(i) Vir die doel van die fonds moet elke werkgewer van die loon van elkeen van sy werknemers, uitgesonderd reisigers en wat gedurende enige week gewerk het, afgesien van die tyd aldus gewerk, die bedrae hieronder vermeld, aftrek:—

- Groep 1: In die geval van 'n werknemer wat 'n basiese loon van £3. 7s. 6d. per week of minder verdien, die som van ses pennies.
- Groep II: In die geval van 'n werknemer wat 'n basiese loon bo £3. 7s. 6d. per week verdien, die som van nege pennies.

Met dien verstande dat sodanige aftrekkings slegs ten opsigte van werknemers moes geskied wie se totale ondervinding vir die doeleindes van die Klerasienswerheid (Kaap) een jaar oorskry.

(ii) By die bedrag wat aldus afgetrek is, moet die werkgewer 'n gelyke bedrag maand vir maand byvoeg, en voor of op die 14de dag van elke maand die totale bedrag aan die Sekretaris van die Raad stuur.

(iii) Sodanige totale som moet vergesel gaan van 'n opsomming wat die naam en adres van die werkgewer, die getal bydraes wat t.o.v. elke groep tydens elke week van die betrokke maand afgetrek is, die totale bedrag van sodanige aftrekkings en die totale bedrag van die werkgewers se gelyke bydraes.

(iv) In die geval van die eerste sodanige betaling deur 'n werkgewer, moet die bedrag van die volgende bykomende inligting vergesel gaan:—

- Die volle naam en adres van elke bydraer.
- Die „groep-“ en diensrekordkaartnommer van elke bydraer en die werkgewer moet daarna die fonds weekliks van die veranderinge in die lys bydraers, en omtrent veranderinge van een groep na die ander, in kennis stel.

(v) Daarna moet die werkgewer voor of op 15 Februarie van elke jaar aan die fonds 'n jaarstaat van—

- bydraers t.o.v. die laaste betaalweek in Januarie van daardie jaar lewer. Hierdie jaarstaat moet, t.o.v. sodanige betaalweek, die volgende aantoon:—
 - Die naam en adres van die werkgewer.
 - Die volle naam en adres van elke bydraer wat gedurende so 'n betaalweek in diens is.
 - Die „groep-“ en diensrekordkaartnommer en bystandersfondsnommer (as daar een is) van elke bydraer.
- werknemers wat nie bydraers is ten opsigte van die laaste betaalweek in Januarie van die betrokke jaar nie. Hierdie jaarlikse opgawe moet die volgende ten opsigte van sodanige betaalweek aantoon:—
 - Die naam en adres van die werkgewer.
 - Die volle name en adresse van sodanige werknemers wat nie bydraers is ten tyde van diens gedurende sodanige betaalweek nie.
 - Die diensrekordkaartnommer van elkeen van hierdie werknemers.

(vi) The employer shall each month notify the fund of all contributors who have been absent without pay for four or more consecutive pay weeks.

(vii) An employer shall not deduct the whole or any part of his own contribution from the earnings of a member or receive any consideration from the member in respect of such contribution.

(viii) When a member is on leave on full pay or less than full pay and/or when a member is on short time, both his and the employer's contributions shall be continued.

(ix) If any contribution is made in error to the fund, the fund shall not be liable to repay that contribution after the lapse of six months from the date of such payment.

(x) Whenever any benefit has been mistakenly paid to a member as a result of such member having made to the fund payments which were not due, the management committee may set off the amount of benefit so paid—

- (i) against any sum claimed from the fund as a repayment of such contributions which were not due; and
- (ii) against any future benefits that may become due by the fund to the said member

7. FINANCE.

(i) All moneys received by the fund shall be deposited in a banking account opened in the name of the fund. An official receipt shall be issued for all moneys received into the fund and withdrawals from the fund shall be by cheque signed by such persons as may, from time to time, be authorised by the management committee.

Any moneys not required to meet current payments shall be invested or lent out in securities, bills or loans issued or guaranteed by the Union Government or any municipal or other local authority, in bonds or securities of a public board and in approved trust investments published as accepted by the Master of a Supreme Court at the discretion of the management committee, which may vary such securities as it may from time to time determine.

(ii) The management committee shall appoint an auditor whose remuneration shall be paid out of the fund.

The accounts shall be audited every six months for the periods ended 30th June, and 31st December respectively and a copy shall be transmitted to the Secretary of the Council and a copy to the Secretary for Labour.

8. BENEFITS.

(i) Benefits shall be provided to contributors who—

- (a) leave the industry on reaching the retiring age of 60 in the case of females and 65 in the case of males; or
- (b) satisfy the management committee that they have left the industry permanently before such retiring age.

(ii) *Appointment of Beneficiaries.*—Every contributor shall be required to nominate a beneficiary to whom, in the event of the death of the contributor, any benefits due to such contributor should be paid. In the event of the fund not being in possession of any such nominee any benefits due at the time of a contributor's death, shall be paid into the estate of such deceased contributor.

(iii) *Form of Application.*—The form in which applications are submitted shall be as set out in Annexure A hereto.

