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VAN
SUID-AFRIKA



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FEBRUARY 1992

No. 13752

GOEWERMENTSKENNISGEWINGS

ADMINISTRASIE: VOLKSRAAD

DEPARTEMENT VAN ONDERWYS EN KULTUUR

No. 371 7 Februarie 1992

WET OP ONDERWYSAANGELEENTHEDE (VOLKS-
RAAD), 1988 (WET No. 70 VAN 1988):

SLUITING VAN TWEE SKOLE

Daar word hierby kragtens artikel 15 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), bekendgemaak dat die Minister van Onderwys en Kultuur, Administrasie: Volksraad, die Excelsior-skool, King William's Town en die Werda-skool, Rustenburg, met ingang van 1 April 1992 kragtens artikel 13 van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), sluit.

No. 382 7 Februarie 1992

DEPARTEMENT VAN PLAASLIKE BESTUUR, BEHUISING EN WERKE

Ooreenkomstig die voorskrifte van die Staatspresident soos vervat in Kennisgewing R. 989 van 30 April 1987, word hierby bekendgemaak dat die Minister van Plaaslike Bestuur: Volksraad, kragtens artikel 28 (2) van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983) —

(a) die volgende kennisgewings herroep het:

(i) Kennisgewing 1471 van 8 Desember 1989 soos gewysig deur Kennisgewing 218 van 9 Februarie 1990, Kennisgewing 810 van 28 September 1990, Kennisgewing 624 van 28 Maart 1991 en Kennisgewing 741 van 9 Augustus 1991 vir sover hulle op hom betrekking het;

(ii) Kennisgewing 2090 van 31 Augustus 1990 soos gewysig deur Kennisgewing 811 van 28 September 1990; en

GOVERNMENT NOTICES

ADMINISTRATION: HOUSE OF ASSEMBLY

DEPARTMENT OF EDUCATION AND CULTURE

No. 371 7 February 1992

EDUCATION AFFAIRS ACT (HOUSE OF
ASSEMBLY), 1988 (ACT No. 70 OF 1988):

CLOSURE OF TWO SCHOOLS

It is hereby made known under section 15 of the Interpretation Act, 1957 (Act No. 33 of 1957), that the Minister of Education and Culture, Administration: House of Assembly, will, in terms of section 13 of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), close the Excelsior School, King William's Town and the Werda School, Rustenburg, with effect from 1 April 1992.

No. 382 7 February 1992

DEPARTMENT OF LOCAL GOVERNMENT, HOUSING AND WORKS

In accordance with the directions of the State President as contained in Government Notice R. 989 of 30 April 1987, it is hereby notified that the Minister of Local Government: House of Assembly has under section 28 (2) of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983) —

(a) repealed the following notices:

(i) Notice 1471 of 8 December 1989 as amended by Notice 218 of 9 February 1990, Notice 810 of 28 September 1990, Notice 624 of 28 March 1991 and Notice 741 of 9 August 1991 in so far as they are applicable to him;

(ii) Notice 2090 of 31 August as amended by Notice 811 of 28 September 1990; and

(b) die bevoegdhede, werksaamhede en pligte wat van toepassing is binne 'n plaaslike bestuursgebied wat by of kragtens 'n algemene wet tot 'n plaaslike bestuursgebied vir die blanke bevolkingsgroep verklaar is en wat ingevolge 'n wet of andersins aan hom opgedra is ten opsigte van daardie bepalings van wette genoem in Bylae 2 hierby met ingang van 23 Januarie 1992 opgedra het aan die Ministeriële Verteenwoordigers van die Volksraad genoem in Kolom 1 van Bylae 1 hierby vir uitoefening of verrigting in die gebiede in Kolom 2 van daardie Bylae beskryf.

(b) assigned the powers, functions and duties applicable in a local government area which has by, or under a general law been declared a local government area for the white population group and which have been assigned to him in terms of any law or otherwise in respect of those provisions of laws mentioned in Schedule 2 hereto, to the Ministerial Representatives of the House of Assembly listed in Column 1 of Schedule 1 hereto for execution in the areas described in Column 2 of that Schedule, with effect from 23 January 1992.

BYLAE 1

Kolom 1	Kolom 2
Ministeriële Verteenwoordiger	Gebied
Philippus Johannes Cornelis Nel	Die provinsie die Oranje-Vrystaat.
Michael Hendrik Veldman	Noord- en Wes-Transvaal wat die volgende landdrostdistrikte insluit: Thabazimbi; Ellisras; Warmbad; Brits; Wonderboom; Pretoria; Bronkhorstspuit; Cullinan; Waterberg; Potgietersrus; Pietersburg; Soutpansberg; Messina; Letaba; Soshanguve; Marico; Lichtenburg; Delareyville; Schweizer-Reneke; Bloemhof; Christiana; Wolmaransstad; Klerksdorp; Potchefstroom; Coligny; Ventersdorp; Koster; Rustenburg; Swartruggens en Phalaborwa.
Lucas Johannes Nel	Suid- en Oos-Transvaal wat die volgende landdrostdistrikte insluit: Alberton; Benoni; Boksburg; Brakpan; Delmas; Germiston; Heidelberg; Johannesburg; Krugersdorp; Kempton Park; Nigel; Oberholzer; Randburg; Randfontein; Roodepoort; Springs; Vanderbijlpark; Vereeniging; Westonaria; Balfour; Standerton; Volksrust; Wakkerstroom; Piet Retief; Amersfoort; Ermelo; Bethal; Hoëveldrif; Witbank; Middelburg; Groblersdal; Belfast; Lydenburg; Pilgrim's Rest; Witrivier; Barberton; Nelspruit; Waterval-Boven en Carolina.
Rufus Dercksen	Oos- en Noord-Kaapland wat die volgende landdrostdistrikte insluit: Humansdorp; Joubertina; Willowmore; Aberdeen; Steytleville; Hankey; Uitenhage; Port Elizabeth; Kirkwood; Jansenville; Graaff-Reinet; Middelburg; Cradock; Pearston; Somerset-Oos; Alexandria; Bathurst; Albanie; Bedford; Adelaide; Fort Beaufort; Stockenström; Tarkastad; Queenstown; Cathcart; Stutterheim; King William's Town; Komga; Oos-Londen; Hofmeyr; Steynsburg; Venterstad; Albert; Molteno; Sterkstroom; Aliwal-Noord; Wodehouse; Indwe; Elliot; Maclear; Barkly-Oos; Lady Grey; Gordonia; Kenhardt; Carnarvon; Prieska; Britstown; Richmond; Hanover; Noupoot; Colesberg; De Aar; Philipstown; Hopetown; Hay; Herbert; Kimberley; Postmasburg; Barkly-Wes; Warrenton; Hartswater; Vryburg en Kuruman.
Jacobus Theron Albertyn	Suidwes-Kaapland wat die volgende landdrostdistrikte insluit: Namakwaland; Calvinia; Williston; Fraserburg; Victoria-Wes; Murraysburg; Beaufort-Wes; Prince Albert; Oudtshoorn; Unionsdale; Knysna; Vanrhynsdorp; Vredendal; Clanwilliam; Sutherland; Vredenburg; Hopefield; Piketberg; Malmesbury; Tulbagh; Ceres; Laingsburg; Calitzdorp; Ladismith; Swellendam; Montagu; Worcester; Robertson; Wellington; Paarl; Bellville; Goodwood; Wynberg; Simonstad; Somerset-Wes; Strand; Caledon; Hermanus; Bredasdorp; Heidelberg; Riversdal; Mosselbaai; George; Stellenbosch; Kuilsrivier; Die Kaap en Walvisbaai.
Rudi Erwin Redinger	Die provinsie Natal.

SCHEDULE 1

Column 1	Column 2
Ministerial Representative	Area
Philippus Johannes Cornelis Nel	The Province the Orange Free State.
Michael Hendrik Veldman	Northern and Western Transvaal which includes the following magisterial districts: Thabazimbi; Ellisras; Warmbaths; Brits; Wonderboom; Pretoria; Bronkhorstspuit; Cullinan; Waterberg; Potgietersrus; Pietersburg; Soutpansberg; Messina; Letaba; Soshanguve; Marico; Lichtenburg; Delareyville; Schweizer-Reneke; Bloemhof; Christiana; Wolmaransstad; Klerksdorp; Potchefstroom; Coligny; Ventersdorp; Koster; Rustenburg; Swartruggens and Phalaborwa.
Lucas Johannes Nel	Southern and Eastern Transvaal which includes the following magisterial districts: Alberton; Benoni; Boksburg; Brakpan; Delmas; Germiston; Heidelberg; Johannesburg; Krugersdorp; Kempton Park; Nigel; Oberholzer; Randburg; Randfontein; Roodepoort; Springs; Vanderbijlpark; Vereeniging; Westonaria; Balfour; Standerton; Volksrust; Wakkerstroom; Piet Retief; Amersfoort; Ermelo; Bethal; Highveld Ridge; Middelburg; Groblersdal; Belfast; Lydenburg; Pilgrim's Rest; White River; Barberton; Nelspruit; Waterval-Boven and Carolina.
Rufus Dercksen	Eastern and Northern Cape which includes the following magisterial districts: Humansdorp; Joubertina; Willowmore; Aberdeen; Steytlerville; Hankey; Uitenhage; Port Elizabeth; Kirkwood; Jansenville; Graaff-Reinet; Middelburg; Cradock; Pearston; Somerset East; Alexandria; Bathurst; Albany; Bedford; Adelaide; Fort Beaufort; Stockenström; Tarkastad; Queenstown; Cathcart; Stutterheim; King William's Town; Komga; East-London; Hofmeyr; Steynsburg; Venterstad; Albert; Molteno; Sterkstroom; Aliwal-North; Wodehouse; Indwe; Elliot; Maclear; Barkly East; Lady Grey; Gordonia; Kenhardt; Carnarvon; Prieska; Britstown; Richmond; Hanover; Noupoot; Colesberg; De Aar; Philipstown; Hopetown; Hay; Herbert; Kimberley; Postmasburg; Barkly West; Warrenton; Hartswater; Vryburg and Kuruman.
Jacobus Theron Albertyn	South-Western Cape which includes the following magisterial districts: Namakwaland; Calvinia; Williston; Fraserburg; Victoria West; Murraysburg; Beaufort West; Prince Albert; Oudtshoorn; Uniondale; Knysna; Vanrhynsdorp; Vredendal; Clanwilliam; Sutherland; Vredenburg; Hopefield; Piketberg; Malmesbury; Tulbagh; Ceres; Laingsburg; Calitzdorp; Ladismith; Swellendam; Montagu; Worcester; Robertson; Wellington; Paarl; Bellville; Goodwood; Wynberg; Simon's Town; Somerset West; Strand; Caledon; Hermanus; Breddasdorp; Heidelberg; Riversdal; Mossel Bay; George; Stellenbosch; Kuilsrivier; Cape and Walvis Bay.
Rudi Erwin Redinger	The Province of Natal.

BYLAE 2

BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE OPGEDRA AAN MINISTERIELE VERTEENWOORDIGERS VAN DIE VOLKSRAAD KRAGTENS ARTIKEL 28 (2) VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1983 (WET No. 110 VAN 1983)

WET EN BEPALING

1. Wet op die Opheffing van Beperkings, 1967 (Wet No. 84 van 1967):
Artikel 2.
Artikel 4.
2. Wet op Fisiese Beplanning, 1967 (Wet No. 88 van 1967):
Artikel 6A (12) (a)–(d) (vir sover hulle op die Minister betrekking het).

SCHEDULE 2

POWERS, FUNCTIONS AND DUTIES ASSIGNED TO THE MINISTERIAL REPRESENTATIVES OF THE HOUSE OF ASSEMBLY UNDER SECTION 28 (2) OF THE REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT, 1983 (ACT No. 110 OF 1983)

LAW AND PROVISION

1. Removal of Restriction Act, 1967 (Act No. 84 of 1967):
Section 2.
Section 4.
2. Physical Planning Act, 1967 (Act No. 88 of 1967):
Section 6A (12) (a)–(d) (in so far as they apply to the Minister).

3. Opmetingswet, 1927 (Wet No. 9 van 1927):

Artikel 30 (2) (vir sover dit op die Minister betrekking het).

4. Onteiningswet, 1975 (Wet No. 63 van 1975):

Artikel 5 (1).

5. Regulasies Betreffende Plaaslike Rade (Goewermentskennigsewing No. R. 2517 van 9 Desember 1988):

Regulasie 2 (1).

Regulasie 2 (2).

Regulasie 3 (1).

Regulasie 3 (3).

Regulasie 3 (4).

Regulasie 33 (4).

Regulasie 34 (1).

Regulasie 34 (2) (a) (iii).

Regulasie 35 (5).

Regulasie 36 (b).

Regulasie 36A. (2) (a), (3) (a), (4), (5), (7).

Regulasie 37 (a) (ii).

Regulasie 40.

Regulasie 42 (2).

Regulasie 42 (3).

Regulasie 43 (1).

Regulasie 43 (3).

Regulasie 43 (7).

Regulasie 43 (9).

Regulasie 44 (2) (a).

Regulasie 45 (a).

Regulasie 45 (b).

Regulasie 46.

6. Munisipale Ordonnansie, 1974 (Ordonnansie No. 20 van 1974) (Kaap):

Artikel 123 (1).

Artikel 123 (5).

Artikel 124 (2).

Artikel 127 (1).

Artikel 136 (2) (b) (ii).

Artikel 137 (2) (c) (ii).

Artikel 139 (2).

Artikel 139 (3).

Artikel 140 (4) (b).

Artikel 144 (4).

Artikel 146 (3).

Artikel 153.

Artikel 169.

Artikel 173.

Artikel 174.

Artikel 190 (4).

Artikel 190 (6).

Artikel 197.

Artikel 203.

7. Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) (Kaap):

Artikel 4 (1) (a).

Artikel 4 (2).

Artikel 4 (3).

Artikel 4 (6).

Artikel 4 (7).

Artikel 4 (11).

Artikel 9.

3. Land Survey Act, 1927 (Act No. 9 of 1927):

Section 30 (2) (in so far as it applies to the Minister).

4. Expropriation Act, 1975 (Act No. 63 of 1975):

Section 5 (1).

5. Regulations Regarding Local Councils (Government Notice No. R. 2517 of 9 December 1988):

Regulation 2 (1).

Regulation 2 (2).

Regulation 3 (1).

Regulation 3 (3).

Regulation 3 (4).

Regulation 33 (4).

Regulation 34 (1).

Regulation 34 (2) (a) (iii).

Regulation 35 (5).

Regulation 36 (b).

Regulation 36A. (2) (a), (3) (a), (4), (5), (7).

Regulation 37 (a) (ii).

Regulation 40.

Regulation 42 (2).

Regulation 42 (3).

Regulation 43 (1).

Regulation 43 (3).

Regulation 43 (7).

Regulation 43 (9).

Regulation 44 (2) (a).

Regulation 45 (a).

Regulation 45 (b).

Regulation 46.

6. Municipal Ordinance, 1974 (Ordinance No. 20 of 1974) (Cape):

Section 123 (1).

Section 123 (5).

Section 124 (2).

Section 127 (1).

Section 136 (2) (b) (ii).

Section 137 (2) (c) (ii).

Section 139 (2).

Section 139 (3).

Section 140 (4) (b).

Section 144 (4).

Section 146 (3).

Section 153.

Section 169.

Section 173.

Section 174.

Section 190 (4).

Section 190 (6).

Section 197.

Section 203.

7. Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) (Cape):

Section 4 (1) (a).

Section 4 (2).

Section 4 (3).

Section 4 (6).

Section 4 (7).

Section 4 (11).

Section 9.

Artikel 10.
 Artikel 14 (4) (a).
 Artikel 15 (1) (b).
 Artikel 15 (1) (c).
 Artikel 15 (5).
 Artikel 16 (1).
 Artikel 18 (1).
 Artikel 25 (1).
 Artikel 29 (1).
 Artikel 30 (1).
 Artikel 31 (2).
 Artikel 34 (2).
 Artikel 37.
 Artikel 38 (3).
 Artikel 39 (3).
 Artikel 40 (1) (d).
 Artikel 42.
 Artikel 44.
 Artikel 45.

8. Ordonnansie op Komitees van Onderzoek, 1978 (Ordonnansie No. 13 van 1978) (Kaap):

Artikel 2 (1)–(5) (vir sover dit op die Minister betrekking het)

Artikel 6 (1) en (3) (vir sover dit op die Minister betrekking het).

Artikel 7 (vir sover dit op die Minister betrekking het).

9. Ordonnansie op Kommissies, 1945 (Ordonnansie No. 1 van 1945) (Kaap):

Artikel 2 (vir sover dit op die Minister betrekking het).

Artikel 3 (2)–(6) (vir sover dit op die Minister betrekking het).

Artikel 4 (vir sover dit op die Minister betrekking het).

Artikel 5 (2) (vir sover dit op die Minister betrekking het).

Artikel 11A (vir sover dit op die Minister betrekking het).

Artikel 12 (1)–(3) (vir sover dit op die Minister betrekking het).

10. Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986) (Transvaal):

Artikel 2 (1).

Artikel 18 (1) (b).

Artikel 53.

Artikel 59.

Artikel 71 (1).

Artikel 88 (2).

Artikel 89 (14).

Artikel 104.

11. Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939) (Transvaal):

Artikel 52.

Artikel 66 (2).

Artikel 67 (8).

Artikel 69.

Artikel 79 (18) (c) (ii).

Artikel 79 (18) (d) (bb).

Artikel 79 (18) (e).

Artikel 79 (24) (c).

Artikel 99.

Artikel 169.

Artikel 169bis.

Artikel 171 (1).

Artikel 171 (2) (b).

Section 10.

Section 14 (4) (a).

Section 15 (1) (b).

Section 15 (1) (c).

Section 15 (5).

Section 16 (1).

Section 18 (1).

Section 25 (1).

Section 29 (1).

Section 30 (1).

Section 31 (2).

Section 34 (2).

Section 37.

Section 38 (3).

Section 39 (3).

Section 40 (1) (d).

Section 42.

Section 44.

Section 45.

8. Committees of Inquiry Ordinance, 1978 (Ordinance No. 13 of 1978) (Cape):

Section 2 (1)–(5) (in so far as it applies to the Minister).

Section 6 (1) and (3) (in so far as it applies to the Minister).

Section 7 (in so far as it applies to the Minister).

9. Commissions Ordinance, 1945 (Ordinance No. 1 of 1945) (Cape):

Section 2 (in so far as it applies to the Minister).

Section 3 (2)–(6) (in so far as it applies to the Minister).

Section 4 (in so far as it applies to the Minister).

Section 5 (2) (in so far as it applies to the Minister).

Section 11A (in so far as it applies to the Minister).

Section 12 (1)–(3) (in so far as it applies to the Minister).

10. Town-planning and Township Ordinance, 1986 (Ordinance No. 15 of 1986) (Transvaal):

Section 2 (1).

Section 18 (1) (b).

Section 53.

Section 59.

Section 71 (1).

Section 88 (2).

Section 89 (14).

Section 104.

11. Local Government Ordinance, 1939 (Ordinance No. 17 of 1939) (Transvaal):

Section 52.

Section 66 (2).

Section 67 (8).

Section 69.

Section 79 (18) (c) (ii).

Section 79 (18) (d) (bb).

Section 79 (18) (e).

Section 79 (24) (c).

Section 99.

Section 169.

Section 169bis.

Section 171 (1).

Section 171 (2) (b).

12. Local Authorities Roads Ordinance, 1904 (Ordonnansie No. 44 van 1904) (Transvaal):

Artikel 4.

Artikel 6.

Artikel 7 (4).

13. Ordonnansie op Kommissies van Onderzoek, 1960 (Ordonnansie No. 9 van 1960) (Transvaal):

Artikel 2 (vir sover dit op die Minister betrekking het).

14. Skutordonnansie, 1952 (Ordonnansie No. 18 van 1952) (O.V.S.):

Artikel 7 (1).

15. Ordonnansie op Kommissies, 1954 (Ordonnansie No. 5 van 1954) (O.V.S.):

Artikel 2 (1) (vir sover dit op die Minister betrekking het).

Artikel 2 (3) (vir sover dit op die Minister betrekking het).

Artikel 2 (4) (vir sover dit op die Minister betrekking het).

Artikel 2 (5) (vir sover dit op die Minister betrekking het).

16. Ordonnansie op Plaaslike Bestuur, 1962 (Ordonnansie No. 8 van 1962) (O.V.S.):

Artikel 76.

Artikel 142 (3).

Artikel 144 (1) (d).

Artikel 150.

Artikel 177.

17. Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969) (O.V.S.):

Artikel 8 (2).

Artikel 8 (5).

Artikel 10 (1).

Artikel 10 (3).

Artikel 13 (1).

Artikel 14.

Artikel 16 (3) (a).

Artikel 17.

Artikel 18.

Artikel 19.

Artikel 20 (2).

Artikel 20 (4).

Artikel 21.

Artikel 22 (2).

Artikel 23 (1), (2) en (4).

Artikel 29 (2).

Artikel 30 (1) en (2).

Artikel 30 (4).

Artikel 35 (1).

Artikel 35 (2) (a).

Artikel 35 (2) (c).

Artikel 36 (3).

18. Ordonnansie op Afdelingsrade, 1976 (Ordonnansie No. 18 van 1976) (Kaap):

Artikel 100.

Artikel 101.

Artikel 102.

Artikel 122 (1).

Artikel 122 (5) (b).

Artikel 123 (2) (c).

Artikel 137 (2) (b).

Artikel 138 (2) (c).

Artikel 170.

Artikel 192.

Artikel 205.

12. Local Authorities Roads Ordinance, 1904 (Ordonnansie No. 44 of 1904) (Transvaal):

Section 4.

Section 6.

Section 7 (4).

13. Commissions of Inquiry Ordinance, 1960 (Ordonnansie No. 9 of 1960) (Transvaal):

Section 2 (in so far as it applies to the Minister).

14. Pound Ordinance, 1952 (Ordonnansie No. 18 of 1952) (O.F.S.):

Section 7 (1).

15. Commissions Ordinance, 1954 (Ordonnansie No. 5 of 1954) (O.F.S.):

Section 2 (1) (in so far as it applies to the Minister).

Section 2 (3) (in so far as it applies to the Minister).

Section 2 (4) (in so far as it applies to the Minister).

Section 2 (5) (in so far as it applies to the Minister).

16. Local Government Ordinance, 1962 (Ordonnansie No. 8 of 1962) (O.F.S.):

Section 76.

Section 142 (3).

Section 144 (1) (d).

Section 150.

Section 177.

17. Townships Ordinance, 1969 (Ordonnansie No. 9 of 1969) (O.F.S.):

Section 8 (2).

Section 8 (5).

Section 10 (1).

Section 10 (3).

Section 13 (1).

Section 14.

Section 16 (3) (a).

Section 17.

Section 18.

Section 19.

Section 20 (2).

Section 20 (4).

Section 21.

Section 22 (2).

Section 23 (1), (2) and (4).

Section 29 (2).

Section 30 (1) and (2).

Section 30 (4).

Section 35 (1).

Section 35 (2) (a).

Section 35 (2) (c).

Section 36 (3).

18. Divisional Councils Ordinance, 1976 (Ordonnansie No. 18 of 1976) (Cape):

Section 100.

Section 101.

Section 102.

Section 122 (1).

Section 122 (5) (b).

Section 123 (2) (c).

Section 137 (2) (b).

