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GOEWERMENSKENNISGEWING

KANTOOR VAN DIE KOMMISSIE VAN ADMINISTRASIE

MINISTERIE IN DIE KANTOOR VAN DIE STAATS-
PRESIDENT BELAS MET ADMINISTRASIE EN
UITSAAIDIENSTE

No. 2350

16 Oktober 1987

WET OP DIE TYDELIKE OPHEFFING VAN BEPER-
KINGS OP EKONOMIESE BEDRYWIGHED, 1986

Kragtens artikel 1 (5) van die Wet op die Tydelike Ophef-
fing van Beperkings op Ekonomiese Bedrywighe, 1986
(Wet 87 van 1986), maak ek, Alwyn Louis Schlebusch
hiermee vir algemene inligting bekend dat die Staatspres-
ident van voorneme is om 'n proklamasie kragtens artikel 1
(1) van die voormelde Wet uit te vaardig soos in die by-
gaande Addendum uiteengesit.

'n Beroep word op alle belanghebbende persone gedoen
om enige besware en vertoe binne 'n tydperk van 21 dae
vanaf die datum van publikasie van hierdie kennisgewing
skriftelik by die Sekretaris van die Parlement, Posbus 15,
Kaapstad, 8000, in te dien vir voorlegging aan 'n Staande
Komitee van die Parlement soos in artikel 1 (2) van die
voormelde Wet bedoel.

A. L. SCHLEBUSCH,

Minister in die Kantoer van die Staatspresident belas met
Administrasie en Uitsaaidienste.

ADDENDUM PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No., 1987

OPHEFFING VAN BEPERKINGS OP EKONOMIESE
BEDRYWIGHED VAN SEKERE PERSONE IN BE-
PAALDE OMSTANDIGHED IN 'N GEBIED TE KEW,
JOHANNESBURG, DISTRIK JOHANNESBURG

Kragtens die bevoegdheid my verleen by artikel 1 van die
Wet op die Tydelike Opheffing van Beperkings op Ekono-
miese Bedrywighe, 1986 (Wet 87 van 1986), skort ek die

GOVERNMENT NOTICE

OFFICE OF THE COMMISSION FOR ADMINISTRATION

MINISTRY IN THE STATE PRESIDENT'S OFFICE
ENTRUSTED WITH ADMINISTRATION AND
BROADCASTING SERVICES

No. 2350

16 October 1987

TEMPORARY REMOVAL OF RESTRICTIONS ON
ECONOMIC ACTIVITIES ACT, 1986

In terms of section 1 (5) of the Temporary Removal of
Restrictions on Economic Activities Act, 1986 (Act 87 of
1986), I Alwyn Louis Schlebusch hereby give notice for
general information that the State President intends to issue
a proclamation in terms of section 1 (1) of the aforesaid Act
as set out in the accompanying Addendum.

All interested persons are called upon to lodge any objec-
tions and representations in writing within a period of 21
days from the date of publication of this notice with the
Secretary to Parliament, P.O. Box 15, Cape Town, 8000
for submission to a Standing Committee of Parliament as
contemplated in section 1 (2) of the aforesaid Act.

A. L. SCHLEBUSCH,

Minister in the State President's Office entrusted with
Administration and Broadcasting Services.

ADDENDUM PROCLAMATION

by the

State President of the Republic of South Africa

No., 1987

REMOVAL OF RESTRICTIONS ON ECONOMIC AC-
TIVITIES OF CERTAIN PERSONS IN SPECIFIC CIR-
CUMSTANCES IN AN AREA AT KEW, JOHANNES-
BURG, DISTRICT OF JOHANNESBURG

By virtue of section 1 of the Temporary Removal of
Restrictions on Economic Activities Act, 1986 (Act 87 of
1986), I suspend the laws, conditions, limitations and obli-

wette, voorwaardes, beperkings en verpligtings in Bylae 1 genoem, op ten opsigte van die gebied in Bylae 2 genoem, ten opsigte van die persone of klasse persone in Bylae 3 genoem en op die voorwaardes in Bylae 4 bepaal, vanaf die datum van publikasie van hierdie proklamasie aangesien ek van oordeel is dat daar omstandighede bestaan waarin die toepassing van sekere wette, of die nakoming van sekere voorwaardes, beperkings en verpligtings kragtens daardie wette ekonomiese ontwikkeling of die skepping van werkgeleenthede onbehoorlik strem.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te, op hede die.....dag van

Eenduisend Negehonderd Sewe-en-tagtig.