(iv) *Appointment of Nominees.*—Each contributor shall be required to forward a statement in the form of Annexure B.

Upon receipt of the statement the Secretary shall forward to such contributor a certificate acknowledging receipt by the fund of such statement, and stating the name and address of the nominee.

9. AMOUNT OF BENEFITS.

The minimum benefits that shall be paid to contributors (or in the case of death of a contributor to his nominee) shall be as follows:—

- (i) Where the total period of contribution is 104 weeks or less: The total amount contributed by that contributor i.e. disregarding entirely any like amount contributed by the employer.
- (ii) Where the total period of contribution exceeds 104 weeks but does not exceed 156 weeks: The total amount contributed by such contributor plus 10 per cent of the employer's like contribution.
- (iii) Where the total period of contribution exceeds 156 weeks but does not exceed 208 weeks: The total amount contributed by such contributor plus 15 per cent of the employer's like contribution.
- (iv) For each succeeding 52 weeks of contribution an additional 5 per cent of the employer's contribution will be paid to the contributor; provided that the maximum amount payable in ordinary benefits shall not exceed the employee's own contributions plus 100 per cent of the employer's like contribution.

For the purpose of calculating the period of contribution the contributor shall be deemed to have contributed during the entire periods notified to the fund by his employers from time to time and temporary absences from work for periods of less than four consecutive pay-weeks shall be disregarded irrespective of the fact that no contributions may actually have been received in respect of such absences.

Furthermore, no employee shall be prejudiced in respect of any period of employment during which he should have contributed to the fund but in respect whereof his employer failed to submit contributions.

(vi) Die werkgewer moet die fonds maandeliks van alle bydraers wat sonder betaling langer as vier of meer agtereenvolgende betaalweke afwesig was, in kennis stel.

(vii) 'n Werkgewer mag nie die hele of enige gedeelte van sy eie bydrae van die verdienstes van 'n lid aftrek nie, of enige vergoeding van die lid t.o.v. so 'n bydrae ontvang nie.

(viii) Wanneer 'n lid met verlof met volle besoldiging of minder as volle besoldiging afwesig is en/of wanneer 'n lid op korttyd is, moet sowel sy as die werkgewer se bydraes voortgesit word.

(ix) Indien enige bydrae per abuis aan die fonds geskied, is die fonds nie aanspreeklik om daardie bydrae na verloop van ses maande na die datum van so 'n betaling, terug te betaal nie.

(x) Wanneer enige bystand per abuis aan 'n lid uitbetaal is as gevolg daarvan dat so 'n lid aan die fonds betalings gedoen het wat nie verskuldig was nie, kan die bestuurskomitee die bedrag van die bystand, wat aldus betaal is, aftrek—

- (i) van enige som wat van die fonds as 'n terugbetaling van sodanige bydraes geëis word, wat nie verskuldig was nie; en
- (ii) van enige toekomstige bystand wat deur die fonds aan genoemde lid verskuldig kan word.

7. GELDSAKE.

(i) Alle geld wat deur die fonds ontvang word, moet namens die fonds in 'n bankrekening gestort word. 'n Amptelike bewys moet uitgereik word vir alle geld wat deur die fonds ontvang is, en trekkings uit die fonds moet per tjek geskied, onderteken deur sodanige persone as wat van tyd tot tyd deur die bestuurskomitee daartoe gemagtig word.

Enige geld wat nie nodig is om lopende betalings te dek nie, moet belê of uitgeleë word in sekuriteite, wissels of lenings wat deur die Unieregering of enige munisipaliteit of ander plaaslike bestuur uitgereik of gewaarborg word, in verband of sekuriteite van 'n openbare raad en in goedgekeurde trustbeleggings wat bekendgemaak is as goedgekeur deur die Meester van die Hooggeregshof na goedgekeurde van die bestuurskomitee, wat sodanige sekuriteite, soos dit van tyd tot tyd bepaal, kan wysig.

(ii) Die bestuurskomitee moet 'n ouditeur aanstel wie se besoldiging uit die fonds betaal moet word.

Die rekenings moet elke ses maande vir die tydperke, wat onderskeidelik op 30 Junie en 31 Desember eindig, geouditeer word, en aan die sekretaris van die Raad en die Sekretaris van Arbeid moet elk één afskrif gestuur word.

8. BYSTAND.

(i) Bystand moet aan bydraers verleen word wat—

- (a) die nywerheid verlaat op die aftree-ouderdom van 60 in die geval van vroue en 65 in die geval van mans; of
- (b) die bestuurskomitee tevrede stel dat hulle die nywerheid voor die aftree-ouderdom permanent verlaat het.

(ii) *Benoeming van begunstigdes.*—Van elke bydraer word vereis om 'n begunstigde te benoem aan wie, in geval van die dood van die bydraer, enige bystand wat aan so 'n bydraer verskuldig is, betaal moet word. Ingeval die fonds nie oor so 'n benoemde persoon beskik nie, moet enige bystand wat tydens die bydraer se dood verskuldig is, in die boedel van sodanige gestorwe bydraer gestort word.