Section 138 (2) (c).

Section 170.

Section 192.

Section 205.

19. **Ordonnansie op die Belegging van Fondse deur Plaaslike Owerhede, 1935 (Ordonnansie No. 23 van 1935) (Kaap):**
 Artikel 2 (3) *bis*.
 Artikel 2 (4).
20. **Regulasies Betreffende Landelike Rade (Goewermentskennisgewing R. 2610 van 23 Desember 1988):**
 Regulasie 2 (1).
 Regulasie 11 (2).
21. **Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943):**
 Administrateurskennisgewing No. 8 van 10 Januarie 1945.
 Regulasie 7.
 Regulasie 8.
 Administrateursproklamasie No. 231 van 1958.
 Regulasie 12 (1) (d).
 Regulasie 15 (3).
22. **Wet op die Raad op Plaaslike Bestuursaangeleenthede (Volksraad) (Wet No. 84 van 1987):**
 Artikel 3 (1).
 Artikel 5 (1).
 Artikel 5 (2).
 Artikel 6 (1).
 Artikel 10.
 Artikel 12 (3).
 Artikel 13 (1).
23. **Skattingsordonnansie, 1944 (Ordonnansie No. 26 van 1944) (Kaap):**
 Artikel 44 (2).
 Artikel 85.
24. **Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986) (Tvl.):**
 Artikel 3 (1).
 Artikel 15.
 Artikel 19.
25. **Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986) (Tvl.):**
 Artikel 2 (1).
26. **Krematoriumordonnansie, 1965 (Ordonnansie No. 18 van 1965) (Tvl.):**
 Artikel 2.
 Artikel 3.
 Artikel 5.
 Artikel 6.

DEPARTEMENT VAN ONDERWYS EN KULTUUR

No. 418

7 Februarie 1992

VERKLARING VAN OPENBARE SKOLE TOT STAATSONDERSTEUNDE SKOLE

Kragtens die bevoegdheid my verleen by artikel 29 (2A) van die Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988), verklaar ek, Pieter Gabriel Marais, Minister van Onderwys en Kultuur, hierby die skole in die Bylae tot staatsondersteunde skole met ingang van 1 Januarie 1992.

P. G. MARAIS,

Minister van Onderwys en Kultuur.

BYLAE

NATAL

Kloof Junior Primary School.
 Livingstone Primary School.
 Pinetown Senior Primary School.

19. **Local Authorities Investment of Funds Ordinance, 1935 (Ordinance No. 23 of 1935) (Cape):**
 Section 2 (3) *bis*.
 Section 2 (4).
20. **Regulations Regarding Rural Councils (Government Notice No. R. 2610 of 23 December 1988):**
 Regulation 2 (1).
 Regulation 11 (2).
21. **Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943):**
 Administrator's Notice No. 8 of 10 January 1945.
 Regulation 7.
 Regulation 8.
 Administrator's Proclamation No. 231 of 1958.
 Regulation 12 (1) (d).
 Regulation 15 (3).
22. **Local Government Affairs Council Act (House of Assembly) (Act No. 84 of 1989):**
 Section 3 (1).
 Section 5 (1).
 Section 5 (2).
 Section 6 (1).
 Section 10.
 Section 12 (3).
 Section 13 (1).
23. **Valuation Ordinance, 1944 (Ordinance No. 26 of 1944) (Cape):**
 Section 44 (2).
 Section 85.
24. **Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986) (Tvl.):**
 Section 3 (1).
 Section 15.
 Section 19.
25. **Town-planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) (Tvl.):**
 Section 2 (1).
26. **Crematorium Ordinance, 1965 (Ordinance No. 18 of 1965) (Tvl.):**
 Section 2.
 Section 3.
 Section 5.
 Section 6.

DEPARTMENT OF EDUCATION AND CULTURE

No. 418

7 February 1992

DECLARATION OF PUBLIC SCHOOLS AS STATE-AIDED SCHOOLS

Under the powers vested in me by section 29 (2A) of the Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988), I, Pieter Gabriel Marais, hereby declare the schools in the Schedule to be state-aided schools with effect from 1 January 1992.

P. G. MARAIS,

Minister of Education and Culture.

SCHEDULE

NATAL

Kloof Junior Primary School.
 Livingstone Primary School.
 Pinetown Senior Primary School.

DEPARTEMENT VAN BINNELANDSE SAKE

No. 419 7 Februarie 1992

WET OP VREEMDELINGE, 1937 VANSVERANDERING: FORTUIN IN FORTUNE

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), John Andrew Fortuin, sy eggenote Ina Paulina Fortuin en minderjarige kinders Jerome Anthony Fortune en Ricardo Fortune, woonagtig te Linaria 104, Lenteguur, Mitchells Plain, te magtig om die van **Fortune** aan te neem.

No. 420 7 Februarie 1992

WET OP VREEMDELINGE, 1937 VANSVERANDERING: FAKIR IN LORGAT

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), Goolam Mahomed Fakir, sy eggenote Jubeda Fakir en minderjarige kind Irshaad Fakir, woonagtig te Buldanaweg 111, Merebank, te magtig om die van **Lorgat** aan te neem.

No. 421 7 Februarie 1992

WET OP VREEMDELINGE, 1937 VANSVERANDERING: PILLAY IN DESAI

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), Dayalan Pillay, sy eggenote Khatijah Bibi Pillay en minderjarige kinders Zahera Pillay, Zane Pillay en Jemaine Pillay, woonagtig te Woonstel 3, Kerkstraat 449, Pietermaritzburg, te magtig om die van **Desai** aan te neem.

No. 422 7 Februarie 1992

WET OP VREEMDELINGE, 1937 VANSVERANDERING: CASEY IN BARRY-CASEY

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), Francis Luke Michael Casey, woonagtig te Highveld 905, Twiststraat 130, Hillbrow, Johannesburg, te magtig om die van **Barry-Casey** aan te neem.

DEPARTMENT OF HOME AFFAIRS

No. 419 7 February 1992

ALIENS ACT, 1937 CHANGE OF SURNAME: FORTUIN TO FORTUNE

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise John Andrew Fortuin, his wife Ina Paulina Fortuin and minor children Jerome Anthony Fortune and Ricardo Fortune, residing at 104 Linaria, Lenteguur, Mitchells Plain, to assume the surname of **Fortune**.

No. 420 7 February 1992

ALIENS ACT, 1937 CHANGE OF SURNAME: FAKIR TO LORGAT

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise Goolam Mahomed Fakir, his wife Jubeda Fakir and minor child Irshaad Fakir, residing at 111 Buldana Road, Merebank, to assume the surname of **Lorgat**.

No. 421 7 February 1992

ALIENS ACT, 1937 CHANGE OF SURNAME: PILLAY TO DESAI

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise Dayalan Pillay, his wife Khatijah Bibi Pillay and minor children Zahera Pillay, Zane Pillay and Jemaine Pillay, residing at Flat 3, 449 Church Street, Pietermaritzburg, to assume the surname of **Desai**.

No. 422 7 February 1992

ALIENS ACT, 1937 CHANGE OF SURNAME: CASEY TO BARRY-CASEY

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise Francis Luke Michael Casey, residing at 905 Highveld, 130 Twist Street, Hillbrow, Johannesburg, to assume the surname of **Barry-Casey**.

No. 423

7 Februarie 1992

WET OP VREEMDELINGE, 1937

VANSVERANDERING: RAYI IN
PETERS

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), Christopher Joseph Rayi, sy eggenote Sharon Norma Shirley Rayi en minderjarige kinders Brendon Ryan Rayi, Warren Christopher Vickers en Eleonor Hazel Rayi, woonagtig te Yellowwoodstraat 19, Arcadia, Port Elizabeth, te magtig om die van **Peters** aan te neem.

No. 424

7 Februarie 1992

WET OP VREEMDELINGE, 1937

VANSVERANDERING: WENSJOE IN
SANDERS

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), Nirvashini Wensjoe, woonagtig te Plaas 471, Nooitgedacht, Hekpoort, te magtig om die van **Sanders** aan te neem.

No. 425

7 Februarie 1992

WET OP VREEMDELINGE, 1937

VANSVERANDERING: BALALA IN
NQATA

Dit het die Minister van Binnelandse Sake behaag om, kragtens die bepalings van artikel 9 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), Neville Balala, woonagtig te Ny 136 No. 24, Guguletu, te magtig om die van **Nqata** aan te neem.

DEPARTEMENT VAN FINANSIES

No. 398

7 Februarie 1992

Staat van Inkomste ingevorder gedurende die tydperk 1 April 1991 tot 31 Desember 1991.

Tesourie, Pretoria.

No. 423

7 February 1992

ALIENS ACT, 1937

CHANGE OF SURNAME: RAYI TO
PETERS

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise Christopher Joseph Rayi, his wife Sharon Norma Shirley Rayi and minor children Brendon Ryan Rayi, Warren Christopher Vickers and Eleonor Hazel Rayi, residing at 19 Yellowwood Street, Arcadia, Port Elizabeth, to assume the surname of **Peters**.

No. 424

7 February 1992

ALIENS ACT, 1937

CHANGE OF SURNAME: WENSJOE TO
SANDERS

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise Nirvashini Wensjoe, residing at Farm 471, Nooitgedacht, Hekpoort, to assume the surname of **Sanders**.

No. 425

7 February 1992

ALIENS ACT, 1937

CHANGE OF SURNAME: BALALA TO
NQATA

The Minister of Home Affairs has been pleased under the provisions of section 9 of the Aliens Act, 1937 (Act No. 1 of 1937), to authorise Neville Balala, residing at Ny 136 No. 24, Guguletu, to assume the surname of **Nqata**.

DEPARTMENT OF FINANCE

No. 398

7 February 1992

Statement of Revenue collected during the period 1 April 1991 to 31 December 1991.

Treasury, Pretoria.

Inkomstehoof	Head of Revenue	Begroting Estimate 1901/92	Maand Desember Month of December		Totaal 1 April tot 31 Desember Total 1 April to 31 December	
			1991	1990	1991	1990
		R	R	R	R	R
Staatsinkomsterekening	State Revenue Account					
Binnelandse Inkomste:	Inland Revenue:					
Belasting op inkomste	Tax on income	44 817 200 000	4 590 656 927	3 309 992 183	30 866 424 900	26 927 580 000
Leningsheffing 1989-94	Loan Levy 1989-94	—	—	—	2 032 358	264 800
Verkoopbelasting	Sales tax	19 444 000 000	(13 982 607)	1 086 755 253	10 504 066 482	13 004 630 914
Belasting op toegevoegde waarde	Value added tax	—	1 963 934 663	—	3 183 883 334	—
Ander belasting:	Other taxes:					
Belasting op buitelandse aandeelhouders	Non-resident shareholders' tax	430 000 000	28 188 118	27 392 864	257 050 856	342 428 702
Rentebelasting op buitelanders	Non-residents' tax on interest	—	29 650	3 597	37 826	1 811 097
Onuitgekeerde winste	Undistributed profits	—	3 064	75 266	365 116	657 313
Geskenkbelasting	Donations tax	6 000 000	709 390	587 219	3 785 771	4 845 369
Boedelbelasting	Estate duty	75 000 000	5 737 564	2 592 738	61 966 708	67 760 239
Handelseffekte	Trade securities	175 000 000	19 391 715	16 355 597	158 840 562	190 847 481
Seëlregte en gelde	Stamp duties and fees	655 000 000	46 294 755	44 813 491	546 419 270	479 139 373
Hereregte	Transfer duties	675 000 000	50 670 961	52 348 995	656 627 871	571 901 183
Mynverhuring- en eiendomsregte	Mining leases and ownership	320 000 000	75 810 673	103 184 710	223 138 289	283 635 004
Rente en dividende	Interest and dividends	55 000 000	4 664 769	2 943 926	50 417 013	49 588 278
Heffings	Levies	9 000 000	4 164 918	8 492 348	12 965 376	12 466 755
Terugvorderings van lenings en voorskotte	Recoveries of loans and advances	56 000 000	1 391 493	1 933 399	29 792 919	61 393 654
Departementele bedrywighede	Departmental activities	994 000 000	71 892 970	73 192 985	787 315 998	978 623 507
	R	67 711 200 000	6 849 559 023	4 730 664 571	47 345 130 649	42 977 573 669
Min: Betalings aan selfregerende nasionale state	Less: Payments to self-governing national states	1 075 200 000	205 725 000	75 688 000	920 058 000	681 095 000
Totaal: Binnelandse inkomste	Total: Inland revenue	66 636 000 000	6 643 834 023	4 654 976 571	46 425 072 649	42 296 478 669

Inkomstehoof	Head of Revenue	Begroting Estimate 1991/92 R	Maand Desember Month of December		Totaal 1 April tot 31 Desember Total 1 April to 31 December	
			1991	1990	1991	1990
en aksynsregte:	Customs and excise duties:	R	R	R	R	R
Doeanereg	Customs duty	2 635 000 000	239 226 533	208 097 592	2 120 182 866	1 935 335 139
Aksynsreg	Excise duty	3 555 000 000	252 368 637	303 515 228	2 359 432 816	2 182 867 218
Bobelasting	Surcharge	1 409 000 000	132 223 093	171 029 703	1 114 781 024	1 606 015 424
Diverse	Miscellaneous	233 000 000	187 259 400	22 337 901	366 909 747	147 905 488
Brandstofheffing	Fuel levy	4 520 000 000	539 188 054	265 681 557	3 774 295 505	2 981 332 017
Gewone Heffing	Ordinary Levy	111 000 000	5 292 923	3 821 886	45 899 946	74 271 606
	R	12 463 000 000	1 355 558 640	974 483 867	9 781 501 904	8 927 726 892
Min:	Less:					
Bedrag tot krediet van Sentrale Inkomstefonds	Amount to the credit of Central Revenue Fund	—	—	—	—	223 500 000
Betalings ingevolge Doeane-unie- ooreenkomste	Payments in terms of Customs Union Agreements	4 233 000 000	161 024 250	56 298 000	3 625 293 250	2 186 824 750
Totaal: Doeane- en aksynsregte	Total: Customs and excise duties	R 8 230 000 000	1 194 534 390	918 185 867	6 156 208 654	6 517 402 142
	R	74 866 000 000	7 838 368 413	5 573 162 438	52 581 281 303	48 813 880 811
Suid-Afrikaanse Ontwikkelingstrustfonds	South African Development Trust Fund	50 000 000	249 847	151 251	42 472 702	57 119 398
Fonds vir Sorghumbiervorsingsfonds	Sorghum Beer Research Fund	1 200 000	—	—	—	—
Toewysings uit brandstofheffing:	Allocations from fuel levy:					
Oliebesoedelingsfonds	Oil Pollution Fund	6 000 000	—	—	—	—
Suidwes-Afrika	South West Africa	10 000 000	—	—	—	—
TBVC-lande	TBVC Countries	140 000 000	—	—	—	—
	R	207 200 000	249 847	151 251	42 472 702	57 119 398
	R	75 073 200 000	7 838 618 260	5 573 313 689	52 623 754 005	48 871 000 209
Inkomsterekening: Volksraad	Revenue Account: House of Assembly					
Binnelandse inkomste	Inland revenue	—	3 684 169	45 637 179	152 565 560	144 848 657
Inkomsterekening: Raad van Verteen- woordigers	Revenue Account: House of Represen- tatives					
Binnelandse inkomste	Inland revenue	—	1 832 623	2 716 886	25 603 150	27 074 357
Inkomsterekening: Raad van Afgevaar- digdes	Revenue Account: House of Delegates					
Binnelandse inkomste	Inland revenue	—	556 439	49 500	6 206 664	4 887 907
	R	—	6 073 231	48 403 565	184 375 374	176 810 921
Groototaal	Grand total	R —	7 844 691 491	5 621 717 254	52 808 129 379	49 047 811 130
Rekonsiliësie met opgaaf gepubliseer by Goewernementskennisgewing 263 in Staatskoerant van 17 Januarie 1992:	Reconciliation with statement published by Government Notice 263 in Govern- ment Gazette of 17 January 1992:					
In Transit, 31 Maart 1991	In Transit, 31 March 1991	—	—	—	198 934 099	—
In Transit/Te veel oorgedra, 30 November 1991	In Transit/Overremitted, 30 November 1991	—	(556 163 813)	—	—	—
Invoerders soos hierbo	Collections as above	—	7 844 691 491	—	52 808 129 379	—
	R	—	7 288 527 678	—	53 007 063 478	—
In Transit/Te veel oorgedra, 31 Desember 1991	In Transit/Overremitted, 31 December 1991	—	407 309 863	—	407 309 863	—
In Transit Inkomsterekening: Admini- strasies	In Transit Revenue Account: Administra- tions	—	(40 975 302)	—	(178 302 143)	—
In Skatkisrekening ontvang	Received into Exchequer Account	R —	7 654 862 239	—	53 236 071 198	—

DEPARTEMENT VAN JUSTISIE**No. 399****7 Februarie 1992****INSTELLING VAN 'N HOF VIR KLEIN EISE VIR DIE
GEBIED BOTHAVILLE**

Ek, Daniel Pieter Antonie Schutte, Adjunkminister van Justisie, handelende namens en in opdrag van die Minister van Justisie —

(a) stel hierby kragtens artikel 2 van die Wet op Howe vir Klein Eise, 1984 (Wet No. 61 van 1984), 'n hof vir die beregting van eise ingevolge genoemde Wet vir die gebied Bothaville in;

(b) bepaal hierby kragtens genoemde artikel Bothaville as die setel van genoemde hof; en

(c) bepaal hierby kragtens genoemde artikel Bothaville as 'n plek in daardie gebied vir die hou van sittings van genoemde hof.

D. P. A. SCHUTTE,

Adjunkminister van Justisie.

DEPARTMENT OF JUSTICE**No. 399****7 February 1992****ESTABLISHMENT OF A SMALL CLAIMS COURT
FOR THE AREA OF BOTHAVILLE**

I, Daniel Pieter Antonie Schutte, Deputy Minister of Justice, acting on behalf of and on assignment by the Minister of Justice —

(a) hereby establish under section 2 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), for the area of Bothaville, a court for the adjudication of claims in terms of the said Act;

(b) hereby determine under the said section Bothaville as the seat of the said court; and

(c) hereby determine under the said section Bothaville as a place in that area for the holding of sessions of the said court.

D. P. A. SCHUTTE,

Deputy Minister of Justice.

No. 400

7 Februarie 1992

INSTELLING VAN 'N HOF VIR KLEIN EISE VIR DIE GEBIED STANDERTON

Ek, Daniel Pieter Antonie Schutte, Adjunkminister van Justisie, handelende namens en in opdrag van die Minister van Justisie—

(a) stel hierby kragtens artikel 2 van die Wet op Howe vir Klein Eise, 1984 (Wet No. 61 van 1984), 'n hof vir die beregting van eise ingevolge genoemde Wet vir die gebied van die distrik Standerton in;

(b) bepaal hierby kragtens genoemde artikel Standerton as die setel van genoemde hof; en

(c) bepaal hierby kragtens genoemde artikel Standerton as 'n plek in daardie gebied vir die hou van sittings van genoemde hof.

D. P. A. SCHUTTE,

Adjunkminister van Justisie.

No. 404

7 Februarie 1992

WET OP LANDDROSHOWE, 1944**INTEL VAN 'N PERIODIEKE HOF TE PORT EDWARD IN DIE DISTRIK PORT SHEPSTONE**

Kragtens artikel 2 (1) (j) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), bepaal ek, Hendrik Jacobus Coetsee, OVDG, Minister van Justisie, hierby—

(a) Port Edward in die distrik Port Shepstone as 'n plek vir die hou van periodieke hofsittings; en

(b) die plaaslike grense van die distrik Port Shepstone as die plaaslike grense waarbinne die bedoelde hof jurisdiksie het.

H. J. COETSEE,

Minister van Justisie.

KANTOOR VAN DIE STAATSPRESIDENT

No. 374

7 Februarie 1992

WYSIGING VAN DIE AMPTELIKE VOORRANGLYS

Hierby word bekendgemaak dat die Staatspresident goedgekeur het dat die Amptelike Voorranglys met ingang van 1 Oktober 1991 soos in die Bylae hierby uiteengesit, gewysig word.

BYLAE**AMPTELIKE VOORRANGLYS***(Vanaf 1 Oktober 1991)*

1. Die Staatspresident of die Waarnemende Staatspresident.
2. Die Hoofregter of die Waarnemende Hoofregter.
3. Voormalige Staatspresidente, volgens senioriteit, en die Aangewese Staatspresident (vir die tydperk tussen sy verkiesing en ampsaanvaarding).

No. 400

7 February 1992

ESTABLISHMENT OF A SMALL CLAIMS COURT FOR THE AREA OF STANDERTON

I, Daniel Pieter Antonie Schutte, Deputy Minister of Justice, acting on behalf of and on assignment by the Minister of Justice—

(a) hereby establish under section 2 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), for the area of the District of Standerton, a court for the adjudication of claims in terms of the said Act;

(b) hereby determine under the said section Standerton as the seat of the said court; and

(c) hereby determine under the said section Standerton as a place in that area for the holding of sessions of the said court.

D. P. A. SCHUTTE,

Deputy Minister of Justice.

No. 404

7 February 1992

MAGISTRATES' COURTS ACT, 1944**ESTABLISHMENT OF PERIODICAL COURT AT PORT EDWARD IN THE DISTRICT OF PORT SHEPSTONE**

Under section 2 (1) (j) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), I, Hendrik Jacobus Coetsee, OMSG, Minister of Justice, hereby—

(a) appoint Port Edward in the District of Port Shepstone as a place for the holding of periodical courts; and

(b) prescribe the local limits of the District of Port Shepstone as the local limits within which the said court shall have jurisdiction.

H. J. COETSEE

Minister of Justice.

STATE PRESIDENTS' OFFICE

No. 374

7 February 1992

AMENDMENT OF THE OFFICIAL TABLE OF PRECEDENCE

It is hereby notified that the State President has approved that the Official Table of Precedence be amended as per accompanying Schedule with effect from 1 October 1991.

SCHEDULE**OFFICIAL TABLE OF PRECEDENCE***(As from 1 October 1991)*

1. The State President or the Acting State President.
2. The Chief Justice or the Acting Chief Justice.
3. Former State Presidents, in order of seniority, and the State President-Elect (for the period between his election and assumption of office).