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

Minister van die Kabinet.

BYLAE 1

BEPALINGS OPGESKORT

Deel 1

Die bepalings van—

- (a) alle loonreëlende maatreëls soos bedoel in paragrawe (a) en (b) van die omskrywing van "loonreëlende maatreël" in die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), wat op die datum van in werking-treding van hierdie Proklamasie bindend is;
- (b) artikel 48 (1) (b) en (c) van die Wet op Arbeidsverhoudinge, 1956;
- (c) artikels 14 en 17 van die Loonwet, 1957 (Wet 5 van 1957);
- (d) artikels 2 tot en met 16, 19, 20, 21, 26 tot en met 30, 33 en 39 van die Wet op Basiese Diensvoorwaardes, 1983 (Wet 3 van 1983);
- (e) die regulasies uitgevaardig kragtens artikel 37 (1) van die Wet op Basiese Diensvoorwaardes, 1983, afgekondig by Goewermentskennisgewing R. 1148 van 3 Junie 1983, behalwe regulasies 1, 5 en 6 daarvan;
- (f) artikels 9, 14 en 23 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet 6 van 1983);
- (g) regulasies 5 (a), 7 en 10 van die Algemene Administratiewe Regulasies uitgevaardig kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983, afgekondig by Goewermentskennisgewing R. 2206 van 5 Oktober 1984;
- (h) die Algemene Veiligheidsregulasies uitgevaardig kragtens artikel 35 van die Wet op Masjinerie en Beroepsveiligheid, 1983, afgekondig by Goewermentskennisgewing R. 1031 van 30 Mei 1986;
- (i) die regulasies uitgevaardig kragtens artikel 51 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), afgekondig by Goewermentskennisgewing R. 929 van 28 Junie 1963, wat geag word uitgevaardig te wees kragtens artikel 35 (6) van die Wet op Masjinerie en Beroepsveiligheid, 1983;
- (j) die Ordonnansie op Lisensies, 1974 (Ordonnansie 19 van 1974 van Transvaal);
- (k) die Verordeninge betreffende Tweedehandse Goedere van die Stad Johannesburg uitgevaardig by Administrateurskennisgewing 1269 van 12 November 1969 (Transvaal);
- (l) die Verordeninge betreffende Lisensies en die Beheer oor Besighede van die Stad Johannesburg uitgevaardig by Administrateurskennisgewing 1034 van 4 Augustus 1982 (Transvaal).

gations mentioned in Schedule 1 with respect to the area mentioned in Schedule 2, with regard to the persons or classes of persons mentioned in Schedule 3 and on the conditions specified in Schedule 4, from the date of publication of this proclamation since I am of the opinion that circumstances exist under which the application of certain laws, or compliance with certain conditions, limitations and obligations under those laws, unduly impede economic development or the creation of job opportunities.

Given under my Hand and the Seal of the Republic of South Africa at this day of One thousand Nine hundred and Eighty-Seven.

State President.

By Order of the State President-in-Cabinet:

Minister of the Cabinet.

SCHEDULE 1

PROVISIONS SUSPENDED

Part 1

The provisions of—

- (a) all wage regulating measures as contemplated in paragraphs (a) and (b) of the definition of "wage regulating measure" in the Labour Relations Act, 1956 (Act 28 of 1956), which are binding at the date of commencement of this Proclamation;
- (b) section 48(1)(b) and (c) of the Labour Relations Act, 1956;
- (c) sections 14 and 17 of the Wage Act, 1957 (Act 5 of 1957);
- (d) sections 2 to 16 inclusive, 19, 20, 21, 26 to 30 inclusive, 33 and 39 of the Basic Conditions of Employment Act, 1983 (Act 3 of 1983);
- (e) the regulations made under section 37(1) of the Basic Conditions of Employment Act, 1983, published under Government Notice R. 1148 of 3 June 1983, except regulations 1, 5 and 6 thereof;
- (f) sections 9, 14 and 23 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983);
- (g) regulations 5 (a), 7 and 10 of the General Administrative Regulations made under section 35 of the Machinery and Occupational Safety Act, 1983, published under Government Notice R. 2206 of 5 October 1984;
- (h) the General Safety Regulations made under section 35 of the Machinery and Occupational Safety Act, 1983, published under Government Notice R. 1031 of 30 May 1986;
- (i) the regulations made under section 51 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), published under Government Notice R. 929 of 28 June 1963, which are deemed to have been made under section 35 (6) of the Machinery and Occupational Safety Act, 1983;
- (j) the Licences Ordinance, 1974 (Ordinance 19 of 1974 of the Transvaal);
- (k) the Second-hand Goods By-laws of the City of Johannesburg made by Administrator's Notice 1269 of 12 November 1969 (Transvaal);
- (l) the Licences and Business Control By-laws of the City of Johannesburg, made under Administrator's Notice 1034 of 4 August 1982 (Transvaal).