(iii) *Vorm van aansoek.*—Die vorm waarin aansoeke ingedien moet word, is soos in Aanhangel A hiervan uiteengesit.

(iv) *Benoeming van benoemdes.*—Van elke bydraer word vereis om 'n staat in die vorm van Aanhangel B aan te stuur.

By ontvangs van die staat moet die sekretaris aan sodanige bydraer 'n bewys uitreik waarby hy die ontvangs van sodanige staat deur die fonds erken en waarin die naam en adres van die benoemde vermeld word.

9. BEDRAG VAN BYSTAND.

Die minimum bystand wat aan bydraers betaal moet word (of in die geval van die dood van 'n bydraer aan sy benoemde) moet soos volg wees:—

- (i) *Indien die totale bydraetydperk 104 weke of minder is:* Die totale bedrag wat daardie bydraer bygedra het, d.w.s., heeltemal afgesien van enige gelyke bedrag wat die werkgewer bygedra het.
- (ii) *Indien die totale bydraetydperk meer as 104 weke maar nie meer as 156 weke is nie:* Die totale bedrag wat deur so 'n bydraer bygedra is, plus 10 persent van die werkgewer se gelyke bydrae.
- (iii) *Indien die totale bydraetydperk meer as 156 weke, maar nie meer as 208 weke is nie:* Die totale bedrag wat so 'n bydraer bygedra het, plus 15 persent van die werkgewer se gelyke bydrae.
- (iv) Vir elke daaropvolgende 52 bydraeweke moet 'n bykomende 5 persent van die werkgewer se bydrae aan die bydraer betaal word; met dien verstande dat die maksimum bedrag wat in gewone bystand betaalbaar is, nie die werknemer se eie bydraes, plus 100 persent van die werkgewer se gelyke bydrae, mag oorskry nie.

Ten einde die bydraetydperk te bereken, moet dit beskou word dat die bydraer gedurende die totale tydperke waarvan die fonds deur sy werkgewers van tyd tot tyd in kennis gestel is, bygedra het, en tydelike afwesighede van die werk vir tydperke van minder as vier agtereenvolgende betaalweke moet veronagsaam word, afgesien van die feit dat geen bydraes inderdaad t.o.v. sulke afwesighede ontvang kon gewees het nie.

Bowendien mag geen werknemer t.o.v. enige dienstydperk waarin hy tot die fonds moes bygedra het, maar ten opsigte waarvan sy werkgewer in gebreke gebly het om bydraes te lewer, benadeel word nie.

10. PAYMENT OF BENEFITS.

Claims submitted by contributors shall be dealt with as expeditiously as practicable to ensure speedy payment in all cases where the committee is satisfied that the rules of the fund have been complied with.

Except in the case of retirement or death no benefits shall however be paid in respect of any claim until a period of at least one year has elapsed from the time the person concerned was last employed in the industry; provided that in the case of persons who have had not less than ten years employment in the Clothing Industry in the area of jurisdiction of the Industrial Council for the Clothing Industry (Cape) and who furnish an approved certificate that they have left the industry permanently, the committee shall authorise immediate payment.

In the event of a contributor returning to the industry before such claim has been met the claim will automatically lapse and contributions forthwith be resumed.

Where a contributor returns to the industry after payment of any claim he shall be regarded as a new contributor and only permitted to contribute one year after returning to the industry.

In the event of an appointed nominee not claiming any benefit due in terms of this section within four weeks of the proof of death of a member, the management committee shall insert an advertisement in three successive issues of two newspapers circulating in the Union of South Africa, one of which shall be a newspaper circulating in the district in which the deceased member was normally resident, stating the name and last known address of the appointed nominee, the name and last known place of work of the deceased member and the fact that benefits are available for collection by the nominee at a place appointed by the management committee. If within three months from the date of the last insertion of such advertisement the nominee fails to claim the benefit due to him, such benefit shall be paid into the estate of the deceased member. From any moneys payable in terms of this sub-section shall be deducted the cost of advertisement, if any.

If any benefit due and payable, other than to a nominee appointed in terms of sub-section (ii) of section 8, is not claimed within two years from the date any contributor last contributed to the fund, the management committee shall within three months of the expiration of the said period of two years, cause to be published in three successive issues of two newspapers circulating in the Union of South Africa, one of which shall be a newspaper circulating in the area in which the member to whom the benefit is due, was normally resident at the time such benefits became due, stating that a list of all persons who have not claimed their benefits within the period of two years stated above, is available for inspection at the office of the fund and of the trade union, and calling upon all interested persons to submit claims for such benefits within a period of three months from the date of the last insertion of the advertisement, and to furnish full details of the grounds on which such claims are made.

The management committee shall, at the next meeting following the last date upon which claims may be submitted, consider such claims and may pay to any person or persons who have submitted claims in the manner prescribed herein such moneys not exceeding the full benefit due to the member, less the cost of advertising, as it may deem fit. In the event of no claim being made by or on behalf of the person whose name appears on the list, any benefits due to him shall be forfeited to the fund. The Secretary shall send to the trade union aforesaid, the list herein referred to, which lists shall state the name and last known place of work of the member and the benefit due.