4. Kabinetsministers, Minister van Ministersrade, die Speaker van die Parlement en die Voorsitter van die Presidentsraad, volgens senioriteit. (Kyk Reël 2.)
 5. (a) Ambassadeurs, volgens senioriteit.
(b) Buitengewone Gesante en Gevolmagtigde Ministers, volgens senioriteit.
(c) Saakgelastigdes en titre, volgens senioriteit.
(d) Hoofde van ander permanente Diplomatieke Missies, volgens senioriteit.
 6. (a) Hoofswep van die Parlement.
(b) Administrateurs van die onderskeie Provinsies en Hoofministers van Selfregerende Gebiede, volgens senioriteit.
(c) Voorsitters van die Huise van die Parlement, Adjunkvoorsitter van die Presidentsraad en Adjunkministers, volgens senioriteit.
 7. Die Hoof van die Suid-Afrikaanse Weermag. (Kyk Reël 3.)
 8. (a) Tydelike Saakgelastigdes van Ambassades, volgens senioriteit.
(b) Tydelike Saakgelastigdes van Gesantskappe, volgens senioriteit.
(c) Tydelike Saakgelastigdes van ander permanente Diplomatieke Missies, volgens senioriteit.
 9. Leiers van die Amptelike Oposisies in die Huise van die Parlement, volgens senioriteit.
 10. (a) Appèlregters, volgens senioriteit.
(b) Regters-president, volgens senioriteit.
(c) Adjunk-regters-president, volgens senioriteit.
(d) Regters van die Hooggeregshof, volgens senioriteit.
 11. Voormalige Hoofregters, volgens senioriteit; en die voormalige Vise-staatspresident.
 12. (a) Kommissaris-generaal, volgens senioriteit.
(b) Lede van die Provinsiale Uitvoerende Komitees, Ministeriële Verteenwoordigers en Ministers van Selfregerende gebiede, volgens senioriteit.
 13. Lede van die Parlement en lede van die Presidentsraad, volgens senioriteit.
 14. (a) Die Ouditeur-generaal, President van die SA Reserwebank en Voorsitter van die Kommissie vir Administrasie, volgens senioriteit.
(b) Lede van die Kommissie vir Administrasie en die Staatkundige Raadgewer in volgorde van senioriteit.
(c) Direkteurs-generaal en ander gelykwaardige Hoofde van Staatsdepartemente, die Sekretaris van die Parlement en Direkteurs-generaal van die onderskeie Provinsies, in volgorde van senioriteit. (Kyk Reël 3.)
4. Cabinet Ministers, Ministers of the Ministers' Councils, the Speaker of Parliament and the Chairman of the President's Council, in order of seniority. (See Rule 2.)
 5. (a) Ambassadors, in order of seniority.
(b) Envoys Extraordinary and Ministers Plenipotentiary, in order of seniority.
(c) Chargés d'Affaires en titre, in order of seniority.
(d) Heads of other permanent Diplomatic Missions, in order of seniority.
 6. (a) Chief Whip of Parliament.
(b) Administrators of the respective Provinces and Chief Ministers of Self-Governing Territories, in order of seniority.
(c) Chairmen of the Houses of Parliament, Deputy Chairman of the President's Council and Deputy Ministers, in order of seniority.
 7. The Chief of the South African Defence Force. (See Rule 3.)
 8. (a) Chargés d'Affaires ad interim of Embassies, in order of seniority.
(b) Chargés d'Affaires ad interim of Legations, in order of seniority.
(c) Chargés d'Affaires ad interim of other permanent Diplomatic Missions, in order of seniority.
 9. Leaders of the Official Oppositions in the Houses of Parliament, in order of seniority.
 10. (a) Judges of Appeal, in order of seniority.
(b) Judges-President, in order of seniority.
(c) Deputy Judges-President, in order of seniority.
(d) Judges of the Supreme Court, in order of seniority.
 11. Former Chief Justices, in order of seniority and the former Vice State President.
 12. (a) Commissioners-General, in order of seniority.
(b) Members of Provincial Executive Committees, Ministerial Representatives and Ministers of Self-Governing Territories, in order of seniority.
 13. Members of Parliament and members of the President's Council, in order of seniority.
 14. (a) The Auditor-General, Governor of the SA Reserve Bank and Chairman of the Commission for Administration, in order of seniority.
(b) Members of the Commission for Administration and the Constitutional Adviser, in order of seniority.
(c) Directors-General and their equivalents of Government Departments, including the Secretary to Parliament and Directors-General of the respective Provinces, in order of seniority. (See Rule 3.)

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| <p>(d) Superintendente-generaal van eie sake, volgens senioriteit.</p> <p>(e) Voorsitters van Staatskorporasies, volgens senioriteit. (Kyk Reël 4.)</p> <p>15. (a) Voormalige Kabinetsministers en Ministers van Ministersrade, volgens senioriteit.</p> <p>(b) Voormalige Speakers van die Volksraad en Parlement, Voorsitters van die Presidentsraad, Presidente van die Senaat en Voorsitters van die Staande Komitees van die Presidentsraad, volgens senioriteit.</p> <p>(c) Suid-Afrikaanse burgers geregtig op die titel "Edele" met senioriteit volgens die voorrang wat hulle geniet het ten tyde van hul uittreding of bedanking uit die amp wat hulle die reg verleen op die gebruik van die titel.</p> <p>16. (a) Die Burgemeester van die hoofstad van die Provinsie waarin die funksie gehou word.</p> <p>(b) Die Voorsitter van die Streekdiensteraad indien die funksie binne die betrokke Raad se gebied gehou word.</p> <p>17. Burgemeesters van Provinsiale hoofstede, met senioriteit volgens die bevolkingsyfer van hul onderskeie stede.</p> <p>18. Die eggenotes van voornoemde persone (of in die geval van ongetroude of geskeide persone of wewenaars, die dames wat amptelik deur die Regering as hul gasvroue erken word) geniet die voorrang van hul eggenote (of die persone vir wie hulle as gasvroue optree), en omgekeerd.</p> <p>19. Aan persone wat nie op hierdie Lys voorkom nie kan hoflikheidsvoorrang (soos in Reël 6 omskrywe) by uitsonderlike geleenthede deur die Staatspresident toegeken word.</p> | <p>(d) Superintendents-General of Own Affairs, in order of seniority.</p> <p>(e) Chairmen of State Corporations, in order of seniority. (See Rule 4.)</p> <p>15. (a) Former Cabinet Ministers and Ministers of the Ministers' Councils, in order of seniority.</p> <p>(b) Former Speakers of the House of Assembly and Parliament, Chairmen of the President's Council, Presidents of the Senate and Chairmen of the Standing Committees of the President's Council, in order of seniority.</p> <p>(c) South African citizens entitled to the title "Honourable", with seniority according to the precedence they enjoyed at the time of their retirement or resignation from the post which entitled them to use the title.</p> <p>16. (a) The Mayor of the capital of the Province in which the function is held.</p> <p>(b) Chairman of the Regional Services Council of the region in which the function is held.</p> <p>17. Mayors of Provincial capitals, with seniority according to the number of the population of their respective cities.</p> <p>18. The wives of the foregoing persons (or in the case of single or divorced persons or widowers, the ladies officially recognised by the Government as their hostesses) enjoy the precedence of their husbands (or the persons for whom they act as hostesses) and vice versa.</p> <p>19. Persons who do not appear in this Table may, on special occasions, be accorded courtesy precedence (as defined in Rule 6) by the State President.</p> |
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REÛLS WAT TEN OPSIGTE VAN DIE AMPTELIKE VOORRANGLYS IN AG GENEEM MOET WORD

1. Die voorrangorde wat in die Voorranglys bepaal is, moet by alle amptelike geleenthede in ag geneem word, en die gasheer mag slegs daarvan afwyk met die goedkeuring van die Staatspresident.
2. Wanneer buitelandse verhoudinge of belange die fokuspunt van 'n amptelike funksie is, of wanneer ingevolge internasionale protokol voorrang bo Rubriek 4-ampsbekleërs verleen word aan die doyen van die Diplomatieke korps, geniet die Minister van Buitelandse Sake voorrang bo die doyen en die ampsbekleërs in Rubriek 4.
3. Wanneer buitelandse verhoudinge of belange die fokuspunt van 'n amptelike funksie is, geniet die Direkteur-generaal: Buitelandse Sake ná die Hoof van die Suid-Afrikaanse Weermag voorrang.
4. Rubriek 14 (e) word ingesluit met dien verstande dat Voorsitters van Staatskorporasies uitgenooi word wanneer die bepaalde funksie verband hou met hulle spesifieke terreine of na gelang van die keuse van die gasheer, indien hy al die Voorsitters of slegs enkele wil nooi.

RULES TO BE OBSERVED IN CONNECTION WITH THE OFFICIAL TABLE OF PRECEDENCE

1. The order of precedence laid down in the Table of Precedence shall be observed on all official occasions and the host may deviate from it only with the approval of the State President.
2. When foreign relations or interests are the main focus of an official function, or when precedence above office-bearers in Rubric 4 is given to the Doyen of the Diplomatic Corps in terms of international protocol, the Minister of Foreign Affairs shall be given precedence above the Doyen and the office-bearers in Rubric 4.
3. When foreign relations or interests are the main focus of an official function, the Director-General of Foreign Affairs shall enjoy precedence after the Chief of the South African Defence Force.
4. Rubric 14 (e) is included, provided that Chairmen of State Corporations are invited when the particular function relates to their specific fields or according to the choice of the host, should he wish to invite all or any of the Chairmen.

5. Persone wat nie in die Lys voorkom nie, moet nie bo persone wat wel in die Lys voorkom geplaas word nie, tensy *ad hoc*-voorrang ooreenkomstig Rubriek 19 van die Lys aan hulle toegeken is of tensy hulle eregaste is.
6. Hoflikheidsvoorrang word beperk tot persone wat nie normaalweg in die Republiek van Suid-Afrika woonagtig is nie, maar sluit kerklike hoogwaardigheidsbekleërs binne die Republiek in, asook ander hoogwaardigheidsbekleërs, ampsdraers en funksionaris vir wie geen afsonderlike voorsiening in die Lys gemaak is nie.
7. Wysigings van die Lys word alleen deur die Staatspresident aangebring en word in die *Staatskoerant* bekendgemaak.

5. Persons not appearing in the Table, shall not be placed above persons appearing in it, unless they have either been accorded *ad hoc* precedence in terms of Rubric 19 of the Table or are invited as guests of honour.
6. Courtesy precedence is restricted to persons who are not normally resident in the Republic of South Africa, but includes church dignitaries within the Republic, as well as other dignitaries, office bearers and functionaries for whom separate provision has not been made in the Table.
7. Amendments to the Table shall be effected only by the State President and shall be published in the *Government Gazette*.

No. 375

7 Februarie 1992

AANSTELLING VAN 'N MINISTER EN VERANDERINGE IN PORTEFEULJES

Hierby word vir algemene inligting bekendgemaak dat die Staatspresident kragtens artikels 24 en 27, saamgelees met artikels 20 en 21, van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet 110 van 1983), met ingang van 20 Januarie 1992 op die volgende aanstelling en veranderinge in portefeuljes besluit het:

MINISTERS

Genl. Magnus André de Merindol Malan as Minister van Waterwese en Bosbou en as Voorsitter van die Ministersraad van die Volksraad.

Mnr. Hendrik Jacobus Coetsee as Minister van Justisie en van die Nasionale Intelligensiediens.

Mnr. Adriaan Johannes Vlok as Minister van Korrektiewe Dienste en van Behuising en Werke in die Ministersraad van die Volksraad.

Dr. Georg Marais as Minister vir Administrasie en Toerisme en van Begroting in die Ministersraad van die Volksraad.

Mnr. Pieter Gabriel Marais as Minister van Mannekrag en van Onderwys en Kultuur in die Ministersraad van die Volksraad.

Mnr. Derek Lyle Keys as Minister van Handel en Nywerheid en vir Ekonomiese Koördinerings.

ADJUNKMINISTERS

Mnr. Daniel Pieter Antonie Schutte as Adjunkminister van Justisie en van die Nasionale Intelligensiediens.

Mnr. David de Villiers Graaff as Adjunkminister van Handel en Nywerheid.

Besonderhede van die Kabinet, Ministersraad van die Volksraad en Adjunkministers word hierby vir algemene inligting soos per bygaande Bylae bekendgemaak:

No. 375

7 February 1992

APPOINTMENT OF A MINISTER AND CHANGES IN PORTFOLIOS

It is hereby notified for general information that the State President has, in accordance with sections 24 and 27 read with sections 20 and 21 of the Republic of South Africa Constitution Act, 1983 (Act 110 of 1983), made the following appointment and changes in portfolios with effect from 20 January 1992:

MINISTERS

Genl. Magnus André de Merindol Malan as Minister of Water Affairs and Forestry and as Chairman of the Ministers' Council of the House of Assembly.

Mr Hendrik Jacobus Coetsee as Minister of Justice and of the National Intelligence Service.

Mr Adriaan Johannes Vlok as Minister of Correctional Services and of Housing and Works in the Ministers' Council of the House of Assembly.

Dr Georg Marais as Minister for Administration and Tourism and of the Budget in the Ministers' Council of the House of Assembly.

Mr Pieter Gabriel Marais as Minister of Manpower and of Education and Culture in the Ministers' Council of the House of Assembly.

Mr Derek Lyle Keys as Minister of Trade and Industry and for Economic Co-ordination.

DEPUTY MINISTERS

Mr Daniel Pieter Antonie Schutte as Deputy Minister of Justice and of the National Intelligence Service.

Mr David de Villiers Graaff as Deputy Minister of Trade and Industry.

Particulars of the Cabinet, Ministers' Council of the House of Assembly and Deputy Ministers are hereby notified for general information as per accompanying Schedule:

BYLAE**MINISTERS EN ADJUNKMINISTERS SOOS OP 20 JANUARIE 1992**

Mnr. F. W. de Klerk

Staatspresident.

MINISTERS**PORTEFEULJE**

Mnr. R. F. Botha

Minister van Buitelandse Sake.

Dr. G. van N. Viljoen

Minister van Staatkundige Ontwikkeling.

Genl. M. A. de M. Malan

Minister van Waterwese en Bosbou en Voorsitter van die Ministersraad van die Volksraad.

Dr. D. J. (Dawie) de Villiers

Minister vir Openbare Ondernemings.

Mnr. H. J. Coetsee

Minister van Justisie en van die Nasionale Intelligensiediens.

Mnr. B. J. du Plessis

Minister van Finansies.

Mnr. A. A. (Amie) Venter

Minister van Staatsbesteding.

Mnr. A. J. Vlok

Minister van Korrektiewe Dienste en van Behuising en Werke in die Ministersraad van die Volksraad.

Mnr. E. (Gene) Louw

Minister van Binnelandse Sake.

Mnr. S. J. de Beer

Minister van Onderwys en Opleiding.

Mnr. G. S. Bartlett

Minister van Mineraal- en Energiesake.

Dr. A. I. van Niekerk

Minister van Landbou en van Landbou-ontwikkeling in die Ministersraad van die Volksraad.

Dr. E. H. (Rina) Venter

Minister van Nasionale Gesondheid en van Gesondheidsdienste en Welsyn in die Ministersraad van die Volksraad.

Mnr. H. J. Kriel

Minister van Wet en Orde.

Mnr. Jacob de Villiers

Minister van Streek- en Grondsake.

Mnr. L. A. Pienaar

Minister van Nasionale Opvoeding en van Omgewingsake.

Dr. G. (Org) Marais

Minister van Administrasie en Toerisme en van Begroting in die Ministersraad van die Volksraad.

Dr. P. J. Welgemoed

Minister van Vervoer en van Pos- en Telekommunikasiewese.

Mnr. R. P. (Roelf) Meyer

Minister van Verdediging en van Kommunikasie.

Mnr. L. Wessels

Minister van Plaaslike Regering en Nasionale Behuising en van Openbare Werke en van Plaaslike Bestuur in die Ministersraad van die Volksraad.

Mnr. P. G. (Piet) Marais

Minister van Mannekrag en van Onderwys en Kultuur in die Ministersraad van die Volksraad.

Mnr. D. L. Keys

Minister van Handel en Nywerheid en vir Ekonomiese Koördinerings.

ADJUNKMINISTERS

Mnr. W. N. Breytenbach

Adjunkminister van Verdediging.

Mnr. J. A. van Wyk

Adjunkminister van Finansies en van Waterwese en Bosbou.

Dr. T. G. Alant

Adjunkminister van Finansies.

Mnr. A. Williams

Adjunkminister van Nasionale Opvoeding en van Plaaslike Regering en Nasionale Behuising.

Mnr. A. Fourie

Adjunkminister vir Streekontwikkeling.

Mnr. D. P. A. Schutte

Adjunkminister van Justisie en van die Nasionale Intelligensiediens.

Dr. J. T. Delpont

Adjunkminister van Staatkundige Ontwikkeling.

Mnr. J. H. L. Scheepers

Adjunkminister van Wet en Orde en vir Grondsake.

Mnr. A. T. (Tobie) Meyer

Adjunkminister van Landbou en van Landbou-ontwikkeling in die Ministersraad van die Volksraad.

Mnr. D. de V. Graaff

Adjunkminister van Handel en Nywerheid.

Mnr. S. J. (Fanus) Schoeman

Adjunkminister van Nasionale Gesondheid en van Gesondheidsdienste en Welsyn in die Ministersraad van die Volksraad.

Mnr. R. S. (Renier) Schoeman

Adjunkminister van Buitelandse Sake.

SCHEDULE**MINISTERS AND DEPUTY MINISTERS AS ON 20 JANUARY 1992**

Mr F. W. de Klerk.....	State President.
MINISTERS	PORTFOLIO
Mr R. F. Botha	Minister of Foreign Affairs.
Dr G. van N. Viljoen	Minister of Constitutional Development.
Genl. M. A. de M. Malan	Minister of Water Affairs and Forestry and Chairman of the Ministers' Council of the House of Assembly.
Dr D. J. (Dawie) de Villiers	Minister for Public Enterprises.
Mr H. J. Coetsee	Minister of Justice and of the National Intelligence Service.
Mr B. J. du Plessis	Minister of Finance.
Mr A. A. (Amie) Venter	Minister of State Expenditure.
Mr A. J. Vlok	Minister of Correctional Services and of Housing and Works in the Ministers' Council of the House of Assembly.
Mr E. (Gene) Louw	Minister of Home Affairs.
Mr S. J. de Beer	Minister of Education and Training.
Mr G. S. Bartlett	Minister of Mineral and Energy Affairs.
Dr A. I. van Niekerk	Minister of Agriculture and of Agricultural Development in the Ministers' Council of the House of Assembly.
Dr E. H. (Rina) Venter	Minister of National Health and of Health Services and Welfare in the Ministers' Council of the House of Assembly.
Mr H. J. Kriel	Minister of Law and Order.
Mr Jacob de Villiers	Minister of Regional and Land Affairs.
Mr L. A. Pienaar	Minister of National Education and of Environment Affairs.
Dr G. (Org) Marais	Minister for Administration and Tourism and of the Budget in the Ministers' Council of the House of Assembly.
Dr P. J. Welgemoed	Minister of Transport and of Posts and Telecommunications.
Mr R. P. (Roelf) Meyer	Minister of Defence and of Communication.
Mr L. Wessels	Minister of Local Government and National Housing and of Public Works and of Local Government in the Ministers' Council of the House of Assembly.
Mr P. G. (Piet) Marais	Minister of Manpower of Education and Culture in the Ministers' Council of the House of Assembly.
Mr D. L. Keys	Minister of Trade and Industry and for Economic Co-ordination.
DEPUTY MINISTERS	
Mr W. N. Breytenbach	Deputy Minister of Defence.
Mr J. A. van Wyk	Deputy Minister of Finance and of Water Affairs and Forestry.
Dr T. G. Alant	Deputy Minister of Finance.
Mr A. Williams	Deputy Minister of National Education and of Local Government and National Housing.
Mr A. Fourie	Deputy Minister for Regional Development.
Mr D. P. A. Schutte	Deputy Minister of Justice and of the National Intelligence Service.
Dr J. T. Delport	Deputy Minister of Constitutional Development.
Mr J. H. L. Scheepers	Deputy Minister of Law and Order and for Land Affairs.
Mr A. T. (Tobie) Meyer	Deputy Minister of Agriculture and of Agricultural Development in the Ministers' Council of the House of Assembly.
Mr D. de V. Graaff	Deputy Minister of Trade and Industry.
Mr S. J. (Fanus) Schoeman	Deputy Minister of National Health and of Health Services and Welfare in the Ministers' Council of the House of Assembly.
Mr R. S. (Renier) Schoeman	Deputy Minister of Foreign Affairs.

KANTOOR VIR OPENBARE ONDER- NEMINGS EN PRIVATISERING

No. 433

7 Februarie 1992

PUBLIKASIE VAN VERSLAG DEUR DIE RAAD OP MEDEDINGING

Ek, Dawid Jacobus de Villiers, Minister vir Openbare Ondernemings handelend ingevolge artikel 12 (4) (b) van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979), publiseer hiermee die verslag van die Raad op Mededinging wat in die Bylae tot hierdie kennisgewing verskyn.

OFFICE FOR PUBLIC ENTERPRISES AND PRIVATISATION

No. 433

7 February 1992

PUBLICATION OF REPORT BY COMPETITION BOARD

I, Dawid Jacobus de Villiers, Minister for Public Enterprises, acting in terms of section 12 (4) (b) of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), hereby publish the report by the Competition Board which appears in the Schedule to this Notice.

BYLAE

RAAD OP MEDEDINGING

Verslag No. 31

ONDERSOEK NA BEPERKENDE PRAKTYKE WAT IN DIE VERSKAFFING EN DISTRIBUSIE VAN KUNSMIS AAN *BONA FIDE*-BOERE BESTAAN OF MAG ONTSTAAN

EN

OF 'N OOREENKOMS TUSSEN INDIAN OCEAN FERTILIZER (EDMS.) BPK., AECI BEPERK, AECI OPEN-CAST SERVICES (EDMS.) BPK., EN KYNOCH FERTILIZER BPK., AANLEIDING GEGEE HET TOT 'N VERKRYGING, EN INDIEN WEL, OF SODANIGE VERKRYGING IN DIE OPENBARE BELANG GEREGERD IS

INLEIDING

1. Die kunsmisbedryf was die onderwerp van verskeie ondersoeke waarby die Staat betrokke was. So het die Minister van Ekonomiese Sake in 1961 'n Komitee van Onderzoek na die Kunsmisbedryf aangestel en op 22 November 1976 het die Raad van Handel en Nywerheid Verslag No. 1737, *Onderzoek na die Kunsmisvervaardigingsbedryf*, aanvaar. Op 4 Desember 1979 het die Kabinet 'n Komitee van Onderzoek na die Kunsmisbedryfstak (die Pistorius-komitee) aangestel om onder meer ondersoek in te stel na sekere aspekte van die kunsmisbedryf met die oog op die formulering van beleidsbeginsels wat die verlaging van die koste van kunsmis ten doel het, insluitende wat 'n billike winsmarge is wat vir prysbeheerdoeleindes as mikpunt gestel behoort te word en wat sal verseker dat die bedryf genoegsaam sal uitbrei om in die groeiende vraag te voorsien en die toepaslikheid van die prysbeheerformule. Die Raad van Mededinging (die Raad) se Verslag No. 3, *Onderzoek na die verskaffing en distribusie van kunsmis in die Republiek van Suid-Afrika* het op 14 Oktober 1980 verskyn en op 2 Oktober het die destydse Minister van Nywerheidswese, Handel en Toerisme die Raad opdrag gegee om ondersoek in te stel of daar bepaalde omstandighede by die produksie en bemarking van kunsmis bestaan wat die opheffing van prysbeheer daarop onwenslik maak.

2. In Verslag No. 3 is die geskiedenis en struktuur van die kunsmisbedryf breedvoerig uiteengesit en twee hoofstukke daarin is afgestaan aan beperkende praktyke by die verskaffing en distribusie van kunsmis.