Deel 2

Die bepalings van—

- (a) die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977);
- (b) die Nasionale Bouregulasies uitgevaardig kragtens artikel 17 van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977, afgekondig by Goewermmentskennisgewing R. 441 van 1 Maart 1985;
- (c) die Standaard Bouverordeninge van die Stad Johannesburg, uitgevaardig by Administrateurskennisgewing 1993 van 7 November 1974 (Transvaal).

BYLAE 2**BEPAALENDE GEBIED**

Gedeelte 16 van Erf 821, Kew Dorpsgebied, Registrasieafdeling IR, Transvaal, distrik Johannesburg.

BYLAE 3**KLASSE PERSONE**

- (a) 'n Eienaar soos in Bylae 4 omskryf;
- (b) 'n onderhuurder, soos in genoemde Bylae omskryf, wat 'n onderneming of nywerheid bedryf of 'n bedryf of beroep uitoefen of beoefen op 'n eenheid soos in daardie Bylae omskryf;
- (c) die werknemers van persone in paragraaf (b) bedoel.

BYLAE 4**VOORWAARDES VAN OPSKORTING**

1. In hierdie voorwaardes, tensy uit die samehang anders blyk, beteken—

“eenheid” ook 'n gedeelte van 'n gebou;

“eienaar”—

- (a) die persoon op wie se naam die grond in die aktekantoor geregistreer is; en

- (b) ook 'n huurder aan wie sodanige persoon die grond of 'n gebou daarop verhuur met die doel dat die huurder eenhede aan onderhuurders mag verhuur;

“gebou” 'n gebou op die grond;

“grond” die gebied in Bylae 2 bedoel;

“onderhuurder” iemand wat 'n eenheid kragtens 'n huurkontrak met 'n eienaar okkupeer;

“werknemer” iemand in die diens van 'n onderhuurder.

2. Die opskorting van die bepalings bedoel in Deel 1 van Bylae 1 geld nie ten opsigte van 'n bepaalde onderhuurder en sy werknemers nie—

- (a) as die huurkontrak wat daardie onderhuurder met die eienaar aangegaan het deur enige van die partye opgesê word;

- (b) as die onderhuurder skuldig bevind word aan 'n misdryf kragtens—

- (i) artikel 28 van die Wet op Masjinerie en Beroepsveiligheid, 1983;

- (ii) artikel 25 van die Wet op Basiese Diensvoorwaardes, 1983;

- (c) gedurende enige tydperk waartydens daardie onderhuurder meer as 20 werknemers in sy diens het.

Part 2

The provisions of—

- (a) the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
- (b) the National Building Regulations made under section 17 of the National Building Regulations and Building Standards Act, 1977, published under Government Notice R. 441 of 1 March 1985;
- (c) the Standard Building By-laws of the City of Johannesburg made by Administrator's Notice 1993 of 7 November 1974 (Transvaal).

SCHEDULE 2**SPECIFIC AREA**

Portion 16 of Lot 821, Kew Township, Registration Division IR, Transvaal, District of Johannesburg.

SCHEDULE 3**CLASSES OF PERSONS**

- (a) An owner as defined in Schedule 4;
- (b) a sublessee, as defined in the said Schedule, who is carrying on or exercising an undertaking, industry, trade or occupation on a unit as defined in that Schedule;
- (c) the employees of persons referred to in paragraph (b).