11. ADDITIONAL BENEFITS.

(i) The management committee may from time to time, increase the benefits stated therein by declaration of a bonus in the light of improvement in the finances of the fund through—

(a) accrual of interest;

(b) contributors leaving the industry before qualifying for the full 100 per cent of the employer's like contributions; provided that any such bonus shall be determined only after an investigation by an accountant into the liabilities of the fund and provided further that such bonus shall not be in excess of any amount recommended by such accountant. Any such bonus shall be credited to contributors' accounts and shall be payable to such members at the same time and in addition to the benefits prescribed in section 9.

(ii) The management committee may also use moneys arising out of (a) and (b) of sub-clause (1) of this clause to augment benefits to persons who have contributed to the fund for not less than 10 years and who are compelled to leave the industry permanently before reaching the retiring age on account of ill-health or incapacity.

12. SPECIAL CASES.

An amount of £24,000 or such lesser amount as may be decided by the Industrial Council shall be transferred from the sick fund—

(i) to meet cases where contributors leave or have left the industry during the period of operation of this Agreement, and who have previously been in the Clothing Industry

10. BETALING VAN BYSTAND.

Eise wat deur bydraers ingestel word, moet so spoedig as wat dit prakties moontlik is, afhandeling geniet om snelle uitbetaling te verseker in alle gevalle waar die komitee tevrede voel dat die reëls van die fonds nagekom is.

Behalwe in die geval van aftrede of dood, moet geen bystand egter t.o.v. enige eis betaal word nie, totdat 'n tydperk van minstens een jaar verstryk het van die tyd af dat die betrokke persoon laas by die nywerheid in diens was; met dien verstande dat in die geval van persone wat minstens 10 jaar diens in die klerasie-nywerheid in die reggebied van die Nywerheidsraad vir die Klerasie-nywerheid (Kaap) gehad het en wat 'n goedgekeurde sertifikaat voorlê dat hulle die nywerheid permanent verlaat het, die Komitee onmiddellike uitbetaling moet magtig.

Indien 'n bydraer tot die nywerheid terugkeer voordat so 'n eis uitbetaal is, moet die eis outomaties verval en bydraes onmiddellik weer 'n aanvang neem.

Ingeval 'n bydraer ná betaling van 'n eis tot die nywerheid terugkeer, moet hy as 'n nuwe bydraer beskou word en slegs toegelaat word om na verstryking van een jaar nadat hy tot die nywerheid teruggekeer het, weer by te dra.

Ingeval 'n benoemde geen bystand wat betaalbaar is ingevolge hierdie artikel binne 4 weke eis nadat die dood van 'n lid bevestig is nie, moet die bestuurskomitee 'n advertensie in drie opeenvolgende uitgawes van twee koerante wat in die Unie van Suid-Afrika gelees word, plaas, een waarvan 'n koerant moet wees wat in die distrik waar die afgestorwe lid gewoonlik gebly het, gelees word en wat die volgende vermeld: Die naam en jongste adres van die benoemde, die betrekking wat die afgestorwe lid die laaste bekleed het en die naam daarvan en die feit dat bystand beskikbaar is vir opeising deur die benoemde by 'n plek wat deur die bestuurskomitee aangewys word. Indien die benoemde binne drie maande van die laaste plasing van sodanige advertensie af versuim om die bystand aan hom betaalbaar, op te eis, moet sodanige bystand in die boedel van die afgestorwe lid gestort word. Indien daar enige koste aan die advertensie verbonde is, moet dit afgetrek word van die geld wat betaalbaar is ingevolge hierdie subartikel.

Indien bystand wat verskuldig en betaalbaar is, uitgesonderd aan 'n persoon wat ingevolge subartikel (ii) van artikel 8 benoem is, nie binne vier jaar opgeëis word nie van die datum af wat 'n bydraer die laaste keer 'n bydrae tot die fonds gedoen het, moet die bestuurskomitee, binne drie maande na die verstryking van genoemde tydperk van vier jaar, toesien dat die volgende geplaas word in drie opeenvolgende uitgawes van twee koerante wat in die Unie van Suid-Afrika gelees word, een waarvan 'n koerant moet wees wat gelees word in die gebied waarin die lid aan wie die bystand betaalbaar is, gewoonlik gebly het toe sodanige bystand betaalbaar geword het: 'n Verklaring dat 'n lys van alle persone wat nie hulle bystand binne die tydperk van vier jaar, soos hierbo genoem, opgeëis het nie, beskikbaar is, vir insae by die kantoor van die fonds en die vakvereniging, en 'n beroep op alle belangstellendes om eise vir sodanige bystand binne 'n tydperk van drie maande vanaf die datum van die laaste plasing van die advertensie in te dien en om volledige besonderhede te verskaf van die gronde waarop sodanige eise gedoen word.

