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**GENERAL NOTICE**

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**NOTICE 897 OF 2001****DEPARTMENT OF TRADE & INDUSTRY****NOTICE OF INTRODUCTION OF BILLS INTO PARLIAMENT**

The Minister of Trade & Industry intends introducing the Export Credit and Foreign Investment Re-insurance Amendment Bill into Parliament at the end of April 2001 and all the other Bills listed below as soon as possible thereafter:—

**1. COMPANIES AMENDMENT BILL****2. CLOSE CORPORATIONS AMENDMENT BILL**

Amendments to the respective principal Acts are necessary in order to keep abreast with trends in electronic or automated registration of companies and close corporations. At present the aforesaid principal Acts do not make any provision for the electronic lodgement of registration documents, thus inhibiting potential economic activity in South Africa. The South African Companies Registration Office is currently in the process of introducing the necessary automation process to accommodate electronic lodgement of documents. It is envisaged that the process will be fully operational by April 2001, hence the need to effect the necessary amendments to the legislation in this regard.

**3. CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) AMENDMENT BILL**

Section 8(5) of the principal Act was held to be unconstitutional by the Constitutional Court in September 2000 on the basis that it violates section 33 of the Constitution. In brief, the aforesaid section empowers the Minister of Trade and Industry to declare that a business is being conducted in an unfair manner and accordingly to shut same down without prior consultation with the affected party. The Constitutional Court ordered that the offending section be amended within 12 months from the date of the order.

**4. EXPORT CREDIT AND FOREIGN INVESTMENT RE-INSURANCE AMENDMENT BILL**

In terms of the provisions of the Export Credit and Foreign Investment Re-insurance Act, No. 78 of 1957, the Credit Guarantee Insurance Corporation Ltd (CGIC) has enjoyed exclusive privileges to provide insurance for export transactions on behalf of the Government since the enactment of the Act in 1957. The Minister of Trade and Industry has terminated the aforesaid arrangement with the CGIC with effect from 1 July 2001. The proposed amendments intend to create a dedicated Export Credit Agency that conforms with international best practice in respect of the provision for re-insurance for export transactions, investments and loans or similar facilities connected with such transactions.

**5. INDUSTRIAL DEVELOPMENT AMENDMENT BILL**

Cabinet has recently extended the mandate of the Industrial Development Corporation (IDC) to expand its operations into Africa in light of the finalisation of the SADC Trade Protocol. There is therefore a need to amend the Industrial Development Act, No. 22 of 1940, in order to enable the IDC to legitimately carry out its extended mandate.

**6. COPYRIGHT AMENDMENT BILL****7. PERFORMERS' PROTECTION AMENDMENT BILL**

Amendments are required to the Copyright Act, No. 98 of 1978, and the Performers' Protection Act, No. 11 of 1967 in order to create protective rights for copyright owners and performers whose rights are not presently protected by law. At present copyright owners, like composers, musicians, and performing artists are not entitled to royalties, whenever broadcasters broadcast their performances. To facilitate an improved empowerment of the South African musicians, it is important that an amendment to the aforementioned Acts be effected during 2001.

**8. COUNTERFEIT GOODS AMENDMENT BILL**

The implementation and effectiveness of the Counterfeit Goods Act, No. 37 of 1997, is presently being impeded by anomalous provisions in the Act in respect of the rights of search and seizure of the South African Police Service, the South African Revenue Service and inspectors of the Department of Trade & Industry.

An amendment to the Act is necessary in order to clarify and confer the aforementioned rights on the law enforcement agencies of South Africa in order for the Act to be implemented effectively and expeditiously.

As counterfeiting activities and piracy of Trademarks and Copyright are rife within the country and the region, it is respectfully proposed that the Act be amended.

**9. TRADE PRACTICES AMENDMENT BILL**

The provisions of the Trade Practices Act, No. 76 of 1976, have not kept abreast of the latest trends in undesirable marketing practices, which are being practised in the market place. Since neither the common law nor any other legislation provides for sanctions against such undesirable behaviour, it is necessary to create an offence in respect of these practices in the Trade Practices Act.

**10. PATENTS AMENDMENT BILL**

Since the enactment of the Right of Appearance in Courts Act in 1995, both attorneys and advocates are permitted to appear in the higher courts of South Africa. The Patents Act, No. 57 of 1978, has however, inadvertently failed to make provision for the appearance of attorneys before the Patents Commissioner, which is inconsistent with the provisions of the Right of Appearance in Courts Act. It is, therefore, necessary to address the aforesaid anomalous provision by amending the Patents Act accordingly.

**11. MERCHANDISE MARKS AMENDMENT BILL**

The amendments are aimed at prohibiting the unauthorised use of national flags, and state emblems of other countries in terms of South Africa's international obligations in respect of the Paris Convention. The proposed amendments are intended to create consistency in respect of the provisions of the Trademarks Act, 1993, and Counterfeit Goods Act, 1997, so as to avoid any loopholes that may be in existence in this regard.

Copies of the Export Credit and Foreign Investment Re-insurance Amendment Bill can be obtained from:

**The Department of Trade & Industry**

Contact person: Mr E Matthee

Telephone: (012) 310 9582

Cellular: 082 774 8157

As from 7 May 2001, copies of all the other Bills can be obtained from:

**The Department of Trade & Industry**

Parliamentary Office

Contact person: Miss V Kuseeal

Telephone: (021) 461 7191/(021) 465 7430

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