3. 'n Beperkende praktyk word omskryf in artikel 1 van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979) (die Wet), en lui soos volg:

- “(a) enige ooreenkoms, reëling of verstandhouding, hetsy regtens afdwingbaar of nie, tussen twee of meer persone; of
- (b) enige besigheidspraktyk of handelsmetode, met inbegrip van enige metode om pryse vas te stel, hetsy deur die verskaffer van enige handelsartikel of andersins; of

(c) enige handeling of versuim deur enigiemand, hetsy hy onafhanklik of tesame met iemand anders optree; of

(d) enige toestand wat uit die bedrywighede van enige persoon of klas of groep persone ontstaan,

wat, regstreeks of onregstreeks mededinging beperk deurdat dit die uitwerking het of waarskynlik sal hê om —

(i) die produksie of distribusie van enige handelsartikel te beperk; of

(ii) die fasiliteite beskikbaar vir die produksie of distribusie van enige handelsartikel in te kort; of

(iii) die prys van of enige ander teenprestasie vir enige handelsartikel te verhoog of te handhaaf; of

(iv) die produksie of distribusie van enige handelsartikel op die mees doeltreffende en ekonomiese manier te verhoed; of

(v) die ontwikkeling of invoering van tegniese verbeterings of die uitbreiding van bestaande of die skepping van nuwe markte te verhoed of te vertraag; of

(vi) die toetrede van nuwe produsente of distribueerders tot enige tak van die handel of nywerheid te verhoed of te beperk; of

(vii) die aanpassing van enige beroep of tak van die handel of nywerheid by veranderde toestande te verhoed of te vertraag.”

4. 'n Agtergrond oor die kunsmisbedryf is noodsaaklik voordat selfs die omvang van die huidige ondersoek ter sprake kom. Verslag No. 3 bevat so 'n uiteensetting tot 1980. In hierdie verslag val die klem op belangrike gebeure wat die bedryfstak sedert 1980 raak.

1980

5. Die Raad het in Verslag No. 3 onder meer bevind dat landboukoöperasies se aandeelbesit in die destydse Triomf Kunsmis (Edms.) Bpk. (Triomf) 'n beperkende praktyk, wat nie in die openbare belang was nie, daargestel het. Die Raad het egter geen aanbeveling in dié verband gemaak nie aangesien die koöperasies tydens die ondersoek hulle belang in Triomf vervreem het.

6. Triomf en Federale Kunsmis Bpk. (Fedmis) het 'n markverdelingsooreenkoms gehad en die Raad het ook in Verslag No. 3 bevind dat dié ooreenkoms tot nadeel van die verbruikers en die ekonomie in die algemeen was en beëindig moes word. Ingevolge hierdie ooreenkoms het Triomf en Fedmis op 'n 55/45 grondslag ongeveer 88 persent van die mark in die hoofverkoopsgebiede bedien. Dit het ongeveer 12 persent van die mark aan Omnia Kunsmis Bpk. (Omnia) en ander kleiner vervaardigers gelaat.

7. Die Minister het die Raad se aanbeveling vir die uitfasering van invoerbeheer aanvaar met as voorbehoud die instelling van genoegsame tariefbeskerming voor die opheffing van invoerbeheer.

8. Voor die tertaaflegging van die Raad se verslag het Triomf in sy 1980-Voorsittersverslag bekend gemaak dat hy Fedmis op 31 Desember 1980 kragtens die bepalinge van die markverdelingsooreenkoms kennis gegee het van sy voorneme om die ooreenkoms op 31 Desember 1983 te beëindig. Die ooreenkoms is egter beëindig kort nadat Fedmis op 29 November 1979 'n volfiliaal van Sentrachem Beperk geword het.

1981

9. In 1981 het drie produsente die kunsmismark in Suid-Afrika oorheers, naamlik Fedmis, Omnia en 'n vennootskap tussen Triomf Kunsmis Beleggings (51 persent) en AECl Beperk (AECl) deur sy volfiliaal Kynoch Fertilizer Beperk (Kynoch) (49 persent). Hierdie vennootskap was Triomf Kunsmis (Edms.) Bpk. Soos reeds genoem was Fedmis 'n volfiliaal van Sentrachem. Omnia word beheer deur die Winkler-familie en Anglo-Alpha Beperk hou (Julie 1991) 26 persent van die uitgereikte aandeelkapitaal daarin, Triomf was beheer deur mnr. L. Luyt en AECl se belangrikste aandeelhouers is die Anglo American Corporation of South Africa Beperk en die internasionale ICI-groep.

10. Sasol Beperk kondig sy voorneme aan om tot die kunsmisbedryf toe te tree.

11. Die plaaslike vraag na kunsmis het sowat 3,3 miljoen ton per jaar beloop en die totale produksiekapasiteit van die bedryf sowat vier miljoen ton per jaar.

12. Gedurende 1981 verskyn die verslag van die Pistorius-komitee. Dié komitee se belangrikste bevindings en aanbevelings was die volgende:

- (a) Die komitee was van mening dat prysbeheer nie 'n voldoende en effektiewe metode was om te verseker dat die prys van kunsmis op 'n redelike vlak gehou word nie. Vanweë die uiters gekompliseerde struktuur van die bedryf is dit onmoontlik om al die faktore wat 'n invloed op die prys kan uitoefen, administratief te reguleer. Volgens die Komitee was vrye mededinging die mees effektiewe metode om kunsmispryse oor die langtermyn op 'n redelike vlak te hou. Gevolglik is aanbeveel dat prysbeheer afgeskaf word sodra die mededingingsposisie in die bedryfstak dit toelaat.
- (b) Voorts was die Komitee van mening dat die primêre doel van prysbeheer was om pryse, wat weens monopolistiese of oligopolistiese toestande nie deur die gewone markmeganisme bepaal word nie, op 'n vlak te hou so na as moontlik aan pryse onder vrye mededinging. Prysbeheer behoort nie die rentabiliteit te beperk of te verhoog tot 'n vlak anders as wat dit sou wees onder 'n toestand van vrye mededinging nie.
- (c) Die Komitee het bevind dat dit nie moontlik was om die prysformule te formuleer wat die invloed van die markmeganisme weerspieël nie. Die Komitee was nie daarvan oortuig dat die prysformule 'n hoër prys verseker as wat onder vrye mededingingstoestande sou geld nie. Vir die Pryscontroleur was dit, volgens die Komitee uiters moeilik, indien nie onmoontlik nie, om die pryse van insette by veranderende omstandighede in die bedryf en die ekonomie aan te pas.

1982

13. In Februarie 1982 het die partye betrokke by 'n beoogde verkryging met die verkrygingskomitee van die Raad samesprekings gevoer. Ingevolge die voorgestelde verkryging sou 'n nuwe kunsmismaatskappy gestig word, waarin Triomf en Fedmis elk 50 persent van die aandele hou. Op dié stadium was die aandeelhouders van Triomf die volgende: Triomf Kunsmisbeleggings Bpk. (49,9 persent), AECI (49 persent) en LLG Groep Beleggings (Edms.) Bpk. (1,1 persent). Motivering vir die beoogde verkryging het gewentel om onder meer die lae rentabiliteit in die bedryfstak, onvoldoende prysverhogings (die bedryfstak was toe nog onderhewig aan prysbeheer), kunsmisinvoere en 'n skerp afswaai in die uitvoer van fosforsuur. Laer koste was glo net moontlik deur rasionalisasie.

14. In 'n memorandum aan die Minister oor die voorgenome verkryging skryf die Raad onder meer:

"Dit is die Raad se mening dat die voorgenome samesmelting nie teen die openbare belang beskou kan word nie. Daar is, intendeel, rede om te glo dat so 'n ontwikkeling in die bedryf in die huidige omstandighede onvermydelik is."

15. Die partye kon blykbaar nie oor die voorwaardes van die transaksie ooreenkom nie en die beoogde transaksie het deur die mat geval. Feit van die saak is egter dat indien die partye oor die voorwaardes kon ooreenkom, slegs Triomf/Fedmis met 'n marktaandeel van ongeveer 88 persent en Omnia en die ander kleiner produsente met die ander 12 persent in die mark sou oorbly.

16. In Memorandum 14 van 14 Oktober 1982 het die Raad by die Minister aanbeveel dat prysbeheer op kunsmis opgehef word. Opsommend was die belangrikste bevindings van die Raad se ondersoek na die wenslikheid van prysbeheer by kunsmis soos volg:

- (a) Prysbeheer (maksimum pryse) oor kunsmis is oorspronklik ingestel om moontlike prysstygings van ingevoerde fosfaat "in toom" te hou. 'n Ander rede was die oligopolistiese aard van die mark. Die Raad kon egter geen bewyse vind dat prysbeheer pryse "in toom" gehou het of produktiwiteit verhoog het nie. Die Raad was van mening dat mededinging baie straf was. Prysmedinging het gereeld voorgekom omdat die kleinhandelspryse voortdurend onder die maksimum toegelate prys was. Verbruikers het gewoonlik ook die keuse van meer as een leweransier gehad.
- (b) Die Raad was voorts van mening dat 'n beleid gevolg moes word wat oor die langtermyn 'n gesonde kunsmisbedryf vir die land sal verseker. Dit het nie beteken dat die bedryf oorbekerm moet word teen oorsese en binnelandse mededinging nie. Die invoer van grondstowwe en intermediêre produkte en toetrede tot die bedryf moes moontlik wees sodat die bedryf aan binnelandse sowel as buitelandse mededinging blootgestel word. Daar is egter van die deelnemers in die mark verwag om self 'n ondernemingstrategie vir die langtermyn te beplan en nie, vanweë sake-omstandighede wat moontlik minder gunstig was, vir verskeie vorme van hulp by die owerheid aan te klop nie.

- (c) Die Raad kon hom nie vereenselwig met 'n aanbeveling van die Pistorius-komitee dat prysbeheer eers opgehef word nadat die mededingingsposisie verbeter het nie. Sasol Misstowwe was in die proses om tot die kleinhandel toe te tree en so ook 'n aantal droë mengers. Op die stadium het net Fedmis en Triomf landswyd bemark en volgens die Raad sou dié toedrag van sake nog lank voortduur. In die geval van fosfaatrots sou, na verwagting, die voorsiening ook slegs in die hande van die Fosfaat-ontginningskorporasie (Foskor) bly. [Die totale uitgereikte aandeelkapitaal van Foskor word deur die Nywerheid-ontwikkelingskorporasie van Suid-Afrika Beperk (NOK) gehou. Die NOK is 'n staatskorporasie wat in 1940 gestig is met sy eie oprigtingsakte. Die Staat hou die totale uitgereikte aandeelkapitaal van die NOK]. Soos die posisie toe blyk gewees het, sou Suid-Afrika vir baie jare nog van buitelandse bronne vir stikstofhoudende produkte afhanklik wees. Die Raad was van mening dat dit egter dringend noodsaaklik was dat hierdie terrein aanloklik vir investering moet wees.
- (d) Die raad het die mening gehuldig dat die behoud van prysbeheer nie afhanklik is van die vraag of genoegsame mededinging bestaan nie, maar wel of prysbeheer in die openbare belang geregtig is en enige doel op die langtermyn dien.
- (e) Die kunsmisvervaardigers was nie ten gunste van die opheffing van prysbeheer op fosfaatrots nie, aangesien die grondstof nie ingevoer kon word nie en Foskor die alleenverskaffer is. Die raad was egter van mening dat die markgedrag hier van belang was en nie die markstruktuur nie. In hierdie opsig het die Raad oor geen getuienis beskik dat Foskor sy mag misbruik het of sal misbruik nie. Inteendeel, die Raad was oortuig dat Foskor, beoordeel in die lig van sy prysaansoeke en sy pogings om produktiwiteit steeds te verhoog, tot op daardie stadium verantwoordelik opgetree het.

1983

17. Gedurende 1983 het die kunsmisbedryf slegs 55 persent van sy kapasiteit benut. Sasol Misstowwe [’n volfiliaal van Sasol Beperk en wie se naam enkele maande na toetrede verander is na Sasol Kunsmis Beperk (Sasol)], begin gedurende die eerste helfte van die jaar kunsmis aktief bemark. Sasol se toetrede het die kapasiteit van die kunsmisbedryf uitgebrei van 4 miljoen ton tot 5,2 miljoen ton per jaar. Die Suid-Afrikaanse mark vir kunsmis was ongeveer 890 000 ton plantvoedsel of naastebly 3,3 miljoen ton fisiese materiaal per jaar.

18. Die marktaandeel van die Kynoch/Triomf-vennootskap teen die einde van die jaar was ongeveer 48 persent, dié van Fedmis sowat 38 persent en Omnia en die ander klein vervaardigers om en by 14 persent.

1984

19. Gedurende 1984 is Bonus Kunsmis, ’n klein produsent, uitgeskakel weens strawwe mededinging. Daar was egter toetreders soos Sentraal Westelike Koöperasie wat ’n mengaanleg vir Viljoenskroon gehad het en Noordwestelike Koöperasie wat ’n vloeibare-mengaanleg gehad het.

20. Prysbeheer op kunsmis is vanaf 1 Januarie 1984 opgehef.

21. Op 22 Februarie 1984 is aangekondig dat die Kynoch/Triomf-vennootskap ontbind gaan word. Kynoch het voortgegaan om kunsmis onder die naam Kynoch te bemark en Triomf het ook onafhanklik in die kunsmis-mark opgetree. Triomf het die Potchefstroom-aanleg gekry en AECI beheer oor die aanlegte by Chloorkop en Somerset-Wes. Mnr Luyt het die beherende belang gekry in Triomf Richardsbaai (Edms.) Beperk (Triomf Richardsbaai).

1985

22. Prysbeheer op rotsfosfaat word met ingang 1 Januarie 1985 opgehef.

23. Op 1 Julie 1985 word invoerbeheer op kunsmis, behalwe ammoniumnitraat, opgehef.

24. Die Nasionale Mielieprodusente-Organisasie (Nampo) het deur Mieliechem ’n belang in Triomf verkry. Die Raad het hierdie belang nie ondersoek nie omdat Nampo op 5 November 1985 die volgende in ’n persverklaring onderneem het:

“Nampo onderneem hiermee om nie—

- (a) sonder die toestemming van die Raad op Mededinging aandeel wat Nampo in Mielie Chemiese Beleggings (Edms.) Beperk (“Mieliechem”) of in enige maatskappy wat deur aandeelhouding aan Mieliechem verwant is hou, aan enige koöperasie oor te dra nie; en
- (b) regstreeks of onregstreeks op enige wyse te poog om by die finansiering deur enige koöperasie van kunsmisaankope deur boere ’n bevoordeling teweeg te bring van die produk van enige spesifieke kunsmisvervaardiger, en om so ’n finansieringsbevoordeling trouens teen te staan.”.

1986

25. Op 2 Mei 1986 het Goewermentskennisgewing No. 801 (die Verbod) in *Staatskoerant* No. 10211 verskyn. Hiervolgens mag geen persoon enige ooreenkoms, reëling, verstandhouding, besigheidspraktyk of handelsmetode aangaan, ’n party wees by of aanhou om ’n party te wees by—

- (a) herverkooppryshandhawing;
- (b) horisontale pryssamespanning;

- (c) horisontale samespanning oor verskaffingsvoorwaardes;
- (d) horisontale samespanning oor markverdeling; of
- (e) samespanning in verband met tenders nie.

26. Die vyf beperkende praktyke in die vorige paragraaf is dus *per se* onwettig. Die Minister kan egter, op aanbeveling van die Raad, in 'n bepaalde geval, kragtens artikel 14 (5) van die Wet, skriftelike vrystelling verleen van 'n verbod bedoel in die kennisgewing, in die mate en onderworpe aan die voorwaardes uiteengesit in die vrystelling. Geeneen van die ondernemings in die kunsmisbedryf het aansoek om vrystelling van enige van die verbodinge gedoen nie. Oortreding van die Verbod is 'n misdryf, en oortreders is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met 'n boete van hoogstens R100 000 of met so 'n boete sowel as sodanige gevangenisstraf.

27. In 1986 daal die vraag na kunsmis skerp en weens die hoë vaste koste by die produksie daarvan lei die lae kapasiteitsbesetting na bewering tot 'n prysoorlog wat gedurende die grootste gedeelte van die jaar woed. Na bewering is diskonto's van tot 40 persent toegestaan en dit het meegebring dat feitlik al die vervaardigers met óf 'n verlies óf 'n onaanvaarbare wins tevrede moes wees.

1987

28. In 1987 vind 'n hele reeks verwikkelinge in die bedryfstak plaas.

29. Die binnelandse vraag na kunsmis beloop sowat 2 miljoen ton en die beskikbare produksiekapasiteit net meer as 4 miljoen ton. Die bedryfstak het dus gebuk gegaan onder 'n kapasiteitsbesetting van ongeveer 50 persent.

30. Fedmis ly 'n verlies van sowat R40 miljoen gedurende die 1986/87 landbouseisoen.

31. Triomf (die maatskappy wat die fabriek te Potchefstroom gehad het en wat losstaan van Triomf Richardsbaai wat toe in voorlopige likwidasie was) verdwyn van die mark en AECl, deur sy volfiliaal Kynoch, koop die meeste van Triomf se bates.

32. Triomf het finansiële probleme ondervind en dit het daartoe gelei dat sy bankiers, Nedbank Beperk (Nedbank), van sy lenings aan die maatskappy moes kapitaliseer. Uiteindelik het Nedbank 77,2 persent van die gewone aandele van die maatskappy gehou asook die meeste van die voorkeuraandele. 'n Belegging van hierdie omvang in 'n kunsmisvervaardiger is waarskynlik nie 'n tipiese belegging vir 'n bank nie.

33. Nedbank het ingevolge artikel 6 (1) (d) van die Wet met die Raad gekonsulteer oor Triomf se voorgestelde oorname deur AECl. Die volgende is die belangrikste aspekte wat geopper was:

- (a) Die beraamde markaandele van die kunsmisprodusente was soos volg: Fedmis (26 persent), Kynoch (25 persent), Triomf (18 persent), Sasol (17 persent) en Omnia (14 persent).
- (b) In 1981 was drie ondernemings (vier vervaardigers, naamlik Fedmis, Omnia en die vennootskap tussen Triomf en AECl) se totale kunsmisomset ongeveer 3,2 miljoen ton. Die vyf vervaardigers (Sasol was die nuwe toevoeging se omset vir die jaar geëindig Junie 1987 was, soos reeds genoem, slegs 2 miljoen ton.
- (c) Die afname in kunsmisverbruik was aan die volgende faktore toegeskryf:
 - (i) Die droogte wat gedurende die vorige vier tot vyf jaar in die meeste landbougebiede geheers het.
 - (ii) Die boere se swak finansiële posisie wat veroorsaak het dat hulle waarskynlik minder kunsmis gekoop het as wat hulle sou wou.
 - (iii) Die siening in sekere verantwoordelike kringe dat, vergeleke met wêreldstandaarde, Suid-Afrikaanse boere te veel kunsmis per hektaar toedien.
- (d) Indien die oorname sou plaasvind, sou dit beteken dat die nuwe Kynoch/Triomf 'n markaandeel van ongeveer 43 persent sou hê—minder as wat die geval was voor 1984.
- (e) Effektiewe mededinging sou na bewering behou word omdat die ander drie vervaardigers deur sterk finansiële groepe ondersteun word.
- (f) Die ingevoerde prys van sekere kunsmisprodukte, onder andere stikstof, was so mededingend dat plaaslike vervaardigers nie enige voordeel kan verkry deur byvoorbeeld die prys van stikstof kunsmatig hoog te hou nie.

34. Op 22 Januarie 1987 is die volgende persverklaring deur die Raad uitgereik:

“Die Voorsitter van die Raad op Mededinging, dr. S. J. Naudé, maak bekend dat AECl (Kynoch) en Triomf Kunsmis ingevolge Die Wet op die Handhawing en Bevordering van Mededinging, 1979, met die Raad oorleg gepleeg het oor die verkryging deur AECl van Triomf Kunsmis.

Die Raad is bewus dat die voorgestelde verkryging 'n aansienlike toename in konsentrasie in die Kunsmisbedryfstak kan meebring. Die oorname het ook tot gevolg dat die kunsmisbelange van Kynoch en Triomf saangevoeg word soos dit was in 1983.

Die kunsmisbedryfstak beleef egter moeilike tye weens onder andere die langdurige droogte en strukturele veranderinge in die landbou. Die kunsmisbedryfstak se bestaande kapasiteit van 4,1 miljoen ton per jaar is waarskynlik groot genoeg om tot aan die einde van hierdie eeu in Suid-Afrika se behoeftes te voldoen. 'n Vorm van rasionalisasie is dus uiters noodsaaklik.

Triomf Kunsmis ly aansienlike verliese en sy meerderheidsaandeelhouer bevind hom in 'n situasie waar hy bykans in die kunsmisbedryfstak "ingedwing" was. Die kundighede van die meerderheidsaandeelhouer is ook nie direk toepaslik in die kunsmisbedryfstak nie. Die ander kunsmisvervaardigers weet waarskynlik ook 'n geruime tyd reeds van die meerderheidsaandeelhouer se begeerte om sy belang in Triomf Kunsmis te vervreem.

Met die inligting tot sy beskikking is die Raad nie bewus van enige omstandighede wat nie die beoogde oornome in die openbare belang regverdig nie."

35. 'n Konsortium van hoofsaaklik buitelandse beleggers en Foskor, bekend as Indian Ocean Fertilizer (Edms.) Bpk. (IOF), koop Triomf Richardsbaai. Foskor hou tans (Julie 1991) 'n 30 persent aandeel in IOF en is volgens sy 1990 jaarverslag besig met onderhandelings om hierdie aandeelhouding na 50 persent op te stoot. IOF is 'n belangrike koper van Foskor se rotsfosfaat.

36. 'n Aansienlike deel van die koopsom is gefinansier deur die finansiële rand. In 'n brief gedateer 3 Maart 1987 aan Nedbank Beperk skryf IOF onder meer:

"This Company undertakes that in the event of its offer to acquire the business of Triomf (Richards Bay) being successful, it shall:

1. Acquire and operate as a going concern.
2. Not enter the local retail fertilizer market."

37. Die plaaslike kleinhandelsmark vir kunsmis waarna in die vorige paragraaf verwys is, is nie omskryf nie.

38. In 'n teleks van 29 April 1987 aan Sentrachem sê die Direkteur-Generaal van die Departement Handel en Nywerheid (DG):

"Hiermee word bevestig dat die firma Indian Ocean Fertilizer Holdings . . . wat deur Foskor bestuur word, nie toegelaat sal word om enige van sy produkte in die binneland te bemark sonder die uitdruklike goedkeuring van die Minister nie. IOFH is dienooreenkomstig ingelig."

39. In die voorgaande paragraaf word verwys na ". . . enige van sy produkte" sonder vermelding van die kleinhandelsmark.

40. Op 31 Julie 1987 word invoerbeheer op kunsmisprodukte in sy geheel opgehef met die opheffing daarvan op ammoniumnitraat.

41. Die Raad ontvang teen die einde van 1987 opdrag van die Minister van Ekonomiese Sake en Tegnologie om informeel ondersoek in te stel na die moontlikheid van pryssamespanning in die kunsmisbedryf. Die Raad het die aangeleentheid bespreek op 'n vergadering waar die topbestuur van die drie groot vervaardigers teenwoordig was. By hierdie vergadering het die produsente aangedui dat hulle nie kan aangaan soos in die verlede nie (prysmededinging) en in die vervolg mekaar se pryse sal "volg". Hierdie benadering is ook skriftelik deur Omnia bevestig.

42. Die Raad ontvang klagtes oor beweerde horisontale pryssamespanning in die kunsmisbedryf. Geen stawende bewyse hiervan kon egter gevind word nie.

1988

43. Sentrachem het Fedmis gedurende Augustus 1988 aan die kunsmisbedryf verkoop. Ook by hierdie verkryging het die betrokke partye ingevolge artikel 6 (1) (d) van die Wet met die Raad gekonsulteer.