Die bestuurskomitee moet, op die eerste vergadering wat volg op die laaste datum waarop eise ingedien kan word, sodanige eise oorweeg en kan na goeëdunke aan 'n persoon of persone wat eise ingedien het op die wyse wat hierin voorgeskryf word, sodanige geld uitbetaal wat nie die volle bystand wat aan die lid betaalbaar is, oorskry nie, minus die advertensiekoste. As geen eise ingestel word deur of namens die persoon van wie die naam op die lys verskyn nie, moet alle bystand wat aan hom verskuldig is aan die fonds verbeur word. Die sekretaris moet die lys te hierin genoem word aan voorgenome vakvereniging stuur, nl. dié lyste waarin die naam en jongste bekende werkplek van die lid en die betaalbare bystand vermeld word.

11. BYKOMENDE BYSTAND.

(i) Die bestuurskomitee kan van tyd tot tyd die bystand, wat daarin vermeld is, vermeerder deur 'n bonus aan die hand van vooruitgang in die finansies van die fonds te verklaar deur—

(a) likwidering van rente;

(b) bydraers wat die nywerheid verlaat voordat hulle vir die volle 100 persent van die werkgegewe se gelyke bydraes kwalifiseer;

met dien verstande dat enige sodanige bonus vasgestel moet word slegs na 'n ondersoek deur 'n rekenmeester i.s. die laste van die fonds; en voorts met dien verstande dat sodanige bonus nie enige bedrag mag oorskry wat deur so 'n rekenmeester aanbeveel is nie. Enige sodanige bonus moet in die krediet van die bydraers se rekening geplaas word en moet terselfdertyd, en benewens die bystand wat by artikel 9 voorgeskryf is, aan sodanige lede betaalbaar wees.

(ii) Die bestuurskomitee kan ook geld gebruik wat uit (a) en (b) van subklousule (1) van hierdie klousule voortspruit, om bystand aan persone aan te vul wat minstens 10 jaar lank tot die fonds bygedra het en verplig word om die nywerheid permanent te verlaat voordat hulle die aftree-ouderdom weens swak gesondheid of ongeskiktheid bereik.

12. SPESIALE GEVALLE.

'n Bedrag van £24,000 of sodanige verminderde bedrag soos deur die Nywerheidsraad besluit, moet van die siektedonds oorgeplaas word—

(i) om voorsiening te maak vir gevalle waar bydraers vertrek of die nywerheid gedurende die geldigheidsduur van hierdie Ooreenkoms verlaat het, en wat voorheen vir 'n

in the area of the jurisdiction of the Industrial Council for the Clothing Industry (Cape) for a period of not less than 10 years.

- (ii) to augment benefits to persons who have contributed to the fund for less than 10 years but who have to leave the industry permanently by reason of ill-health or incapacity, prior to reaching the normal age for retirement.

Any money transferred from the sick fund shall be recorded in a separate account and may be used to augment benefits on the basis of up to £10 per year of service in the Clothing Industry in the area of jurisdiction of the Industrial Council for the Clothing Industry (Cape) in the case of female employees and £12 per year of service in the case of males.

Application for special benefit shall be lodged in the form of Annexure C.

13. BENEFITS NOT TO BE CEDED OR ASSIGNED.

Benefits shall not be—

- capable of being ceded, assigned, transferred or made over in any way, either generally, or as security for any debt or obligation due by the contributor. The fund shall be under no obligation to recognise, acknowledge, or act on any such purported cession, assignment transfer or making over;
- attached by order of process of any court.
- set off against any debt due by the person entitled to such benefits.

14. DISSOLUTION OF FUND.

In the event of the Council being dissolved during the currency of this Agreement or any extension thereof or before the expiry of the period of two years referred to in clause 2 (2), then notwithstanding anything to the contrary contained in this Agreement contributions to the fund shall cease as from the day following the date of publication in the *Government Gazette* of the notice of dissolution of the Council in terms of section thirty-four (2) of the Act and the fund shall be liquidated *mutatis mutandis* in the manner laid down in clause 2 (2) of this Agreement; provided that the duties in connection with such liquidation shall be performed by the Cape Chamber of Industries or such other body or person as the Minister may appoint.

15. LIQUIDATION.

Upon liquidation of the fund in terms of section 14 and payment of moneys due to members in terms of that section the moneys remaining to the credit of the fund after payment of all claims against the fund including administration and liquidation expenses shall be paid into the funds of the Council. If the affairs of the Council have already been wound up and its assets distributed the balance of this fund shall be distributed as provided for in section thirty-four (4) of the Act as if it formed part of the general funds of the Council.

16. AGENTS.

The Council may appoint one or more persons as agents to assist in giving effect to the terms of this Agreement. It shall be the duty of every employer to permit such person(s) to enter his establishment and to institute such enquiries and to examine such documents, books, wage sheets and pay envelopes and to interrogate such individuals as may be necessary for the purpose of ascertaining whether the provisions of this Agreement are being observed.

17. EXEMPTIONS.

The Council may grant exemption conditionally or otherwise from any of the provisions of this Agreement or in respect of any person for any good or sufficient reason.