SCHEDULE 4**CONDITIONS OF SUSPENSION**

1. In these conditions unless the context otherwise indicates—

“building” means a building on the land;

“employee” means a person in the employ of a sublessee;

“land” means the area referred to in Schedule 2;

“owner”—

- (a) means the person in whose name the land is registered in the deeds registry; and

- (b) includes a lessee to whom such person has let the land or a building thereon to enable the lessee to let units to sublessees;

“sublessee” means a person who occupies a unit by virtue of a lease agreement with an owner;

“unit” includes a part of a building.

2. The suspension of the provisions referred to in Part 1 of Schedule 1 shall not apply to a particular sublessee and his employees—

- (a) if the lease agreement concluded by such sublessee with the owner is terminated by either party;

- (b) if the sublessee is convicted of an offence under—

- (i) section 28 of the Machinery and Occupational Safety Act, 1983;

- (ii) section 25 of the Basic Conditions of Employment Act, 1983;

- (c) during any period in which such sublessee has more than 20 employees in his service.

3. Die bepalinge van die Proklamasie is van toepassing slegs op 'n onderhuurder wat 'n huurkontrak met die eienaar aangaan ten opsigte van die onderhuurder se okkupasie van 'n eenheid, welke huurkontrak onder andere bepalinge met die volgende strekking bevat:

- (a) Dat die huurkontrak behoudens die huurbepalinge in paragraaf (f) bedoel vir 'n onbepaalde tydperk duur, maar te eniger tyd deur enige van die partye daartoe met 30 dae skriftelike kennis opgesê kan word;
- (b) dat die onderhuurder onderneem om die eenheid te gebruik slegs vir die doel wat in die kontrak uiteengesit word;
- (c) dat die onderhuurder behoudens voorwaarde 2 (c) van tyd tot tyd sodanige aantal werknemers in diens kan neem as wat nodig is om hom in sy besigheid by te staan;
- (d) dat die onderhuurder onderneem om nie enige bedrywigheid op die eenheid uit te oefen op 'n wyse wat na die mening van die eienaar gevaarlik of nadelig is vir die gesondheid en veiligheid van die onderhuurder se werknemers of enige ander persoon wat wettig tot die eenheid, gebou, of grond toegang het nie;
- (e) dat die onderhuurder onderneem om aan sy werknemers 'n loon te betaal wat na die mening van die eienaar redelik is met inagneming van die omstandighede waarin die onderhuurder sy klas onderneming of nywerheid op die eenheid bedryf of sy bedryf of beroep daarop uitoefen of beoefen;
- (f) dat die eienaar daarop geregtig is om die huurkontrak met 14 dae skriftelike kennis op te sê indien die onderhuurder, nadat die eienaar hom minstens 30 dae tevore skriftelik versoek het om te voldoen aan die huurbepalinge in paragraaf (d) of (e) bedoel, sonder grondige redes weier of versuim om aan sodanige versoek te voldoen.

3. The provisions of this Proclamation shall apply only to a sublessee who has concluded a lease agreement with the owner in respect of the sublessee's occupation of a unit, which lease agreement shall contain among other things provisions to the following effect:

- (a) That the lease agreement shall, subject to the lease provisions contemplated in paragraph (f), endure for an indefinite period, but may at any time be terminated by either party thereto on 30 days' written notice;
- (b) that the sublessee undertakes to use the unit only for the purpose set out in the agreement;
- (c) that the sublessee may, subject to condition 2 (c), from time to time employ such number of employees as may be necessary to assist him in his business;
- (d) that the sublessee undertakes not to conduct any activity on the unit in a manner which in the opinion of the owner is dangerous or detrimental to the health and safety of the sublessee's employees or any other person who may lawfully enter the unit, building, or land;
- (e) that the sublessee undertakes to pay to his employees wages which in the opinion of the owner are reasonable having regard to the circumstances in which the sublessee is carrying on or exercising his class of undertaking, industry, trade or occupation on the unit;
- (f) that the owner is entitled to terminate the lease agreement on 14 days' notice in writing if the sublessee, the owner having not less than 30 days previously in writing requested him to comply with the lease provisions contemplated in paragraph (d) or (e), without good reason refuses or fails to comply with such request.

INHOUD

No.	Bladsy No.	Staatskoerant No.
GOEWERMENSKENNISGEWING		
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