44. Die volgende probleme het na bewering op dié stadium in die bedryfstak bestaan:

- (a) 'n Kapasiteitsbesetting van ongeveer 50 persent wat toegeskryf was aan te veel vervaardigers en die droogtetoestand wat die vraag na kunsmis laat daal het.
- (b) Prysoorloë wat die rentabiliteit nadelig beïnvloed het.
- (c) Die monopolistiese mag van sekere afnemers. Na bewering was sowat 90 persent van alle kunsmis in Suid-Afrika deur die koöperasies bemark.
- (d) Die aard van die produk en die produksieproses wat mededinging moontlik ongewens of selfs onmoontlik maak.

45. Die markaandeel van die vervaardigers was min of meer soos volg: Fedmis tussen 25 en 28 persent, Kynoch 40 persent, Sasol 16 persent en Omnia 19 persent. Aansienlike kruisproduksie en uitskakeling van oorvleueling kom in die bedryfstak voor. (Hierdie kruisproduksie vind nog steeds in 1991 plaas.) So koop Sasol soms ammoniumsulfaatnitraat by Omnia, Omnia koop vloeibare ammoniumnitraat by Sasol, Kynoch verpak vir Sasol in Wes-Transvaal en Sasol verpak vir Kynoch in Oos-Transvaal.

46. Die belangrikste aspekte van die Fedmis-transaksie was soos volg:
- (a) Fedmis Phalaborwa, wat fosforsuur en intermedieë fosfaatprodukte vervaardig, sou voortaan as 'n gesamentlike onderneming deur Sasol en Kynoch bedryf word.
 - (b) Die massavermengaanlegte van Fedmis by Kuilsrivier en Pietermaritzburg sou uitgefaseer word.
 - (c) Fedmis Sasolburg wat onder andere salpetersuur, nitrate en verkorrelde produkte vervaardig het, is deur Sasol gekoop.
 - (c) Fedmis Milnerton is verkoop aan AECl/Kynoch. Die aanleg vervaardig ammoniak, salpetersuur en nitrate.
 - (e) Fedmis se grootmaat skeepsterminus by Richardsbaai is verkoop aan AECl en Omnia.
47. Die volgende is voorgehou as voordele in die openbare belang:
- (i) Rasionalisasie in die bedryfstak.
 - (ii) 'n Minimum verlies van werksgeleenthede indien Fedmis sou sluit omdat die verkrygers van Fedmis se personeel in diens sou neem. Die verlies van werksgeleenthede was moontlik omdat Fedmis 'n sinkende onderneming was.
 - (iii) Die moontlikheid dat pryse meer in bedwang gehou kon word deur 'n beter kapasiteitsbesetting.
 - (iv) Die behoud van 'n "strategiese" bedryf.
48. AECl/Kynoch het in hul voorlegging (1991) aangedui dat die verkryging slegs deurgevoer is nadat die Regering Sentrachem, die verkoper van Fedmis, verseker het (sien paragraaf 38 vir hierdie versekering) dat die beperking op IOF in stand gehou sal word. Hulle standpunt is dat, by gebreke van hierdie versekering, die verkryging beslis nie sou voortgaan nie. Hierdie standpunt is ook in 1991 deur Sasol beaam.
49. Die Raad was van mening dat hy selfs na 'n formele ondersoek ingevolge artikel 10 (1) (b) waarskynlik tot die gevolgtrekking sou kom dat die verkryging in die openbare belang geregtig is en dus "toegelaat" moes word. Die Voorsitter sou nietemin die aangeleentheid eers met die Minister bespreek.
50. Die Minister het aangedui dat hy die aangeleentheid self met die betrokkenes wil bespreek. Hierdie bespreking het op 22 Augustus 1988 in Kaapstad plaasgevind.
51. Op 2 September 1988 het die Raad Sentrachem meegedeel dat, met die inligting tot sy beskikking, die Verkrygingskomitee van die Raad:
- "... is of opinion that there are no circumstances which on balance do not justify the transactions in the public interest."
52. Na die verkryging van Fedmis het die oorblywende kunsmisprodusente produksiekapasiteit buite werking gestel.
53. Die Raad het gedurende 1988 weer klagtes ontvang omdat identiese pryse vir verskillende kunsmismengsels deur al vier produsente kwoeteer word. Die Raad kon nie bewyse van pryssamespanning vind nie en het die klaers aangeraai om die aangeleentheid by die handelstak van die Suid-Afrikaanse Polisie (SAP) aanhangig te maak.
54. Die Raad het daarna weer klagtes oor horisontale pryssamespanning in die kunsmisbedryf ontvang. Geen bewyse kon egter gevind word om die bewering te staaf nie.

1989

55. In 'n brief gedateer 8 November 1989, gerig aan die DG, skryf IOF soos volg:
- "On March 3, 1987, I signed a letter addressed to Nedbank, in which IOF undertook not to enter the local retail market. Please see the attached photocopy.
- I herewith restate that IOF at present does not intend to enter the retail market. IOF does not wish to sell to the farmer."
56. Die Raad het weereens klagtes oor horisontale pryssamespanning in die kunsmisbedryf ontvang en steeds kon geen bewyse gevind word om die bewering te staaf nie.

1990

57. Op 26 Maart 1990 skryf die DG soos volg aan IOF:
- "... a written and signed undertaking by yourselves that you would 'acquire and operate as a going concern' the business of Triomf (Richards Bay) Pty Ltd, and that you would 'not enter into the local retail fertilizer market.'
- Other parties in the market have in the meantime acted in confidence on that undertaking.
- Please confirm in writing at your earliest convenience that your written undertaking is being and will be fully complied with."
58. IOF antwoord soos volg op die brief van die DG waarna in die vorige paragraaf verwys is:
- "We wish to acknowledge receipt of your letter dated the 26/3/90 contents which have been noted.
- It is, . . . , correct that this Company gave an undertaking (in confidence) . . . in support of its application at the time, that it would not 'enter into the local retail fertilizer market.' We have in the past and are still complying with that undertaking."

59. IOF verhuur sy verkorrelingsaanleg gedurende Mei en Junie aan Agriland Kunsmis (Edms.) Bpk. (Agriland). Dié maatskappy is op 19 Januarie 1990 geïnkorporeer. Agriland was onafhanklik in die sin dat dit nie finansiële of deur direkteurskappe aan groter maatskappygroepe in Suid-Afrika gekoppel was nie. Die besturende direkteur was dr. R. Greeff.

60. Agriland staak op 25 Junie 1990 sy aktiwiteite weens ernstige finansiële knelpunte. In 'n voorlegging word beweer dat Agriland onrealistiese lae pryse kwoteer het in 'n poging om marktaandeel te bekom.

61. Op 27 Junie 1990 sluit Kynoch 'n ooreenkoms met Agriland. Hiervolgens onderneem Kynoch onder meer om, as agent van Agriland, sekere kontrakte wat Agriland gesluit het vir die verskaffing van kunsmis namens Agriland uit te voer. Dit sou geskied in terme van die voorwaardes vervat in die verskillende kontrakte.

62. Teen die einde van Junie 1990 hou Nampo samesprekings met IOF wat uitloop op voorwaardes betreffende hoeveelhede en pryse waaronder IOF sekere soorte kunsmis direk aan koöperasies sou lewer.

63. IOF verhuur sy verkorrelingsaanleg aan Kynoch vanaf 2 Julie 1990.

64. Op 13 Julie 1990 skryf Nampo soos volg aan die Raad:

"Hiermee doen ons dringend aansoek dat die ooreenkoms tussen Kynoch en IOF, waarvolgens IOF se verkorrelingsaanleg aan Kynoch verhuur word en IOF nie langer verkorrelde kunsmis aan die binnelandse groothandel mag lewer nie, onwettig verklaar en opgeskort word."

65. Sentraalwes (Koöperatief) Beperk skryf op 25 Julie 1990 onder andere soos volg aan die Raad:

"... ons [wil] ons bekommernis uitspreek dat die aksie 'n inhiberende effek op mededinging sal hê. Ons baseer ons stelling op die feit dat tydens die bestaan van Agriland as 'n bemarkingsarm van IOF se produkte was daar 'n daling in pryse van soortgelyke produkte op die plaaslike kleinhandelsmark. Graag verneem ons waarom die bedryf nadat daar beperkte mededinging ontstaan het, bereid was om pryse van ekwivalent produkte te ontmoet en selfs produkte te vervaardig wat soortgelyk was as wat IOF vervaardig. Die vorige prysstruktuur geld tans. Ons versoek die Raad van Mededinging dus om hierdie aangeleentheid te ondersoek op grond van die prysstelling van die produkte met die klem op winsmarges."

66. Op 30 Julie 1990 skryf Nampo weer aan die Raad en sê in die brief onder meer:

"Graag vestig ek u aandag daarop dat Kynoch nou DAP-kunsmis teen R980 per ton in die binnelandse mark aanbied terwyl IOF, voordat die ooreenkoms met Kynoch gesluit is, bereid was om DAP teen R630 per ton te Richardsbaai aan te bied. Ingevoerde DAP kan nou vir R590 per ton in Richardsbaai gelewer, ingevoer word."

67. Op 6 Augustus 1990 het die Raad 'n brief aan Kynoch gerig met die versoek dat die Raad voorsien word van 'n afskrif van die ooreenkoms tussen hulle en IOF.

68. Op 21 Augustus 1990 skryf Noordwes Koöperasie Beperk soos volg oor die verhuring van IOF se verkorrelingsaanleg aan Kynoch:

"Noordwes Koöperasie is van mening dat 'n ooreenkoms met die groot binnelandse maatskappye teen-produktief is en gesonde mededinging uitskakel. Ons wil derhalwe 'n versoek tot die Raad rig om ondersoek in te stel na die wenslikheid van die 'ooreenkoms' tussen IOF en Kynoch Kunsmis, wat na ons mening tog eksklusiwiteit in die hand werk en derhalwe nie normale marktendense bevorder nie."

69. Op 9 November 1990 word 'n ooreenkoms gesluit tussen Indian Ocean Fertilizer (Edms.) Beperk, AECl Beperk, AECl Opencast Services (Edms.) Bpk. en Kynoch Fertilizer Beperk. Kynoch Fertilizer Beperk is 'n volfiliaal van AECl Beperk. Vervolgens word enkele aspekte van dié ooreenkoms bespreek.

- (a) IOF en AECl het 'n gesamentlike en gelyke aandeelhouing in AECl Opencast Services (Edms.) Beperk. Laasgenoemde se naam is na die neem van 'n spesiale besluit verander na Richards Bay Fertilizer (Edms.) Bpk. (RBF).
- (b) RBF huur die verkorrelingsaanleg van IOF te Richardsbaai teen 'n bedrag gelykstaande aan die vaste bedryfskoste van die aanleg.
- (c) Elke aandeelhouer is verplig om jaarliks minstens 70 000 ton kunsmis van RBF te koop teen 'n prys wat RBF in staat sal stel om die huur aan IOF te betaal. Indien 'n aandeelhouer nie sy 70 000 ton opneem nie, is hy nietemin aanspreeklik vir die koopprys daarvan.
- (d) AECl/Kynoch sal kunsmis (wat hy van RBF koop) slegs in die "Suid-Afrikaanse" mark (die Republiek van Suid-Afrika, Transkei, Venda, Ciskei, Bophuthatswana, Swaziland en Lesotho) verkoop. Hy sal dié kunsmis nie in die "gesamentlike" mark (die lande Zaire, Zambië, Zimbabwe, Malawi, Namibië en Mosambiek) of "elders" (alle bestemmings buite die "Suid-Afrikaanse" en die "gesamentlike" markte) verkoop nie. Indien hy wel in die "gesamentlike" mark verkoop sal hy dit doen as agent vir RBF.

- (e) IOF sal nie kunsmis (wat hy van RBF koop) in die "Suid-Afrikaanse" mark verkoop nie en kunsmis wat hy in die "gesamentlike" mark verkoop sal tot krediet van RBF wees. IOF sal kunsmis slegs "elders" verkoop. Uitvoere na bestemmings "elders", behalwe DAP, MAP en tripel-superfosfate in korrelvorm sal tot voordeel van RBF wees.
- (f) Kynoch sal die rekeningkundige en administratiewe dienste aan RBF lewer.

70. Die verpligting op Kynoch om 70 000 ton by RBF te koop, beteken dat hy van sy bestaande produksie-kapasiteit buite diens moes stel.

71. Op 26 November 1990 het die Raad 'n afskrif ontvang van die ooreenkoms wat tussen IOF, AECI, RBF en Kynoch gesluit is.

72. Die Raad ontvang weer bewerings dat die produsente in die kunsmisbedryf by pryssamespanning betrokke is.

73. Die Raad het daarna besluit om, as gevolg van die klagtes oor die beweerde verkryging en pryssamespanning in die kunsmisbedryf, 'n formele ondersoek in te stel. Hierdie ondersoek sou so formuleer word dat, benewens die beweerde verkryging (en pryssamespanning), ook ander beperkende praktyke wat moontlik kon bestaan, ondersoek word.

1991

74. Sasol kondig aan dat hy sy aktiwiteite by die Sasolburg-aanleg, wat 'n kapasiteit van 250 000 ton per jaar het, teen die einde van Desember 1991 gaan uitfaseer.

75. Goewermentskennisgewing Nr. 85 van 1991 verskyn op 25 Januarie 1991 in *Staatskoerant* 12984. Dié kennisgewing lui soos volg:

"Die Raad op Mededinging maak hiermee vir algemene inligting bekend dat hy ingevolge artikel 10 (1) (a) van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979), 'n ondersoek onderneem na beperkende praktyke wat in die verskaffing en distribusie van kunsmis aan bona fide-boere bestaan of mag ontstaan.

Die Raad sal in die besonder bepaal of enige van die bepalings in 'n ooreenkoms aangegaan tussen Indian Ocean Fertilizer (Edms.) Beperk, AECI Beperk, AECI Opencast Services (Edms.) Bpk. en Kynoch Fertilizer Beperk, 'n beperkende praktyk daarstel. Die Raad sal ook kragtens artikel 10 (1) (b) van Wet No. 96 van 1979 bepaal of die vermelde ooreenkoms aanleiding gegee het tot 'n verkryging, en indien wel, of sodanige verkryging in die openbare belang geregverdig is.

Enigiemand kan binne dertig (30) dae vanaf die datum van hierdie kennisgewing skriftelike verhoë daaroor rig aan dr. H. J. Dekker, Raad op Mededinging, Privaatsak X720, Pretoria, 0001. (Verwysing R5/2/1/2/31)."

76. Die kwantitatiewe reaksie op die kennisgewing was swak en slegs drie voorleggings is ontvang—van AECI, Nampo en Noordwes Koöperasie Beperk. Die kerntema van die voorleggings uit die landbousektor het gewentel om beweringe van horisontale pryssamespanning en samespanning oor verskaffingsvoorwaardes deur die kunsmisvervaardigers en die beperking op mededinging deur die beweerde oorname deur Kynoch van IOF.

DIE PROSEDURE BY ONDERSOEKE NA BEPERKENDE PRAKTYKE

77. 'n Omskrywing van 'n beperkende praktyk verskyn in paragraaf 3 van hierdie verslag. Die belangrikste aspek by die beskrywing daarvan is dat die optrede van 'n onderneming of ondernemings mededinging regstreeks of onregstreeks moet beperk. Die omskrywing kan geriefshalwe in oorsaak en gevolg komponente verdeel word. Dit is slegs wanneer die optrede onder (a) tot (d) in paragraaf 3 mededinging regstreeks of onregstreeks beperk deurdat dit die uitwerking het of waarsynlik sal hê van een of meer van die gevolge genoem in (i) tot (vii) van dieselfde paragraaf dat daar van 'n beperkende praktyk sprake is.

78. Die Raad kan 'n beweerde beperkende praktyk ingevolge artikel 10 (1) (a) of 10 (1) (c) van die Wet ondersoek. 'n Artikel 10 (1) (a)-ondersoek word onderneem na 'n beweerde beperkende praktyk(e) deur 'n bepaalde onderneming of ondernemings of bedryfstak, terwyl 10 (1) (c) gebruik kan word om 'n ondersoek te onderneem na beperkende praktyke wat meer algemeen voorkom. Die verbod het juis gespruit uit 'n artikel 10 (1) (c)-ondersoek—sien die Raad se Verslag No. 15 *Ondersoek na Samespanning oor Pryse en Voorwaardes, Markverdeling en Tenderpraktyke*.

79. Artikel 11 van die Wet bepaal onder meer dat die Raad te eniger tyd na kennisgewing van 'n artikel 10 (1) (a)-ondersoek in die *Staatskoerant* met enige persoon of liggaam, met of sonder regs persoonlikheid, kan onderhandel ten einde 'n reëling te tref wat die beëindiging van 'n beperkende praktyk sal verseker. Indien so 'n reëling nie getref word, moet die Raad aan die Minister verslag doen.

80. Ingevolge artikel 12 van die Wet moet die Raad aan die Minister verslag doen oor die uitslag van enige ondersoek ingevolge artikel 10 (1). Indien die Raad na ondersoek ingevolge artikel 10 (1) (a) van mening is dat 'n beperkende praktyk bestaan en nie oortuig is dat die bepaalde beperkende praktyk in die openbare belang geregverdig is nie, kan die Minister ingevolge artikel 14 optree om die beperkende praktyk te beëindig. Volgens dié artikel kan die Minister onder andere deur kennisgewing in die *Staatskoerant* die betrokke beperkende praktyk onwettig verklaar. Indien die beperkende praktyk dan voortgesit word, sal die oortreder by skuldigbevinding strafbaar wees met 'n boete van hoogstens R100 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met so 'n boete sowel as sodanige gevangenisstraf.

81. Dit volg uit die voorgaande paragraaf dat indien die Raad na 'n ondersoek ingevolge artikel 10 (1) (a) van mening is dat 'n beperkende praktyk bestaan *maar oortuig is dat die beperkende praktyk in die openbare belang geregverdig is, die Minister nie ingevolge artikel 14 kan optree nie.*

82. Daar bestaan in effek 'n weerlegbare vermoede dat beperkende praktyke teen die openbare belang is. Dit kan afgelei word uit die bewoording van artikels 12 (2) (b) en 14 (1) van die Wet wat bepaal dat optrede om 'n situasie reg te stel, moet volg indien die Raad of die Minister, na gelang van die geval, nie oortuig is dat die beperkende praktyk in die openbare belang geregverdig is nie.

83. Die Raad het, by die bepaling van die openbare belang, aanvaar dat dit 'n begrip is wat die belange van die deelnemers in die relevante bedryf en die algemene publiek (in besonder as verbruikers) asook die breë nasionale belang insluit. Hierdie verskillende belange stem nie noodwendig ooreen nie en word in so 'n geval geïdentifiseer, teen mekaar opgeweeg en dan verreken.

84. Iemand wat enigeen van die verbodinge van die Verbod oortree en wie nie vrystelling van die verbod van die Minister ontvang het nie is, soos genoem, by skuldigbevinding strafbaar met 'n boete van hoogstens R100 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met so 'n boete sowel as sodanige gevangenisstraf. Indien die Raad dus 'n ondersoek doen en in die loop daarvan bewyse vind dat enige van die verbodinge van die Verbod oortree is of word, kan hy of die Minister nie ingevolge enige artikel van die Wet optree nie.

85. Dit is dan nie vir die Raad nodig om te bepaal of die beperkende praktyk in die openbare belang geregverdig is nie. Die Raad kan dan ook nie met die betrokke partye kragtens artikel 11 onderhandel nie. Trouens, die Raad het nie eens die bevoegdheid om in sulke gevalle 'n mening uit te spreek oor die openbare belang al dan nie en ook nie die reg om uitsluitel te gee oor strafregtelike vervolgings nie. Oortreding van die Verbod is 'n kriminele oortreding en straf vir onwettige dade word deur die houe uitgemeet—die Raad kan dit nie doen nie. Na 'n ondersoek deur die SAP sal die Prokureur-generaal (PG) besluit (en nie die Raad nie) of genoegsame getuienis bestaan om 'n saak teen die beweerde oortreders aanhangig te maak.

DIE BEWERING OOR HORIZONTAL PRYSSAMESPANNING

86. In sommige voorleggings word beweer dat die kunsmisvervaardigers hulle pryse op min of meer dieselfde tyd verhoog met min of meer dieselfde bedrag en die implikasie hiervan is dat hulle by horisontale prysamespanning betrokke is. Die ondernemings produseer elkeen 'n wye produktereeks en slegs die pryse van enkele produkte in hul jongste pryslyste verskyn in Tabel 1.

87. Uit Tabel 1 blyk dat die lyspryse van die betrokke produkte vir alle praktiese doeleindes dieselfde is. Die prysverskille wat wel voorkom is onbeduidend klein. Die gegewens in die tabel laat onmiddellik die vermoede ontstaan dat prysamespanning aan die orde is. Hierdie vermoede word versterk omdat die drie pryslyste vanaf dieselfde datum (1 Januarie 1991) van krag is.

Tabel 1—Die prys in rand per ton van verskillende misstowwe van die produsente volgens pryslyste gedateer 1 Januarie 1991

Produk	Kynoch	Sasol	Omnia
2:1:0 (30) + 0,5% Zn.....	903	903	903
2:3:2 (30) + 0,5% Zn.....	908	909	908
3:2:0 (25) + 0,5% Zn.....	792	792	792
3:2:0 (30) + 0,5% Zn.....	947	947	947
3:2:0 (25) + 1% B.....	926	926	922
3:2:1 (25) + 0,5% Zn.....	728	728	727
4:3:4 (33) + 0,5% Zn.....	869	869	869
MAP + 0,75% Zn.....	1 086	1 086	1 086
KAN 28%	513	513	513
ASN 27%	525	525	525
Ureum 46%	795	800	795
Supers 10,5%	492	492	492
Kaliumchloried.....	675	675	675
Kaliumsulfaat.....	1 025	1 025	1 025
Kaliumnitraat	1 372	1 372	1 372

88. In paragraaf 27 is vermeld dat die vraag na kunsmis in 1986 skerp gedaal het. Dit het na bewering gelei tot 'n prysoorlog wat gedurende die grootste gedeelte van die jaar gegeld het. Diskonto's van tot 40 persent is destyds glo aan boere toegestaan. Selfs hierdie bewering versterk die vermoede dat pryssamespanning in die kunsmisbedryf voorkom. Dié stelling verg nadere toeligting.

89. Soos elders vermeld is horisontale pryssamespanning sedert 2 Mei 1986 onwettig en prysbeheer op kunsmis is vanaf 1 Januarie 1984 opgehef. Voor 1 Januarie 1984 was eenvormige kunsmispryse weens prysbeheer aan die orde. Voor 2 Mei 1986 kon kunsmis- en ander produsente wettig saamspan oor pryse. Gevolglik bestaan 'n sekere dualiteit in die "... diskonto's van tot 40 persent" waarna in die vorige paragraaf verwys is. **Eerstens** kon die produsente voor 2 Mei 1986 wettig saamspan oor eenvormige lyspryse en kortings en/of hulle kon saam lyspryse as riglyn vir die bedryfstak opstel en dan deur die toestaan van kortings op die lysprys meeding. **Tweedens** kon die produsente na Mei 1986 individueel besluit (wettig) om 'n bepaalde produsent as prysleier (later kom prysleiers weer onder die oog) te beskou en deur die toestaan van kortings op die gevolglike eenvormige lyspryse mee te ding. Hoe feller die mededinging hoe hoër die korting en dus hoe laer die prys. Dit rym met die ekonomiese teorie van vraag en aanbod.