18. INDEMNITY.

The members of the management committee and their alternates and the members of the executive committee and the members of any local committee and the local representatives shall not be liable for any loss to the fund arising by reason of any improper investment made in good faith or by reason of any act in their bona fide administration of the fund or by reason of the negligence or fraud of any agent or employee who may be employed although the employment of such agent or employee was not strictly necessary or by reason of any act or omission made in good faith by such members or alternates or by such local representatives or by reason of any other matter or thing save individual wilful or fraudulent wrongdoing on the part of such members or alternates or on the part of such local representatives who are sought to be made liable. Any such member or alternate and any such local representative shall be reimbursed by the fund for any liability incurred by him in defending any proceedings, whether civil or criminal, arising out of an allegation involving bad faith in which judgment is given in favour or in which he is acquitted.

Signed at Cape Town, this 16th day of July, 1956, on behalf of the Industrial Council for the Clothing Industry (Cape).

SIMON ROY, *Chairman.*

L. A. PETERSEN, *Member of the Council.*

J. C. LESSING, *Assistant Secretary.*

tydperk van minstens 10 jaar in die Klerasiennywerheid in die reggebied van die Nywerheidsraad vir die Klerasiennywerheid (Kaap) was;

- (ii) om bystand aan persone te vermeerder wat minder as 10 jaar tot die fonds bygedra het, maar wat die nywerheid weens swak gesondheid of ongeskiktheid permanent moes verlaat voordat hulle die normale aftree-ouderdom bereik het.

Enige geld wat van die siektetonds oorgeplaas word, moet in 'n afsonderlike rekening aangeteken word en kan aangewend word om bystand op 'n basis van tot £10 per jaar diens in die Klerasiennywerheid in die beheergebied van die Nywerheidsraad vir die Klerasiennywerheid (Kaap) in die geval van vroulike werknemers en £12 per jaar diens in die geval van mans te vermeerder.

Aansoek om spesiale bystand moet in die vorm van Aanhangsel C ingedien word.

13. BYSTAND MAG NIE GESEDEER OF TOEGEKEN WORD NIE.

Bystand mag—

- op generlei wyse gesedeer, oorgemaak, oorgeplaas of oorgepra word nie, nóg in die algemeen, nóg as sekuriteit vir enige skuld of verpligting wat deur die bydraer nagekom moet word. Die fonds moet onder geen verpligting verkeer om enige sodanige beweerde sedering, toekenning, oorplasing of oormaking te erken, te beantwoord of daaraan uitvoering te gee nie;
- níe as gevolg van 'n hofbevel beslag op gelê word nie;
- níe van enige skuld, aangegaan deur die persoon wat op sodanige bystand geregtig is, afgetrek word nie.

14. ONTBINDING VAN FONDS.

Ingeval die Raad tydens die loop van hierdie Ooreenkoms of enige verlenging daarvan of voor die verstryking van die tydperk van 2 jaar, waarna in klousule 2 (2) verwys word, ontbind word, dan, afgesien van enige andersluidende bepalings in die Ooreenkoms, moet bydraes tot die fonds staak vanaf die dag na die datum van bekendmaking in die *Staatskoerant* van die kennisgewing van ontbinding van die Raad, kragtens artikel vier-en-dertig (2) van die Wet, en die fonds moet *mutatis mutandis* op die wyse wat in klousule 2 (2) van hierdie Ooreenkoms vasgestel is gelikwdeer word; met dien verstande dat die pligte in verband met sodanige likwidasië deur die Kaapse Kamer van Nywerhede of sodanige ander liggaam of persoon, wat die Minister kan benoem, verrig moet word.

15. LIKWIDASIE.

By likwidasië van die fonds kragtens artikel 14, en die uitbetaling van geld wat aan lede kragtens daardie artikel verskuldig is, moet die gelde wat in die krediet van die fonds oorbly, na uitbetaling van alle eise teen die fonds, met inbegrip van administrasie- en likwidasië-uitgawes, in die fondse van die Raad gestort word. Indien die sake van die Raad alreeds beredder en sy bates verdeel is, moet die saldo van hierdie fonds, soos in artikel vier-en-dertig (4) van die Wet bepaal, verdeel word, asof dit deel van die algemene fondse van die Raad gevorm het.

16. AGENTE.

Die Raad kan een of meer persone as agente aanstel om hulp te verleen met die uitvoering van die bepalings van hierdie Ooreenkoms. Dit is die plig van elke werkgewer om sodanige persoon of persone toe te laat om sy inrigting binne te gaan en die ondersoeke in te stel en sulke dokumente, boeke, loonstate en betaalboekerte te ondersoek en die persone te ondervra, wat vir die doel nodig geag kan word, om vas te stel of die bepalings van hierdie Ooreenkoms nagekom word.

17. VRYSTELLING.

Die Raad kan voorwaardelik of andersins vrystelling verleen van enigen van die bepalings van hierdie Ooreenkoms of t.o.v. enige persoon vir enige goeie of genoegsame rede.