90. Die gebruik van kortings om by 'n netto prys uit te kom staan egter onmiddellik onder verdenking—die verdenking van pryssamespanning. Die gebruik van die korting om die netto prys te bepaal impliseer eenvormige lyspryse en laasgenoemde lyk met die eerste oogopslag na pryssamespanning, alhoewel eenvormige lyspryse ook aan ander faktore toegeskryf kan word. Dié aspek word later breedvoeriger bespreek.

91. Die argument dat die lysprys bekend is en dat die omvang van die korting 'n gerieflike maatstaf is om pryse te vergelyk hou net nie stand nie. Wat is eenvoudiger as om die netto pryse van dieselfde produk- en diensaanbod te vergelyk en dan 'n koopbesluit te neem? Die Raad se ervaring is dat eenvormige lyspryse grootskaals in Suid-Afrika voorkom. Hierdie verskynsel kan moontlik mededinging, en veral prysmededinging, beperk.

92. Die huidige toestand van mededinging in die kunsmisbedryf word soos volg in 'n voorlegging toegelig:

"Ons wys u ook spesifiek daarop dat die maatskappye oor die algemeen bloot teen lyspryse kwoteer en slegs by uitsondering afslagte gee, wat die feit dat hul pryslyste onderling ooreenstem in behoorlike perspektief plaas. Hulle stelling dat hulle lyspryse eintlik niksseggend is aangesien hulle met afslagte meeding, word hiermee aan die kaak gestel."

93. Om hierdie bewering te illustreer het die klaers kwotasies aan drie boere verkry. Hierdie kwotasies is omgerekend na 'n gestandaardiseerde basis van 'gelewer op plaas, betaling in Junie 1991'. Die pryse sluit kortings en vervoerkoste in en word in Tabel 2 weergegee.

Tabel 2—Die netto prys per ton aan drie boere omgerekend na 'n gestandaardiseerde basis van 'gelewer op plaas, betaling in Junie 1991'

Produk	Prys aan boere 1 en 2		Prys aan boer 3	
	Omnia	Sasol	Kynoch	Omnia
3:2:1 (25) Zn.....	729	729		
Supers (10,5).....	501	501		
Kan (28).....	504	504		
3:2:1 (25) Zn.....			753	752
Ureum (46).....			856	856

94. Tabel 2 bevestig die indruk dat pryssamespanning in die kunsmisbedryf voorkom. Nie alleen is die lysprys dieselfde nie maar ook die prys per ton soos gelewer op die plaas. Die prysverskil van een rand by 3:2:1 (25) Zn is irrelevant.

95. Ongelukkig vir kopers, en gelukkig vir sommige produsente, is identiese pryse egter nie voldoende bewys van pryssamespanning nie. Dit is nodig om bo redelike twyfel te bewys dat die betrokke partye 'n ooreenkoms, reëling of verstandhouding oor pryse het. Dit is die kern van die saak—niemand oortree die Verbod as daar nie 'n ooreenkoms, reëling of verstandhouding tussen hulle is nie. Die voorbeeld wat volg dien as illustrasie dat identiese pryse nie voldoende bewys van horisontale prysamestelling is nie.

96. Die Raad het in 1988 'n klagte ontvang oor beweerde horisontale pryssamespanning in 'n bepaalde bedryfstak. In hierdie geval was daar agt verkopers en die tenderpryse van 16 produkte was ter sprake. Die tenderpryse van hierdie produkte verskyn in Tabel 3.

Tabel 3—Die tenderpryse van 16 verskillende produkte deur agt verkopers, Julie 1988

Verkoper	A	B	C	D	E	F	G
Produkt	Julie 1988—Prys per kilogram of liter in rand						
1	Nb	7,17	7,17	Nb	7,18	7,18	7,18
2	Nb	8,81	Nb	8,81	8,81	8,81	Nb
3	4,50	4,49	4,50	Nb	4,50	4,50	4,50
4	8,00	8,00	7,99	7,99	8,00	7,99	8,00
5	2,27	2,27	2,26	2,26	2,27	2,27	2,27
6	27,04	27,03	27,03	27,03	27,04	27,04	27,04
7	Nb	31,24	31,23	Nb	31,24	31,24	Nb
8	Nb	0,98	0,98	0,98	0,98	0,98	0,98
9	Nb	2,09	2,09	2,09	2,09	2,09	2,09
10	Nb	28,88	28,88	28,88	Nb	Nb	Nb
11	Nb	56,93	56,93	Nb	56,94	56,94	56,94
12	Nb	57,06	57,06	57,05	Nb	57,07	Nb
13	Nb	18,29	18,29	18,30	18,30	18,30	18,30
14	7,32	7,31	7,32	7,32	7,32	7,32	7,32
15	5,69	5,69	5,68	5,68	5,69	5,69	5,69
16	7,74	7,74	Nb	7,74	7,74	7,74	7,74

97. Die Raad was van mening dat die prysooreenstemming wat uit Tabel 3 blyk voldoende bewys van horisontale pryssamespanning was en het die relevante stukke op 11 Julie 1988 na die PG verwys. Laasgenoemde het die Raad op 29 Julie meegedeel dat die aangeleentheid na die plaaslike Afdelingskommissaris van die SAP verwys is. Op 15 Maart 1989 het die PG die Raad meegedeel dat die SAP hulle ondersoek afgesluit het en vir beslissing aan die PG voorgelê het. Die PG het, sonder om redes te verstrek, geweier om te vervolg.

98. In die lig van die feite in die vorige paragraaf is die Raad dus nie oortuig dat die bykans identiese pryse wat in Tabelle 1 en 2 aangedui word, voldoende bewys van pryssamespanning in die kunsmisbedryf is nie. Om te herhaal, die Raad het rede om te vermoed dat pryssamespanning in die kunsmisbedryf voorkom, maar beskik nie oor voldoende bewyse wat sal lei tot 'n skuldigbevinding van die betrokke partye in 'n hof nie. Pryssamespanning impliseer nie noodwendig dat die deelnemers abnormale wins verdien nie. So is dit onder bepaalde omstandighede moontlik dat ondernemings saamspan om te oorleef of om nie groter verliese te ly nie. Juis as gevolg van hierdie ander redes maak die Verbod daarvoor voorsiening dat die Minister vrystelling daarvan kan verleen.

99. Die argumente vir die voorkoms van dieselfde of soortgelyke pryse wentel hoofsaaklik om die bestaan van dieselfde of soortgelyke kostestrukture. Die koste word dan onderverdeel in koste wat voortspruit uit die bestaan van vaste bates (soos waardevermindering op masjinerie en toerusting), arbeids- en grondstofkoste.

- (i) Die kunsmisprodusente gebruik dieselfde masjinerie in die vervaardigingsproses en dus sal die koste en pryse van die produkte min of meer dieselfde wees.
- (ii) In die vervaardigingsproses word dieselfde grondstowwe gebruik en daarom moet die koste en pryse min of meer dieselfde wees. Al die produsente koop fosfaatrots-konsentraat by FOSKOR, Sasol is die primêre verskaffer van ammoniak (alhoewel AECI ook self ammoniak vervaardig), swaai word by die myne in die vorm van swaelsuur gekoop, kalium (potas) word ingevoer en om skeepsvrage optimaal te benut word verskepingkontrakte gesamentlik deur die kunsmisprodusente opgestel.
- (iii) Weens die bestaan van vakbonde en minimum loonwetgewing is die arbeidskoste dieselfde.
- (iv) Daar bestaan nie pryssamespanning in die bedryfstak nie maar prysnavolging is aan die orde van die dag.

100. Horisontale pryssamespanning soos omskryf in die Verbod moet onderskei word van prysnavolging. By prysnavolging volg ondernemings mekaar se pryse na—en dit is nie *per se* onwettig nie. Daar moet egter nie 'n ooreenkoms, reëling of verstandhouding wees om mekaar se pryse na te volg nie.

101. Die prysleier verwerf sy posisie uiteraard op 'n informele wyse—samespanning is aan die orde indien die prysleierskap formeel is, dit wil sê, voortvloei uit 'n kontrak of ander formele reëling. By prysnavolging het die navolger 'n bepaalde prysstrategie, byvoorbeeld, die onderneming besluit doelbewus om sy produkte te bemark teen 'n prys wat dieselfde of 'n sekere persentasie meer of minder as dié van die prysleier is. 'n Mens kan hierdie strategie omskryf as "aktiewe" prysnavolging.

102. Dit is natuurlik ook moontlik dat die gewone vraag na en aanbod van 'n produk aanleiding kan gee tot eenvormige pryse daarvan. Onder toestande van suiwer konkurrensie het die individuele bemarkers geen invloed op die hoeveelheid produkte aangevra en dus die prys daarvan nie. Die produkte wat aangebied word deur die bemarkers is hoofsaaklik homogeen, gevolglik maak dit vir die verbruikers nie saak by watter bemarkers hulle koop nie. Die bemarkers in hierdie markvorm is dus prysnemers in die sin dat die prys vir hulle 'n gegewe is. Hulle is dus prysnemers en nie prysmakers nie. Hierdie strategie kan omskryf word as "passiewe" prysnavolging.

103. Uiteraard tree die kunsmisprodusente in Suid-Afrika nie op onder toestande van suiwer konkurrensie nie—hulle is eerder oligopoliste. Die Raad het egter begrip daarvoor dat die pryse van relatief homogene produkte onder mededingende omstandighede neig om soortgelyk te wees. Dit is prakties net nie moontlik om te verwag dat groot prysverskille van homogene produkte in dieselfde mark moet voorkom nie. Beduidende prysverskille van homogene produkte in dieselfde mark sal meebring dat die “duurder” produk nie verkoop nie en sy prys sal oor tyd moet verlaag om met die “goedkoper” produk mee te ding.

104. As 'n algemene stelling en uit 'n mededingingsoogpunt kan beweer word dat mededinging meer tot sy reg sal kom in bedryfstakke wat nie so gekonsentreerd is nie. Nie alleen is die vervaaring van kunsmis in Suid-Afrika gekonsentreerd nie, maar ook die distribusie daarvan. Dit is reeds genoem dat die koöperasies (in hierdie opsig is hulle groothandelaars) ongeveer 90 persent van die kunsmis in Suid-Afrika distribueer.

DIE BEWERING OOR SAMESPANNING OOR VERSKAFFINGSVOORWAARDES

105. Die kunsmisbedryf was in die verlede by 'n samespannende ooreenkoms betrokke—vergelyk in hierdie verband die noodgedwonge eenvormige verskaffingsvoorwaardes wat moes geld onder die markverdelingsooreenkoms waarna in paragraaf 6 verwys is. Alhoewel samespanning oor verskaffingsvoorwaardes in die kunsmisbedryf sedert die Verbod onwettig is, is dit so dat die bedryf oor jare heen voor dié datum wettig eenvormige verskaffingsvoorwaardes gestel het. As hulle daarna afsonderlik besluit het om die destydse verskaffingsvoorwaardes nie te wysig nie, impliseer die huidige soortgelyke verskaffingsvoorwaardes nie noodwendig dat hulle daarvoor saamspan nie. Die moontlikheid bestaan dat hulle daarvoor saamspan, maar die Raad is met die inligting tot sy beskikking nie oortuig dat dit wel die geval is nie.

DIE PROSEDURE BY ONDERSOEKE NA VERKRYGINGS

106. 'n Verkryging word in artikel 1 van die Wet omskryf as:

“... die verkryging deur die houer van 'n beheerende belang in 'n besigheid of onderneming betrokke by die produksie, vervaardiging, verskaffing of distribusie van enige handelsartikel, van sodanige belang—

(a) in 'n ander besigheid of onderneming aldus betrokke; of

(b) in 'n bate wat aangewend word of kan word vir of in verband met die produksie, vervaardiging, verskaffing of distribusie van so 'n handelsartikel,

mits sodanige verkryging die uitwerking het of waarskynlik sal hê om mededinging regstreeks of onregstreeks te beperk, en het 'verkry' 'n ooreenstemmende betekenis.”

107. Dit volg uit die voorgaande omskrywing dat 'n verkryging (in die gewone spreektaal) nie 'n verkryging ingevolge die Wet is nie tensy dit mededinging regstreeks of onregstreeks beperk. Voorts, soos by beperkende praktyke, indien die Raad na 'n ondersoek ingevolge artikel 10 (1) (b) van mening is dat 'n verkryging bestaan **maar oortuig is dat die verkryging in die openbare belang geregverdig is, kan die Minister ook nie ingevolge artikel 14 optree nie.**

108. Ingevolge artikel 6 (1) (d) van die Wet kan die Raad met belanghebbende partye oorleg pleeg in verband met 'n verkryging wat plaasgevind het, aan die plaasvind is of voorgestel word. Daar rus egter nie 'n wetlike verpligting op sodanige belanghebbendes om met die Raad oorleg te pleeg nie.

109. Dit Raad kan, na 'n konsultasie waarna in die vorige paragraaf verwys is, die belanghebbende partye soos volg adviseer:

(a) Die “verkryging” is nie 'n verkryging ingevolge die Wet nie.

(b) Die Raad is met die inligting tot sy beskikking nie oortuig dat die verkryging in die openbare belang geregverdig is nie. Indien die betrokke partye onder sulke omstandighede tog met die verkryging voortgaan, sal die Raad waarskynlik 'n ondersoek daarna kragtens artikel 10 (1) (b) instel.

(c) Die Raad is, met die inligting tot sy beskikking, nie oortuig dat 'n ondersoek kragtens artikel 10 (1) (b) gedoen moet word nie. Hierdie advies sluit nie die moontlikheid uit van 'n latere ondersoek ongevoleg artikel 10 (1) (b) nie. Laasgenoemde is veral moontlik in geval waar die Raad nuwe tersaaklike inligting oor die verkryging bekom.

110. Artikel 6 (2) bepaal dat op die skriftelike versoek van iemand wat 'n verkryging wil aangaan, kan die Raad met die toestemming van die Minister en behoudens die voorwaardes wat die Raad goedgevind, 'n beslissing verstrek ten effekte dat, op die feite en inligting in die aansoek vervat of op versoek van die Raad deur die aansoeker of iemand anders verstrek, volgens die oordeel van die Raad daar omstandighede aanwesig is wat sodanige verkryging in die openbare belang regverdig. Behoudens die genoemde voorwaardes, as daar is, belet so 'n beslissing dat die Minister 'n kennisgewing kragtens artikel 14 (1) (c) uitreik ten opsigte van sodanige verkryging op die grondslag van genoemde feite en inligting. Selfs in die geval van artikel 6 (2) bestaan daar dus 'n moontlikheid dat die bekom van nuwe tersaaklike inligting kan lei tot 'n ondersoek kragtens artikel 10 (1) (b).

111. Ingevolge artikel 12 van die Wet moet die Raad aan die Minister verslag doen oor die uitslag van enige ondersoek ingevolge artikel 10 (1). Indien die Raad na ondersoek ingevolge artikel 10 (1) (b) nie oortuig is dat 'n verkryging of beoogde verkryging in die openbare belang geregverdig is nie, kan die Minister ingevolge artikel 14 optree om die verkryging te beëindig.

112. Voor die bespreking van die ooreenkoms tussen IOF, AECl, RBF en Kynoch is dit nodig om te let op die moontlike implikasies van IOF se onderneming dat hy nie in die plaaslike kleinhandelsmark sal optree nie.

DIE ONDERNEMING VAN IOF

113. Elders in hierdie verslag is daarop gewys dat IOF die onderneming, vermeld in die vorige paragraaf, by verskeie geleenthede gegee het. Dit word kortliks herhaal.

- (a) Die onderneming word gegee in 'n brief gedateer 3 Maart 1987 aan Nedbank (sien paragraaf 36);
- (b) Op 8 November 1989 word die onderneming bevestig in 'n brief van IOF gerig aan die DG (sien paragraaf 55); en
- (c) In 1990 bevestig IOF weereens die onderneming na 'n spesifieke vraag daaroor wat die DG in 'n brief gedateer 26 Maart 1990 aan IOF gerig het (sien paragraaf 57).

114. Ook van owerheidsweë is die versekering gegee dat IOF nie tot die plaaslike (kleinhandelsmark) sou toetree nie (sien paragraaf 38). Sasol en AECl/Kynoch beweer dat, by gebreke van hierdie versekering, hulle nie Fedmis in 1988 sou verkry nie (sien paragraaf 48).

115. Uit samesprekings tussen amptenare van die Raad en ander belanghebbendes was dit duidelik dat IOF se onderneming nie as 'n voorvereiste gestel was vir die investering in IOF deur die finansiële rand nie. Die Raad kon ook nie in sy ondersoek vasstel dat iemand of 'n bepaalde instelling IOF versoek het om die aanvanklike onderneming in die brief van 3 Maart 1987 aan Nedbank te maak nie. Eweneens kom dit voor of IOF se onderneming nie regtens afdwingbaar was nie. IOF kon dus blykbaar, deur 'n eensydige terugtrekking van sy onderneming, misstowwe aan die kleinhandel bemark.

116. Nietemin, IOF het oënskynlik tot in Mei 1990 by sy onderneming gehou. Hy het wel misstowwe verskaf aan onder andere Atlas Organic Fertilizers (Edms.) Bpk., Chemphos Bpk., Kynoch, Nitrophoska (Edms.) Bpk., Plaaslike Boeredienste (Edms.) Bpk. en Sasol. Hierdie ondernemings vervaardig self misstowwe of is betrokke by die grootmaat vermening daarvan en kan nie beskou word as deel van die kleinhandelsmark nie.

117. Kynoch beweer dat IOF se verhuring van sy verkorrelingsaanleg aan Agriland in Mei 1990 'n omseiling van IOF se onderneming was. Die Raad is geneig om met hierdie bewering saam te stem. Soos reeds gemeld, was die onderneming van IOF blykbaar nie regtens afdwingbaar nie, anders kon die benadeeldes 'n interdik teen die beweerde "oortreders" verkry het.

118. Uit 'n mededingingsoogpunt was IOF se (eensydige) voorneme nie relevant nie.

DIE OOREENKOMS TUSSEN IOF, AECl, RBF EN KYNOCH

Die kwessie van beheer

119. Nie een van IOF, AECl, RBF en Kynoch het met die Raad ingevolge artikel 6 (1) (d) van die Wet gekonsulteer nie. Soos reeds genoem het daar ook nie 'n wetlike verpligting op hulle gerus om dit wel te doen nie. AECl betoog in sy voorlegging dat hy gereeld met die Raad konsulteer wanneer hy verkrygings ingevolge die Wet doen. In hierdie geval is dit nie gedoen nie omdat AECl oortuig is dat die ooreenkoms nie 'n verkryging is nie.

120. AECl voer drie redes aan waarom die ooreenkoms nie 'n verkryging is nie. **Eerstens** het RBF beheer as huurder van die verkorrelingsaanleg verkry en nie Kynoch nie. **Tweedens** was RBF nie op enige tydstip voor die transaksie die houer van 'n beherende belang in 'n besigheid of onderneming betrokke by die produksie, vervaardiging, verskaffing of distribusie van kunsmis nie en **derdens** beheer Kynoch nie RBF nie.

121. Nie een van die drie argumente is korrek nie omdat "beherende belang" in die omskrywing van 'n verkryging nie nader ontleed is nie. Artikel 1 van die Wet omskryf "beherende belang" soos volg:

"... met betrekking tot—

- (a) 'n besigheid of onderneming, enige belang van watter aard ook al wat die houer daarvan in staat stel om regstreeks of onregstreeks enige beheer van watter aard ook al oor die bedrywighede of bates van die besigheid of onderneming uit te oefen; en
- (b) 'n bate, enige belang van watter aard ook al wat die houer daarvan in staat stel om regstreeks of onregstreeks enige beheer van watter aard ook al oor die bate uit te oefen."

122. Die wesenlike van die omskrywing in die vorige paragraaf is die woorde "... enige beheer van watter aard ook al.". Dié omskrywing toon duidelik dat "beherende belang" 'n ander betekenis het as die gewone interpretasie daarvan as sou dit 50 persent plus een aandeel wees.

123. In paragrawe 54 tot 62 van die Raad se Verslag No. 20 "*Investigation to determine whether an acquisition by Anglo American Corporation of South Africa Limited and De Beers Consolidated Mines Limited of Goldfields of South Africa Limited has been, was being, or was proposed to be made*" word die kwessie van beherende belang breedvoerig bespreek. In hierdie verslag word slegs volstaan met enkele opmerkings oor beherende belang. Die uiters wye bestek van die woorde "... enige beheer van watter aard ook al" dui daarop dat 'n beherende belang verkry word wanneer iemand in staat is om—

- (a) *de iure* of *de facto* beheer oor die aktiwiteite of bates van 'n onderneming uit te oefen, dit wil sê, deur in staat te wees om die beleid van die onderneming of sy optrede voor te skryf, of
- (b) die belang wat hy in 'n onderneming het te gebruik slegs om bepaalde optredes oor die aktiwiteite of bates van die onderneming te verhoed. 'n Voorbeeld hiervan is waar iemand met meer as 25 persent van die aandele in 'n maatskappy die aanneem van 'n spesiale besluit kan verhoed. Op dié wyse kan die wil van die meerderheidsaandeelhouders gefrustreer word.

124. In die lig van die bogenoemde is dit dus duidelik dat AECI wel 'n beherende belang in RBF het (IOF en AECI het 'n gesamentlike en gelyke aandeelhouding in RBF). Die raad aanvaar ook nie die argument dat RBF nie enige tyd voor die transaksie die houer van 'n beherende belang in 'n onderneming betrokke by die produksie, vervaardiging, verskaffing of distribusie van kunsmis was nie. Aanvaarding van dié argument sou lei tot die onhoudbare situasie waar A vir B wil verkry, maar omdat die Raad moontlik die verkryging sal ondersoek, stig A en C maatskappy D. D verkry dan B en A verontskuldig hom deur te argumenteer dat D nie enige tyd voor die transaksie die houer van 'n beherende belang in 'n onderneming betrokke by die produksie, vervaardiging, verskaffing of distribusie van die produk waarin B sake doen, betrokke was nie.

125. Die Raad is dus oortuig dat die ooreenkoms AECI/Kynoch in staat gestel het om 'n beherende belang in RBF te bekom. Om uitsluitel te kry oor die vraag of die bekom daarvan gelei het tot 'n verkryging ingevolge die Wet, moet bepaal word of die ooreenkoms die uitwerking het of waarskynlik sal hê om mededinging regstreeks of onregstreeks te beperk.

Die vraag of mededinging beperk word en of die ooreenkoms dus aanleiding gegee het tot 'n verkryging

126. Kynoch voer die volgende redes aan waarom die ooreenkoms mededinging nie regstreeks of onregstreeks sal beperk nie:

- (a) Die mededingingsituasie voor en na die sluiting van die ooreenkoms verskil nie wesenlik nie. IOF het nie die kleinhandelsmark betree nie en Agriland was nie 'n bona fide lid van die kunsmisbedryf nie. Die Raad se standpunt oor IOF se onderneming is hierbo uiteengesit. Agriland kon 'n "bona fide"-lid van die bedryf word. 'n Suksesvolle nuwe toetreder tot enige bedryfstak is nie onmiddellik 'n "bona fide"-lid (wat dit ook al mag beteken) daarvan nie.
- (b) Agriland se verdwyning van die toneel was nie te wyte aan Kynoch se optrede nie. Toe eersgenoemde by Kynoch om bystand aangeklop het, het hy (Agriland) reeds ernstige finansiële knelpunte ondervind. Die Raad beskik nie oor bewyse om hierdie stelling te weerlê nie.
- (c) Die produkte wat IOF grootmaatmengers en ander beskikbaar gestel het, is nog steeds verkrygbaar by Kynoch. Hierdie stelling is waarskynlik waar. Enige koper sal egter meerdere verkopers van 'n bepaalde produk in 'n koopsituasie verkies.
- (d) Die pryse van die produkte sal bepaal word deur mededinging tussen die deelnemers in die bedryf. Die gebrek aan prysmededinging in die bedryfstak is in Tabela 1 en 2 uiteengesit.
- (e) Die invoerprys van kunsmis is 'n temper op die pryse waarteen Suid-Afrikaanse produsente dit kan verkoop. Voorts is daar nie 'n invoerreg op enige van die misstowwe wat by die Richardsbaai-aanleg produseer word nie.

127. Die Kommissaris van Doeane en Aksyns van die Departement van Finansies en die RHN gebruik in die gang van hulle werksaamhede 'n produkklasifikasie bekend as die Geharmoniseerde Stelsel. Die Geharmoniseerde Stelsel bestaan uit 22 Afdelings en 98 Hoofstukke. Hoofstuk 31 omvat misstowwe en daaruit blyk dat slegs sewe van die 35 subposte daarin onderhewig is aan 'n skaal van reg. Hierdie subposte en die skaal van reg is die volgende:

- (a) Ureum, hetsy in wateroplossing al dan nie (36,5 sent per kilogram min 100 persent);
- (b) Superfosfate (15 persent);
- (c) Kaliumsulfaat wat, volgens massa, meer as 52 persent K_2O bevat (10 persent);
- (d) Magnesiumkaliumsulfaat wat, volgens massa, meer as 30 persent K_2O bevat (10 persent);
- (e) Goedere van Hoofstuk 31 in tablette of dergelyke vorms of in verpakkings met 'n bruto massa van hoogstens 10 kg:
 - (i) Kaliumsulfaat wat, volgens massa, meer as 52 persent K_2O bevat (10 persent);
 - (ii) Magnesiumkaliumsulfaat wat, volgens massa, meer as 30 persent K_2O bevat (10 persent); en
 - (iii) Ander (20 persent).

128. Hoe dit ook al sy, ingevolge die ooreenkoms onderneem IOF onder meer dat hy nie kunsmis wat hy van RBF koop in die "Suid-Afrikaanse" mark sal verkoop nie. Hierdie onderneming beperk mededinging aangesien dit 'n "... ooreenkoms ... tussen twee of meer persone (is) ... wat, regstreeks of onregstreeks mededinging beperk deurdat dit die uitwerking het ... om die toetrede van nuwe produsente ... te verhoed of te beperk." (Vergelyk die omskrywing van 'n beperkende praktyk in paragraaf 3.)

129. Voor sluiting van die ooreenkoms het IOF self besluit om nie tot die kleinhandelsmark toe te tree nie. IOF was egter na die Raad se mening 'n potensiële toetreder. Die ooreenkoms verbydel hierdie potensiaal.

130. In die lig van die voorgaande is die Raad oortuig dat die ooreenkoms 'n verkryging ingevolge die Wet daarstel.

Die openbare belang

I. Die kunsmisbedryf

131. Kynoch beweer dat die Suid-Afrikaanse kunsmisbedryf oor jare heen gebuk gaan onder die gevolge van 'n dalende vraag na kunsmis, die bestaan van 'n aansienlike surplus kapasiteit in die bedryfstak, die verswakte finansiële posisie van die boerderygemeenskap, hoë insetpryse, lae winsgrense, strawwe mededinging in die bedryfstak en ongunstige klimaatstoestande. Die meeste van die voorgaande bewerings is algemene kennis en die Raad stem daarmee saam. Die Raad is egter nie oortuig met dié oor strawwe mededinging en lae winsgrense nie.

- (a) Moontlik bestaan strawwe mededinging in die bedryfstak, maar hierdie mededinging geskied nie op 'n prysgrondslag nie. Die moontlikheid vir kunsmisprodusente om hulle totale koste per eenheid deur prysverlagings (wat teoreties 'n groter opbrengs en verkope tot gevolg sal hê) te verminder, is skraal. Die produksie van kunsmis is relatief kapitaalintensief, die produkte homogeen en die mark oligopolisties. Enige prysverlaging deur een produsent word byna onmiddellik deur sy mededingers nagevolg. Prysverlagings werk nadelig in op die rentabiliteit en die kontantvloei. Moontlik kom strawwe mededinging in die bedryfstak voor by die ander elemente van die bemarkingsresep.
- (b) Lae winsgrense is ook moontlik. Maar lae winsgrense is nie 'n sinoniem vir 'n lae rentabiliteit nie. Suksesvolle ondernemings is dié met 'n hoë rentabiliteit—en dit kan gepaard gaan met lae winsgrense.

132. Die bestaande produsente se kapitaalinvestering beloop miljoene rand. Kynoch beweer dat stabiliteit in die mark 'n vereiste is vir produsente se lewensvatbaarheid en selfs voortbestaan. Prysoorloë dra nie hiertoe by nie. Dit is veral distribueerders wat nie verbind is tot 'n beduidende kapitaalinvestering nie, soos Agriland, wat, volgens Kynoch se betoog, vernietigende prysoorloë kan ontketen. Hierdie oorweging, asook die moontlike versoeking vir IOF om die "beperking" te omseil, het glo gelei tot die ooreenkoms dat IOF nie kunsmis in die Suid-Afrikaanse mark mag verkoop nie. Hierdie reëling is ongetwyfeld in die kunsmisbedryf se belang. Die Raad stem saam met die bewering in die sin dat vernietigende prysoorloë in niemand se belang is nie. Prysverlagings om die markandeel te behou moet, alhoewel dit nie maklik is nie, onderskei word van 'n prysoorlog om 'n potensiële mededinger uit die mark te weer of te verdryf (roofsugtige prysbepaling). Laasgenoemde sal 'n beperkende praktyk wees soos omskryf in paragraaf 3. Die sleutelemente betrokke by roofsugtige prysbepaling is wanneer teen volle kapasiteit gefunksioneer word en toetrede moeilik is. Die kunsmisbedryf funksioneer sonder twyfel nie teen volle kapasiteit nie maar toetrede, veral vir produsente, is moeilik.

133. Kynoch betoog dat hy in die belang van die kunsmisbedryf opgetree het deur die ooreenkoms aan te gaan. Dié betoog beteken dat Kynoch glo wanneer iets in sy belang is, dit vanselfsprekend ook in die belang van die ander deelnemers in die bedryfstak is. Kynoch meld ook dat hy Omnia en Sasol genooi het om saam te werk om verdere "ontwrigting" en "destabilisasie" in die bedryfstak te verhoed. Omnia en Sasol het egter nie saamgewerk nie. Die redes wat hulle hiervoor verstrek het, is nie relevant vir doeleindes van hierdie verslag nie. Nietemin, dit kan nou redeneer word dat Omnia en Sasol óf nie omgee oor die belange van die bedryf nie óf nie glo dat die ooreenkoms daarvoor belangrik is nie.

134. Kynoch het 'n belang in die voortbestaan van die aanleg. Die ooreenkoms het tot gevolg dat die fosfaatbehoefte "goedkoper" bekom kan word weens die verspreiding van die vaste koste oor 'n groter tonne-maat.

135. Kynoch vervaardig tans nie DAP nie en die ooreenkoms gee hom toegang daartoe. Sasol is glo in staat om DAP te produseer.

II. Die boerderygemeenskap

136. Die voordele van die ooreenkoms vir die boerderygemeenskap vloei voort uit die voordele van die kontinuïteit van die huidige kunsmisprodusente. Labiliteit in die mark sal na bewering meebring dat een of meer van die groot produsente van die mark sal onttrek met 'n gepaardgaande afname in mededinging. Weens die onbevredigende opbrengs in die bedryfstak is dit ook onwaarskynlik dat nuwe produsente in die voorsienbare toekoms sal toetree.

137. Die mees pessimistiese scenario van 'n onwingsgewende kunsmisbedryf is dat al die produsente uit die mark sal tree. Dan is die boerderygemeenskap afhanklik van ingevoerde kunsmis en al is die volumes beskikbaar, sal pakhuisberging en distribusiefasiliteite hopeloos ontoereikend wees. Die Raad kan moeilik kommentaar oor hierdie scenario lewer. Tans beskik die Raad egter nie oor inligting wat daarop dui dat al of die meeste kunsmisvervaardigers op die rand van finansiële ineenstorting staan nie.

III. Die breë nasionale belang

138. Die nasionale belang vloei na bewering voort uit die voortgesette lewensvatbaarheid van die kunsmisbedryf.

139. Indien die bedryfstak tot niet sou gaan, sou duisende werksgeleenthede verlore gaan. Kynoch alleen het 2 400 persone in diens.

140. Die daarstelling, vestigingsplek en ontwerp van die fasiliteite by Richardsbaai was gerig op die uitvoermark. Na bewering is dié fasiliteite nie meer ekonomies lewensvatbaar nie weens die afname in die uitvoervolumes. Die omvang van die vaste koste in die aanleg maak die handhawing van 'n minimum produksie 'n absolute vereiste. Die ooreenkoms met Agriland het hierdie minimum produksie-omvang verseker. Agriland se ondergang het dus ook vir IOF knelpunte geskep. Die ooreenkoms met Kynoch bied aan IOF die geleentheid om die nodige volume te handhaaf. Die instandhouding van die fasiliteite vir uitvoere is in die breë nasionale belang. Die bestaande uitvoere maak 'n bydrae tot die vaste koste van Foskor. Hierdie bydrae sou, indien daar nie indirekte uitvoere van fosfaat was nie, van ander bronne verhaal moes word.

Die openbare belang—vorige verkrygings in die bedryfstak

141. Die volgende argumente is in Februarie 1982 aangevoer waarom die beoogde samesmelting tussen Triomf en Fedmis in die openbare belang was: Die lae rentabiliteit in die bedryfstak, onvoldoende prysverhogings, kunsmisinvoere, 'n skerp afswaai in die uitvoer van fosforsuur en laer koste deur rasionalisasie (sien paragraaf 13). Die Raad was destyds van mening dat die voorgenome samesmelting nie teen die openbare belang beskou kan word nie en dat daar rede was om te glo dat so 'n ontwikkeling onvermydelik is (sien paragraaf 14).

142. In 1987 is die volgende redes onder meer aangevoer vir die oorname deur AECL van Triomf: Die surplus kapasiteit, die afname in kunsmisverbruik, die droogte, en die boere se swak finansiële posisie (sien paragraaf 33). In 'n persverklaring oor die verkryging sê die Raad onder meer dat die bedryf se bestaande kapasiteit waarskynlik groot genoeg is om tot aan die einde van hierdie eeu in Suid-Afrika se behoefte te voldoen en dat 'n vorm van rasionalisasie dus noodsaaklik is (sien paragraaf 34).

AANVERWANTE AANGELEENTHEDE

Staatsmededinging

143. Afgesien van sy statutêre pligte, het die Regering ook ander pligte aan die Raad opgedra, soos die ondersoek van klagtes deur ondernemings en individue wat blootgestel is aan beweerde onregverdige mededinging deur die staat of staatsondernemings. Sommige ondernemings kry te doen met "onregverdige" mededinging wat spruit uit die feit dat die mededinger 'n mededingende voordeel verkry deur staatsubsidies, desentralisasievoordele of tariefbeskerming.

144. Foskor se belang in IOF (onderhandelinge is tans aan die gang om die bestaande belang van 30 persent na 50 persent op te stoot) kan moontlik neerkom op staatsmededinging in die kunsmisbedryf. Die Raad het hierdie aspek nie in hierdie ondersoek beredeneer nie. Dit is egter 'n aspek wat oorweging noodsaak indien Foskor geprivatiseer word.

BEVINDINGS EN AANBEVELINGS

Bevindings

145. Die Raad vermoed dat pryssamespanning in die kunsmisbedryf voorkom maar kon nie afdoende bewyse vind dat dit wel die geval is nie. Eweneens kon die Raad nie bewyse vind dat samespanning oor verskaffingsvoorwaardes plaasvind nie.

146. Die ooreenkoms tussen IOF, AECL en Kynoch bring nie 'n aansienlike toename in konsentrasie in die kunsmisbedryf mee nie—trouens, daar is waarskynlik meer geleentheid vir mededinging as wat die geval was voor prysbeheer op 1 Januarie 1984 opgehef is. In 1981 was daar drie groot produsente, naamlik Fedmis, Omnia en Triomf en in 1991 was daar steeds drie deelnemers, naamlik Kynoch, Omnia en Sasol.

147. Die kunsmisbedryf beleef, soos in 1987, steeds moeilike tye weens veral die strukturele veranderings in die landbou. Die bedryf se bestaande kapasiteit is nog steeds veel groter as die vraag na kunsmis en sal waarskynlik nog lank so bly.

148. Met die inligting tot sy beskikking is die Raad oortuig dat die ooreenkoms 'n verkryging ingevolge die Wet daarstel. Hierdie verkryging is egter per saldo in die openbare belang.

Aanbeveling

149. Die Raad beveel aan dat die Minister nie ingevolge artikel 14 van die Wet optree nie.

SCHEDULE**COMPETITION BOARD****Report No. 31****INVESTIGATION INTO RESTRICTIVE PRACTICES THAT EXIST OR MAY ARISE IN THE SUPPLY AND DISTRIBUTION OF FERTILIZER TO *BONA FIDE* FARMERS****AND**

WHETHER AN AGREEMENT BETWEEN INDIAN OCEAN FERTILIZER (PTY) LTD, AECI LIMITED, AECI OPENCAST SERVICES (PTY) LTD AND KYNOCH FERTILIZER LTD GAVE RISE TO AN ACQUISITION AND, IF SO, WHETHER SUCH ACQUISITION IS JUSTIFIED IN THE PUBLIC INTEREST

INTRODUCTION

1. The fertilizer industry has been the subject of various investigations involving the State. In 1961 the Minister of Economic Affairs appointed a Committee of Inquiry into the Fertilizer Industry and on 22 November 1976 the Board of Trade and Industry accepted Report No. 1737, *Inquiry into the Fertilizer Industry*. On 4 December 1979 the Cabinet appointed a Committee of Inquiry into the fertilizer industry (the Pistorius Committee) to inquire inter alia into certain aspects of the fertilizer industry with a view to the formulation of policy principles that have as their objective a reduction in the cost of fertilizer, including what is a fair profit margin that could be set as a target for the purposes of price control and ensure that the industry expands sufficiently to satisfy the growing demand and the suitability of the price control formula. Report No. 3 of the Competition Board (the Board) *Investigation into the supply and distribution of fertilizer in the Republic of South Africa* appeared on 14 October 1980. On 2 October of the same year the then Minister of Industries, Commerce and Tourism instructed the Board to investigate whether there were particular circumstances under which fertilizer was produced and marketed that would render the abolition of price control on fertilizer undesirable.

2. The history and structure of the fertilizer industry were discussed in detail in Report No. 3, and two of the chapters dealt with restrictive practices involving the supply and distribution of fertilizer.

3. A restrictive practice is defined as follows in section 1 of the Maintenance of Promotion of Competition Act, 1979 (Act No. 96 of 1979) (the Act):

- “(a) any agreement, arrangement or understanding, whether legally enforceable or not, between two or more persons; or
- (b) any business practice or method of trading, including any method of fixing prices, whether by the supplier of any commodity or otherwise; or
- (c) any act or omission on the part of any person, whether acting independently or in concert with any other person; or
- (d) any situation arising out of the activities of any person or class or group of persons,

which restricts competition directly or indirectly by having or being likely to have the effect of—

- (i) restricting the production or distribution of any commodity; or
- (ii) limiting the facilities available for the production or distribution of any commodity; or
- (iii) enhancing or maintaining the price of or any other consideration for any commodity; or
- (iv) preventing the production or distribution of any commodity by the most efficient and economical means; or
- (v) preventing or retarding the development or introduction of technical improvements or the expansion of existing markets or the opening up of new markets; or
- (vi) preventing or restricting the entry of new producers or distributors into any branch of trade or industry; or
- (vii) preventing or retarding the adjustment of any profession or branch of trade or industry to changing circumstances.”

4. A background sketch of the fertilizer industry is essential before discussing the extent of the present investigation. This background up to 1980 is to be found in Report No. 3. In the present report the emphasis falls on important events that have effected the industry since 1980.

1980

5. In Report No. 3 the Board found, among other things, that the shareholding in the then Triomf Kunsmis (Pty) Ltd (Triomf) owned by agricultural co-operatives constituted a restrictive practice that was not in the public interest. The Board did not, however, make any recommendation in this regard since the co-operatives disposed of their interest in Triomf during the investigation.

6. Triomf and Federal Kunsmis Ltd (Fedmis) had a market sharing agreement and in Report No. 3 the Board found that this agreement was not to the advantage of the consumer and the economy in general and that it should be terminated. In terms of this agreement Triomf and Fedmis supplied approximately 88 per cent of the market in the main selling areas on a 55/45 basis. This left approximately 12 per cent of the market to Omnia Fertilizer Ltd (Omnia) and other smaller manufacturers.

7. The Minister accepted the Board's recommendation for the phasing out of import control, provided that adequate tariff protection was introduced before import control was abolished.

8. Before the Board's report was tabled, Triomf announced in its 1980 chairman's report that, on 31 December 1980, it had given Fedmis notice of its intention to terminate the agreement on 31 December 1983 in terms of the market sharing agreement. The agreement was, however, terminated shortly after Fedmis became a wholly-owned subsidiary of Sentrachen Ltd on 29 November 1979.

1981

9. In 1981 three producers dominated the fertilizer industry in South Africa, namely Fedmis, Omnia and a partnership involving Triomf Kunsmis Beleggings (51 per cent) and AECL Limited (AECL) through its wholly owned subsidiary Kynoch Fertilizer Limited (Kynoch) (49 per cent). This was the partnership Triomf Kunsmis (Pty) Ltd. As already mentioned, Fedmis was a wholly owned subsidiary of Sentrachen. Omnia is controlled by the Winkler family and Anglo-Alpha Limited Holds (July 1991) 26 per cent of its issued share capital. Triomf was controlled by Mr L. Luyt and the most important shareholders of AECL are the Anglo-American Corporation of South Africa Limited and the international ICI group.

10. Sasol Limited announced its intention of entering the fertilizer industry.

11. The local demand for fertilizer amounted to approximately 3,3 million tons per annum and the total capacity of the industry to about four million tons per annum.

12. The report of the Pistorius Committee was published in 1981. The most important findings and recommendations of the Committee were the following:

- (a) The Committee was of the opinion that price control was not an adequate and effective method of ensuring that the price of fertilizer is kept at a reasonable level. Because of the extremely complicated structure of the industry it is impossible to regulate administratively all the factors that influence the price. According to the Committee, free competition was the most effective method of keeping fertilizer prices at a reasonable level in the long term. Consequently, it was recommended that price control be abolished as soon as the competitive position in the industry permitted it.
- (b) The Committee was furthermore of the opinion that the primary objective of price control was to set prices that could not be determined through the usual market mechanism because of monopolistic or oligopolistic conditions at a level as close as possible to prices that would pertain under free competition. Price control should not limit or increase profitability to a level different from what it would have been under conditions of free competition.
- (c) The Committee found that it was not possible to formulate a price formula that would reflect the influence of the market mechanism. The Committee was not convinced that a price formula ensures a higher price than would have applied under conditions of free competition. According to the Committee, it was extremely difficult, if not impossible, for the price controller to adapt the prices of inputs to changing conditions in the industry and the economy.

1982

13. In February 1982 the parties involved in a proposed acquisition held discussions with the Board's acquisition committee. Under the proposed acquisition a new fertilizer company would come into being in which Triomf and Fedmis would each hold 50 per cent of the shares. At this stage the shareholders of Triomf were the following: Triomf Kunsmisbeleggings Ltd (49,9 per cent), AECI (49 per cent) and LLG Groep Beleggings (Pty) Ltd (1,1 per cent). The reasons for the intended acquisition centred on, among other things, the industry's low profitability, inadequate price increases (the industry was still subject to price control at the time), fertilizer imports and a sharp decline in exports of phosphoric acid. Evidently, lower costs could only be obtained through rationalisation.

14. In a memorandum to the Minister on the intended acquisition, the Board stated, inter alia, that it is of opinion that the aforementioned merger could not be regarded as being against the public interest. On the contrary, it had reason to believe that such a development in the industry was unavoidable under the then prevailing circumstances.

15. Evidently, the parties could not agree on the conditions of the transaction and the proposed transaction fell through. However, the fact of the matter is that, if the parties could have agreed on the conditions, only Triomf and Fedmis, with a market share of approximately 88 per cent, and Omnia and the other smaller producers with the remaining 12 per cent, would have remained in the market.

16. In Memorandum 14 of 14 October 1982 the Board recommended to the Minister that price control on fertilizer be abolished. In summary, the most important findings of the Board's investigation into the desirability of price control on fertilizer were as follows:

- (a) Price control (maximum prices on fertilizer were originally introduced to "curb" possible price increases on imported phosphate. Another reason was the oligopolistic nature of the market. The Board could not, however, find any evidence that price control "curbed" prices or increased productivity. The Board was of the opinion that competition was very strong. Price competition was common because the retail prices were constantly lower than the maximum allowed price. Also, consumers usually had a choice of more than one supplier.
- (b) The Board was furthermore of the opinion that a policy should be followed that would ensure a healthy fertilizer industry for the country in the long term. This did not mean that the industry should be over-protected against foreign and local competition. The importation of raw materials and intermediary products and entry to the industry should be possible so that the industry could be exposed to both local and foreign competition. The participants in the market were, however, expected to plan a corporate strategy for the long term themselves and not approach the authorities for various kinds of assistance because their firms might not be doing so well.
- (c) The Board did not agree with the Pistorius Committee's recommendation that price control be abolished only after the competitive position had improved. Sasol Fertilizer was in the process of entering the retail market, as were a number of dry mixers. At this stage, Fedmis and Triomf were the only country-wide marketers, and according to the Board this state of affairs would have continued for a long time. In the case of phosphate rock, it was expected that the supply would remain in the hands of the Phosphate Development Corporation (Foskor). [The total issued share capital of Foskor is held by the Industrial Development Corporation of South Africa Ltd (IDC). The IDC is a public corporation that was established in 1940 with its own memorandum of association. The Government holds the total issued share capital of the IDC]. As the situation appeared at the time, South Africa would have been dependent for many years on foreign resources for nitrogenous products. The Board was of the opinion that it was urgently necessary for this type of operation to be made attractive to investors.
- (d) The Board was of the opinion that the retention of price control was not dependent on whether there is adequate competition, but on whether price control was justified in the public interest and whether it served any longterm purpose.

- (e) The manufacturers of fertilizer were not in favour of the abolition of price control on phosphate rock, since this raw material could not be imported and Foskor was the only supplier. The Board was, however, of the opinion that, in this case, market behaviour and not the market structure was important. In this regard the Board had no evidence that Foskor had abused or would abuse its power. On the contrary, the Board was convinced that Foskor, judged in the light of its price applications and its continued efforts to increase productivity, was at that stage acting responsibly.