18. VRYWARING.

Die lede van die bestuurskomitee en hul plaasvervangers en die lede van die uitvoerende komitee en die lede van 'n plaaslike komitee en die plaaslike verteenwoordigers mag nie vir enige verlies van die fonds aanspreeklik gehou word nie, wat ontstaan omdat enige onbehoorlike belegging te goeder trou aangegaan is of weens enige handelwyse in hul *bona fide* administrasie van die fonds of weens die nalatigheid of bedrog van 'n agent of werknemer wat in diens is, ofskoon die indiensneming van sodanige agent of werknemer nie streng noodsaaklik was nie, of enige handelwyse of versuim wat te goeder trou deur sodanige lede of plaasvervangers of deur sulke plaaslike verteenwoordigers veroorsaak is of weens enige ander saak of ding behalwe individuele moedswillige of bedrieglike oortreding aan die kant van sodanige lede of plaasvervangers of aan die kant van sulke plaaslike verteenwoordigers wat aanspreeklik gemaak moet word. Enige sodanige lid of plaasvervanger en enige plaaslike verteenwoordiger moet deur die fonds vergoed word vir enige aanspreeklikheid wat deur hom aangegaan is om die saak te verdedig, hetsy siviël of krimineel, wat voortvloei uit 'n bewering te kwader trou gedoen waarin uitspraak ten gunste van hom gegee of waarin hy vrygespreek is.

Namens die Nywerheidsraad vir die Klerasiennywerheid (Kaap), hede die 16de dag van Julie 1956 in Kaapstad onderteken.

SIMON ROY, *Voorsitter.*

L. A. PETERSEN, *Raadslid.*

J. C. LESSING, *Assistent-sekretaris.*

ANNEXURE A.

Date _____

SECRETARY,
THE MANAGEMENT COMMITTEE,
CAPE CLOTHING INDUSTRY PROVIDENT FUND,
P.O. Box 1536,
CAPE TOWN.

Dear Sir,

I, (Mr., Mrs., Miss) _____
(Name in block letters.)

Service Card No. _____ declare that I have left the employ of
Messrs _____
and have no intention of obtaining employment elsewhere in the
Clothing Industry in the Western Province.

I hereby claim the moneys due to me in terms of the Provident
Fund Agreement and direct that such moneys shall be paid to me at
the following address:—

or to my appointed nominee:—

Name _____

Address _____

Signature _____

(Or mark.)

Witness _____

N.B.—The Management Committee must be advised of any
change of address of contributor or nominee.

FOR OFFICE USE ONLY.

Period Contributed—

From _____ To _____ Total No. of Weeks _____

Group I. Group II. £ s. d.

Total Employee's Contribution... _____

Amount due in terms of Rules.... _____

Refund of Employee's Contribution..... _____

Refund of _____ per cent of Employer's like amount..... _____

Bonus (if any)..... _____

£ _____

ANNEXURE B.

INDUSTRIAL COUNCIL FOR THE CLOTHING INDUSTRY.
(CAPE).

PROVIDENT FUND.

APPOINTMENT OF NOMINEE TO RECEIVE BENEFITS.

1. I, the undersigned member _____
(Name of Contributor in block letters.)

Service Card No. _____

Fund No. (if any) _____

hereby appoint as my nominee _____

(Full name and address of nominee in block letters.)

in terms of the Rules of the Provident Fund to receive any benefit
which may accrue from the said fund by reason of my death, and I
agree that no alteration in the appointment of the nominee shall be
recognized by the Provident Fund unless notification thereof shall
have been given by me in writing to the Secretary of the Fund, P.O.
Box 1536, Cape Town.

2. I indemnify the Council as represented by the Management
Committee of the said fund against any claim made by the represen-
tative of my deceased estate or by any person whatsoever for payment
of any benefits from the said fund provided that payment is made to
my nominee in terms hereof.

3. In the event of the aforesaid nominee predeceasing me then I
authorize that payment be made to the representative of my estate
and the Provident Fund shall thereupon be discharged completely
from liability to make payment of any such benefit to any nominee
or other person whatsoever.

Dated at _____
this _____ day of _____ 19 _____

Signature of Contributor _____

Address of Contributor _____

As Witness:

1. _____
2. _____

AANHANGSEL A.

Datum _____

SEKRETARIS,
DIE BESTUURSKOMITEE,
BYSTANDSFONDS VAN DIE KLERASIENYWERHEID (KAAP),
POSBUS 1536,
KAAPSTAD.

Meneer,

Ek (Mnr., Mev., Mej.), _____

(Naam in blokletters.)

dienskaartnommer _____ verklaar dat ek uit die diens van die
firma _____

getree het en nie van voorneme is om elders in die klerasienywerheid
in die Westelike Provinsie werk te verkry nie.

Hierby eis ek die gelde wat kragtens die Bystandfondsooreenkoms
aan my verskuldig is en versoek dat sodanige gelde aan my by onder-
staande adres uitbetaal word:—

of aan my aangestelde benoemde:—

Naam _____

Adres _____

Handtekening _____

(Of merk.)

Getuie _____

L.W.—Die Bestuurskomitee moet van enige verandering in die adres
van die bydraer of benoemde in kennis gestel word.

SLEGS VIR KANTOORGEBRUIK.

Tydperk waarin bygedra is:—

Van _____ af tot _____ Totale getal weke _____
Groep I. Groep II. £ s. d.

Totale bydrae van werknemer... _____

Bedrag verskuldig kragtens die _____

reëls..... _____

Terugbetaling van werknemer se bydrae..... _____

Terugbetaling van _____ persent van werkgewer se gelyke _____

bedrag..... _____

Bonus (as daar een is)..... _____

£ _____

AANHANGSEL B.

NYWERHEIDSRAAD VIR DIE KLERASIENYWERHEID
(KAAP).

BYSTANDSFONDS.

AANSTELLING VAN BENOEMDE OM BYSTAND TE ONTVANG.

1. Ek, die ondergetekende lid _____
(Naam van bydraer in blokletters.)

Dienskaartnommer _____

Fondsnummer (as daar een is) _____

stel hiermee as my benoemde aan _____

(Volle naam en adres van benoemde in blokletters.)

ingevolge die reëls van die Bystandfonds om enige bystand in ontvangs
te neem, wat uit genoemde Fonds as gevolg van my dood verskuldig kan
word, en ek is dit daarmee eens dat geen wysiging in die aanstelling
van die benoemde deur die Bystandfonds erkenning moet geniet nie,
tensy skriftelike kennis daarvan aan die Sekretaris van die Fonds,
Posbus 1536, Kaapstad, deur my gegee geword is.

2. Ek vrywaar die Raad, soos verteenwoordig deur die bestuurs-
komitee van genoemde Fonds, teen enige eis wat deur die verteen-
woordiger van my uitgestorwe boedel ingestel word of deur enige
persoon hoegenaamd vir die betaling uit genoemde Fonds van enige
bystand; met dien verstande dat die uitbetaling kragtens die bepalings
hiervan aan my benoemde geskied.

3. Ingeval die bogenoemde benoemde persoon voor my te sterwe
kom, verleen ek magtiging daarvoor dat uitbetaling aan 'n verteen-
woordiger van my boedel moet geskied, en die Bystandfonds moet
daarna geheel en al van alle aanspraaklikheid onthef word om uitbe-
taling van enige sodanige bystand aan enige benoemde of enige
persoon hoegenaamd te laat geskied.

Gedateer te _____ op
hede _____ dag van _____ 19 _____

Handtekening van Bydraer _____

Adres van Bydraer _____

As Getuies:

1. _____
2. _____

ANNEXURE C.

CAPE CLOTHING INDUSTRY PROVIDENT FUND.

APPLICATION FOR SPECIAL BENEFITS.

Applicant's Surname (Mr., Mrs., Miss) _____
(Block letters.)First Names _____
Fund No. (if any) _____ Service Card No. _____
Address _____I hereby declare that I have left the employ of Messrs. _____
owing to ill-health/incapacity of a nature that will preclude me from
obtaining employment in the Clothing Industry in the Western
Province.I hereby claim the moneys due to me in terms of the Provident
Fund Agreement and on account of disabilities apply for additional
benefits.The disability I am suffering from is (give brief description):

A medical certificate in support of this application is attached.

Signed _____
Date _____

FOR OFFICE USE ONLY.

Period Contributed:—
From _____ To _____ Total No. of Weeks _____

	Group I.	Group II.	£	s.	d.
Total Employee's contribution...					
Amount due in terms of Rules....					
Refund of employee's contribution.....					
Refund of _____ per cent of employer's like amount....					
Bonus (if any).....					
			£		

Report by Investigator.
Recommendation:Additional benefit authorized by
Committee on _____
£ _____

Investigator.

AANHANGSEL C.

BYSTANDSFONDS VIR DIE KLERASIENYWERHEID
(KAAP).

AANSOEK OM SPESIALE BYSTAND.

Applikant se familienaam (Mnr., Mev., Mej.) _____
(Blokletters.)Voorname _____
Fondsnummer (as daar een is) _____ Dienskaartnummer _____
Adres _____Ek verklaar hierby dat ek weens siekte/ongeskiktheid van 'n aard
wat my sal belet om werk in die klerasienywerheid in die Westelike
Provinsie te kry, uit die diens getree het van die firma _____Hierby eis ek die geld wat kragtens die bepalings van die Bystand-
fondooreenkomst aan my verskuldig is en weens ongeskikthede doen
ek aansoek om bykomende bystand.Die ongeskiktheid waaraan ek ly, is soos volg (gee 'n beknopte
beskrywing): _____'n Doktersertifikaat ter staving van hierdie aansoek gaan hierby.
Geteken _____

Datum _____

SLEGS VIR KANTOORGEBRUIK.

Tidperk waarin bygedra is:—
Van _____ af tot _____ Totale getal weke _____
Groep I. Groep II. £ s. d.

Totale bydrae van werknemer...					
Bedrag verskuldig kragtens die reëls.....					
Terugbetaling van werknemer se bydrae.....					
Terugbetaling van _____ persent van werkgewer se gelyke bedrag.....					
Bonus (as daar een is).....					
			£		

Verslag deur Ondersoeker.

Aanbeveling:
Bykomende bystand deur Komitee
gemagtig op _____
£ _____

Ondersoeker.



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