1983

17. During 1983 the fertilizer industry utilised only 55 per cent of its capacity. Sasol Fertilizer [a wholly owned subsidiary of Sasol Limited whose name was changed a few months after its entry into the market to Sasol Fertilizer Limited (Sasol)] started to market fertilizer during the first half of the year. Sasol's entry expanded the capacity of the fertilizer industry from 4 million to 5,2 million tons per annum. The South African market for fertilizer was approximately 890 000 tons of plant foods or some 3,3 million tons of physical matter per annum.

18. By the end of the year the market share of the Kynoch/Triomf partnership was about 48 per cent, that of Fedmis about 38 per cent and that of Omnia and the other small manufacturers about 14 per cent.

1984

19. During 1984 Bonus Kunsmis, a smaller producer, was eliminated because of stiff competition. There were, however, entrants such as Sentraal Westelike Co-operative, with a mixing plant at Viljoenskroon and Noordewestelike Co-operative, with a liquid mixing plant.

20. Price control on fertilizer was abolished on 1 January 1984.

21. On 22 February 1984 it was announced that the Kynoch/Triomf partnership was to be dissolved. Kynoch continued to market fertilizer under the name Kynoch and Triomf continued independently in the fertilizer market. Triomf acquired the Potchefstroom plant and AECI gained control of the plants at Chloorkop and Somerset West. Mr Luyt acquired the controlling interest in Triomf Richards Bay (Pty) Limited (Triomf Richards Bay).

1985

22. Price control on rock phosphate was abolished on 1 January 1985.

23. On 1 July 1985 import control on fertilizer, excluding ammonium nitrate, was abolished.

24. The National Maize Producers' Organisation (Nampo) acquired an interest in Triomf through Mieliechem. The Board did not investigate this interest because Nampo undertook the following in a press statement on 5 November 1985:

"Nampo has given a written undertaking to the Competition Board not to

- (a) transfer the shares held in Mieliechem, or in any other company which is related to Mieliechem by shareholding, to any co-operative without the approval of the Board; and
- (b) attempt in any way, whether directly or indirectly, to benefit the product of any specific manufacturer of fertilizer in respect of the financing by any co-operative of fertilizer purchases by farmers and in fact to oppose such a benefit."

1986

25. On 2 May 1986 Government Notice No. 801 (the prohibition) was published in *Government Gazette* No. 10211. In terms of this notice no person shall enter into, be a party to or continue to be a party to any agreement, arrangement, understanding, business practice or method of trading which in terms of this notice constitutes—

- (a) resale price maintenance;
- (b) horizontal price collusion;
- (c) horizontal collusion on conditions of supply;
- (d) horizontal collusion on market sharing; or
- (e) collusive tendering.

26. The five restrictive practices in the previous paragraph are therefore *per se* illegal. The Minister may, however, in terms of section 14 (5) of the Act, on the recommendation of the Board, in a particular case in writing grant exemption from any prohibition contemplated in the notice to such extent and subject to such conditions as may be specified in the exemption. None of the firms in the fertilizer industry applied for exemption from any of the prohibitions. Contravention of the prohibition constitutes an offence and offenders are liable on conviction to imprisonment for a period of not more than five years or to a fine of not more than R100 000 or to both such fine and such imprisonment.

27. In 1986 the demand for fertilizer dropped sharply, and because of the high fixed production costs the low capacity utilisation allegedly gave rise to a price war that lasted for most of the year. It was claimed that discounts of up to 40 per cent were given, and as a result almost all the manufacturers either suffered a loss or showed an unacceptable profit.

1987

28. In 1987 a whole series of developments took place in the industry.

29. The local demand for fertilizer amounted to about 2 million tons and the available production capacity to just over 4 million tons. The industry was therefore burdened by a capacity utilisation of approximately 50 per cent.

30. Fedmis suffered a loss of about R40 million during the 1986/87 agricultural season.

31. Triomf (the company that had the factory at Potchefstroom and that was not involved with Triomf Richards Bay, which was then in provisional liquidation) disappeared from the market and AECl bought most of Triomf's assets through its wholly-owned subsidiary, Kynoch.

32. Triomf experienced financial problems and this resulted in its bankers, Nedbank Limited (Nedbank), capitalising some of its loans to the company. Eventually, Nedbank held 77,2 per cent of the company's ordinary shares and most of its preference shares. An investment of this magnitude in a fertilizer manufacturer is probably not a typical investment for a bank.

33. Under section 6 (1) (d) of the Act, Nedbank consulted with the Board on the proposed take-over of Triomf by AECl. The following are the most important matters that were raised:

- (a) The estimated market shares of the fertilizer producers were as follows: Fedmis (26 per cent), Kynoch (25 per cent), Triomf (18 per cent), Sasol (17 per cent) and Omnia (14 per cent).
- (b) In 1981 the total fertilizer sales of three firms (four manufacturers, namely Fedmis, Omnia and the partnership of Triomf and AECl) amounted to approximately 3,2 million tons. The sales volume of the five manufacturers (Sasol was the new addition) for the year ended June 1987 was, as already mentioned, only two million tons.
- (c) The decline in fertilizer consumption was attributed to the following factors:
 - (i) The drought that had prevailed in most agricultural areas during the previous four to five years.
 - (ii) The weak financial position of farmers, which resulted in their buying less fertilizer than they might have wanted to.
 - (iii) The view in certain responsible circles that, by world standards, South African farmers administer too much fertilizer per hectare.
- (d) If the takeover were to have taken place, it would have meant that the new Kynoch/Triomf would have a market share of approximately 43 per cent—that is less than before 1984.
- (e) It was asserted that effective competition would be retained because the other three manufacturers were supported by strong financial groups.
- (f) The import price of certain fertilizer products, among others nitrogen, was so competitive that local manufacturers could not obtain any advantage by, for example, keeping the price of nitrogen artificially high.

34. On 22 January 1987 the Board issued the following press release:

"Chairman of the Competition Board, Dr S. J. Naude, announces that AECl (Kynoch) and Triomf Fertilizer consulted with the Board in terms of the Maintenance and Promotion of Competition Act, 1979, regarding the acquisition by AECl of Triomf Fertilizer.

The Board is aware that the proposed acquisition may entail a considerable increase in concentration in the fertilizer industry. The acquisition also results in the merging of the fertilizer interest of Kynoch and Triomf as it was until 1983. The fertilizer industry, however, is experiencing difficult times due to, *inter alia*, the protracted drought and structural changes in agriculture. The fertilizer industry's existing capacity of 4,1 million tons is probably large enough to meet South Africa's requirements until the end of this century. A form of rationalisation is therefore extremely necessary.

Triomf Fertilizer is incurring considerable losses and its majority shareholder finds itself in a situation where it was almost "forced" into the fertilizer industry. The skills of the majority shareholder is also not directly applicable to the fertilizer industry. The other fertilizer manufacturers have probably known for a considerable time already of the majority shareholder's desire to alienate its interest in Triomf Fertilizer.

With the information at its disposal the Board is not aware of any circumstances which do not justify the proposed acquisition in the public interest."

35. A consortium of investors, mainly from abroad, and Foskor, known as Indian Ocean Fertilizer (Pty) Ltd (IOF), bought Triomf Richards Bay. At present (July 1991), Foskor holds a 30 per cent share in IOF and, according to its 1990 annual report, is negotiating to increase this shareholding to 50 per cent. IOF is an important purchaser of Foskor's rock phosphate.

36. A considerable part of the purchase price was financed by the financial rand. In a letter to Nedbank Limited dated 3 March 1987, IOF wrote, among other things:

"This Company undertakes that in the event of its offer to acquire the business of Triomf (Richards Bay) being successful, it shall:

1. Acquire and operate as a going concern.
2. Not enter the local retail fertilizer market."

37. The local retail market for fertilizer referred to in the previous paragraph was not defined.

38. In a telex to Sentrachem dated 29 April 1987, the Director-General of the Department of Trade and Industry (DG) stated as follows:

"Hiermee word bevestig dat die firma Indian Ocean Fertilizer Holdings . . . wat deur Foskor bestuur word, nie toegelaat sal word om enige van sy produkte in die binneland te bemark sonder die uitdruklike goedkeuring van die Minister nie. IOFH is diensooreenkomstig ingelig."

39. In the preceding paragraph reference is made to any product ("... enige van sy produkte") without any mention of the retail market.

40. On 31 July 1987 import control on fertilizer products was fully abolished with the abolition of such control in respect of ammonium nitrate.

41. At the end of 1987 the Board was instructed by the Minister of Economic Affairs and Technology to informally investigate the possibility of price collusion in the fertilizer industry. The Board discussed the matter at a meeting attended by the top management of the three big manufacturers. At this meeting the producers indicated that they could no longer continue as in the past (price competition) and that, in future, they would "follow" one another's prices. This approach was confirmed in writing by Omnia.

42. The Board received complaints on alleged horizontal price collusion in the fertilizer industry. No corroborative evidence could, however, be found.

1988

43. In August 1988 Sentrachem sold Fedmis to the fertilizer industry. During this acquisition, too, the parties concerned consulted with the Board in terms of section 6 (1) (d) of the Act.

44. The following problems were alleged to exist in the industry at that stage:

- (a) A capacity utilisation of approximately 50 per cent that was attributed to too many manufacturers and the drought that had led to a decline in the demand for fertilizer.
- (b) Price wars that had a negative effect on the profitability of firms.
- (c) The monopsonistic power of certain purchasers. Approximately 90 per cent of all the fertilizer in South Africa was alleged to have been marketed by the co-operatives.
- (d) The nature of the product and the production process, which could make competition undesirable or even impossible.

45. The market shares of the manufacturers were roughly as follows: Fedmis 25 per cent to 28 per cent, Kynoch 40 per cent, Sasol 16 per cent and Omnia 19 per cent. A considerable degree of cross-production and elimination of overlapping occurs in the industry. (This cross-production is still taking place in 1991.) In this way, Sasol at times buys ammonium sulphate nitrate from Omnia, Omnia buys liquid ammonium nitrate from Sasol, Kynoch does Sasol's packaging in the Western Transvaal and Sasol does Kynoch's packaging in the Eastern Transvaal.

46. The most important aspects of the Fedmis transaction were as follows:

- (a) Fedmis Phalaborwa, which manufactures phosphoric acid and intermediary phosphate products, would in future be managed as a joint undertaking by Sasol and Kynoch.
- (b) The mass mixing plants of Fedmis at Kuils River and Pietermaritzburg would be phased out.
- (c) Fedmis Sasolburg, which manufactured nitric acid, nitrates and granular products, among other things, was bought by Sasol.
- (d) Fedmis Milnerton was sold to AECI/Kynoch. This plant manufactures ammonia, nitric acid and nitrates.
- (e) The bulk shipping terminal owned by Fedmis at Richards Bay was sold to AECI and Omnia.

47. The following were put forward as benefits in the public interest:

- (i) Rationalisation in the industry.
- (ii) A minimum loss of job opportunities if Fedmis were to close because the acquirers would employ some of Fedmis's staff. The loss of job opportunities was possible because Fedmis was a failing firm.
- (iii) The possibility that prices could be better kept in check by means of more effective capacity utilisation.
- (iv) The continuance of a "strategic" industry.

48. In their submission (1991), AECI/Kynoch indicated that the acquisition was only implemented through after the Government assured Sentrachem, the seller of Fedmis (see paragraph 38 for this assurance), that the restriction on IOF would be maintained. Their point of view was that, in the absence of this assurance, the acquisition would definitely not have been finalised. This point of view was confirmed by Sasol in 1991.

49. The Board was of the opinion that, even after a formal investigation in terms of section 10 (1) (b), it would probably come to the conclusion that the acquisition was justified in the public interest and that it should therefore be "allowed". The chairman would nevertheless discuss the matter with the Minister first.

50. The Minister indicated that he wished to discuss the matter with the parties involved himself. This discussion took place in Cape Town on 22 August 1988.

51. On 2 September 1988 the Board informed Sentrachem that, with the information at its disposal, the Acquisition Committee of the Board—

"... is of the opinion that there are no circumstances which on balance do not justify the transactions in the public interest."

52. After the acquisition of Fedmis the remaining fertilizer producers withdrew some production capacity from operation.

53. During 1988 the Board once again received complaints because identical prices for different fertilizer mixtures were being quoted by all four producers. The Board could find no evidence of price collusion and advised the complainants to refer the matter to the commercial branch of the South African Police (SAP).

54. Afterwards, the Board again received complaints of horizontal price collusion in the fertilizer industry. No evidence could, however, be found to corroborate the allegation.

1989

55. In a letter to the DG dated 8 November 1989, IOF wrote as follows:

"On March 3, 1987, I signed a letter addressed to Nedbank, in which IOF undertook not to enter the local retail market. Please see the attached photocopy.

I herewith restate that IOF at present does not intend to enter the retail market. IOF does not wish to sell to the farmer."

56. The Board once again received complaints of horizontal price collusion in the fertilizer industry, and once again no evidence could be found to corroborate the allegation.

1990

57. On 26 March the DG wrote as follows to IOF:

"... a written and signed undertaking by yourselves that you would 'acquire and operate as a going concern' the business of Triomf (Richards Bay) Pty Ltd, and that you would 'not enter into the local retail fertilizer market.'

Other parties in the market have in the meantime acted in confidence on that undertaking.

Please confirm in writing at your earliest convenience that your written undertaking is being and will be fully complied with."

58. IOF replied as follows to the letter from the DG referred to in the previous paragraph:

"We wish to acknowledge receipt of your letter dated the 26/3/90 contents which have been noted.

It is, . . . , correct that this Company gave an undertaking (in confidence) . . . in support of its application at the time, that it would not 'enter into the local retail fertilizer market.' We have in the past and are still complying with that undertaking."

59. IOF leased its granulation plant to Agriland Kunsmis (Pty) Ltd (Agriland) during May and June. This company was incorporated on 19 January 1990. Agriland was independent in the sense that it was not linked financially or through directorships to larger corporate groups in South Africa. The managing director was Dr R. Greeff.

60. On 25 June 1990 Agriland ceased operations because of serious financial problems. In a submission it is alleged that Agriland quoted unrealistically low prices in an attempt to obtain a share of the market.

61. On 27 June 1990 Kynoch concluded an agreement with Agriland. According to this agreement Kynoch, as the agent of Agriland, undertook, inter alia, to honour certain contracts concluded by Agriland for the supply of fertilizer on behalf of Agriland. This was to take place in terms of the provisions of those contracts.

62. At the end of June 1990 Nampo held discussions with IOF that resulted in an agreement on quantities and prices under which IOF would supply certain types of fertilizer direct to co-operatives.

63. IOF leased its granulation plant to Kynoch from 2 July 1990.

64. On 13 July 1990 Nampo wrote as follows to the Board:

"Hiermee doen ons dringend aansoek dat die ooreenkoms tussen Kynoch en IOF, waarvolgens IOF se verkorrelingsaanleg aan Kynoch verhuur word en IOF nie langer verkorrelde kunsmis aan die binnelandse groothandel mag lewer nie, onwettig verklaar en opgeskort word."

65. Sentraalwes (Co-operative) Limited wrote as follows to the Board on 25 July 1990:

"... ons [wil] ons bekommernis uitspreek dat die aksie 'n inhiberende effek op mededinging sal hê. Ons baseer ons stelling op die feit dat tydens die bestaan van Agriland as 'n bemarkingsarm van IOF se produkte was daar 'n daling in pryse van soortgelyke produkte op die plaaslike kleinhandelsmark. Graag verneem ons waarom die bedryf nadat daar beperkte mededinging ontstaan het, bereid was om pryse van ekwivalent produkte te ontmoet en selfs produkte te vervaardig wat soortgelyk was as wat IOF vervaardig. Die vorige prysstruktuur geld tans. Ons versoek die Raad van Mededinging dus om hierdie aangeleentheid te ondersoek op grond van die prysstamstelling van die produkte met die klem op winsmarges."

66. On 30 July 1990 Nampo wrote to the Board again and said, among other things:

"Graag vestig ek u aandag daarop dat Kynoch nou DAP-kunsmis teen R980 per ton in die binnelandse mark aanbied terwyl IOF, voordat die ooreenkoms met Kynoch gesluit is, bereid was om DAP teen R630 per ton te Richardsbaai aan te bied. Ingevoerde DAP kan nou vir R590 per ton in Richardsbaai gelewer, ingevoer word."

67. On 6 August 1990 the Board wrote to Kynoch with the request that the Board be furnished with a copy of the agreement between it and IOF.

68. On 21 August 1990 Noordwes Co-operative Limited wrote as follows on the leasing of IOF's granulation plant to Kynoch:

"Noordwes Koöperasie is van mening dat 'n ooreenkoms met die groot binnelandse maatskappye teen-produktief is en gesonde mededinging uitskakel. Ons wil derhalwe 'n versoek tot die Raad rig om ondersoek in te stel na die wenslikheid van die 'ooreenkoms' tussen IOF en Kynoch Kunsmis, wat na ons mening tog eksklusiwiteit in die hand werk en derhalwe nie normale marktese bevooroorloeg nie."

69. On 9 November 1990 an agreement was concluded between Indian Ocean Fertilizer (Pty) Ltd, AECL Limited, AECL Opencast Services (Pty) Ltd and Kynoch Fertilizer Limited. Kynoch Fertilizer Limited is a wholly owned subsidiary of AECL Limited. A few aspects of this agreement will now be discussed.

- (a) IOF and AECL are joint and equal shareholders in AECL Opencast Services (Pty) Limited. The name of the latter was changed to Richards Bay Fertilizer (Pty) Ltd (RBF) following a special resolution to this effect.
- (b) RBF hires IOF's granulation plant at Richards Bay at a cost equal to the fixed operating cost of the plant.
- (c) Every shareholder is obliged to purchase at least 70 000 tons of fertilizer from RBF annually at a price that enables RBF to pay the lease to IOF. If a shareholder does not take its 70 000 tons, it is still responsible for the purchase price.
- (d) AECL/Kynoch will sell fertilizer (purchased from RBF) in the "South African" market only (the Republic of South Africa, Transkei, Venda, Ciskei, Bophuthatswana, Swaziland and Lesotho). It will not sell this fertilizer on the "common" market (Zaire, Zambia, Zimbabwe, Malawi, Namibia and Mozambique) or "elsewhere" (all destinations outside the "South African" and "common" markets). If it were to sell in the "common" market, it would do so as the agent of RBF.
- (e) IOF will not sell fertilizer (purchased from RBF) on the "South African" market and fertilizer sold on the "common" market will be credited to RBF. IOF will only sell fertilizer "elsewhere". Exports to destinations "elsewhere", except for DAP, MAP and triple superphosphates in granular form, will be for the benefit of RBF.
- (f) Kynoch will provide RBF with accounting and administrative services.

70. Kynoch's obligation to buy 70 000 tons from RBF means that it will have to put some of its existing production capacity out of commission.

71. On 26 November 1990 the Board received a copy of the agreement concluded between IOF, AECL, RBF and Kynoch.

72. The Board once again received allegations that the producers in the fertilizer industry were involved in price collusion.

73. The Board then decided to institute a formal investigation as a result of the complaints regarding the alleged acquisition and price collusion in the fertilizer industry. This investigation would be formulated in terms that, besides covering the alleged acquisition (and price collusion), also encompassed the possible existence of other restrictive practices.

1991

74. Sasol announced that it would phase out its activities at the Sasolburg plant, which has an annual capacity of 250 000 tons, by the end of December 1991.

75. Government Notice No. 85 of 1991 was published in *Government Gazette* 12984 on 25 January 1991. The notice reads as follows:

'The Competition Board hereby make known for general information that they are undertaking an investigation in terms of section 10 (1) (a) of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), into restrictive practices which exists or may come into existence in the supply and distribution of fertilizers to bona fide farmers.

The Board will in particular assess whether any of the provisions of an agreement entered into by and between Indian Ocean Fertilizer (Pty) Limited, AECL Limited, AECL Opencast Services (Pty) Limited and Kynoch Fertilizer Limited constitutes a restrictive practice. Acting in terms of section 10 (1) (b) of Act No. 96 of 1979 the Board will also ascertain whether the aforesaid agreement gave rise to an acquisition and, if so, whether such acquisition is justified in the public interest.

Any person may within thirty (30) days from the date of this notice submit written representations regarding this investigation to Dr H. J. Dekker, Competition Board, Private Bag X720, Pretoria, 0001 (Reference R5/2/1/2/31)."

76. The quantitative response to the notice was poor and only three submissions were received—from AECL, Nampo and Noordwes Co-operative Limited. The submissions from the agricultural sector centred on allegations of horizontal price collusion and collusion on supply stipulations by the fertilizer manufacturers and the restriction of competition by Kynoch's alleged takeover of IOF.

THE PROCEDURE AT INVESTIGATIONS INTO RESTRICTIVE PRACTICES

77. A definition of a restrictive practice appears in paragraph 3 of this report. The most important aspect of the definition is that the actions of a firm or firms should restrict competition directly or indirectly. For the sake of convenience, the description may be divided into cause and effect components. Only when the activities under (a) to (d) in paragraph 3 restrict competition directly or indirectly by having or being likely to have the effect of one or more of the consequences mentioned in (i) to (vii) of the same paragraph, will there be a restrictive practice.

78. The Board may investigate any alleged restrictive practice in terms of section 10 (1) (a) or 10 (1) (c) of the Act. A section 10 (1) (a) investigation may be undertaken into an alleged restrictive practice(s) by a particular firm or firms or industry, while 10 (1) (c) may be used to undertake an investigation into restrictive practices that occur more generally. The Prohibition itself resulted from a section 10 (1) (c) investigation—see the Board's Report No. 15 Investigation into *Collusion on Prices and Conditions, Market Sharing and Tender Practices*.

79. Section 11 of the Act provides, inter alia, that the Board may at any time after having given notice of an investigation in terms of section 10 (4) (a) in the *Government Gazette*, negotiate with any person or body, corporate or unincorporate, with a view to making an arrangement which will ensure the discontinuance of any restrictive practice. If such an arrangement is not made, the Board must submit a report to the Minister.

80. In terms of section 12 of the Act the Board is required to report to the Minister as to the result of any investigation made by it in terms of section 10 (1). If after an investigation in terms of section 10 (1) (a) the Board is of the opinion that a restrictive practice exists and is not satisfied that such restrictive practice is justified in the public interest, the Minister may, upon the recommendation of the Board, take action in terms of section 14 to put an end to the restrictive practice. Under this section the Minister may, inter alia, declare the said restrictive practice to be unlawful by notice in the *Government Gazette*. If the restrictive practice is then continued, the offender is liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

81. It follows from the preceding paragraph that, if the Board is, after an investigation in terms of section 10 (1) (a), of the opinion that a restrictive practice exists *but is satisfied that the restrictive practice is justified in the public interest*, the Minister may not take action in terms of section 14.

82. There is, in effect, a rebuttable presumption that restrictive practices are against the public interest. This may be inferred from the wording of sections 12 (2) (b) and 14 (1) of the Act, which provide that action should be taken to rectify a situation if the Board or the Minister, as the case may be, is not satisfied that the restrictive practice is justified in the public interest.

83. In determining what constitutes the public interest, the Board accepted that it is a concept which includes the interests of the participants in the industry concerned and the general public (as consumers in particular) and the broad national interest. These different interests do not always coincide, and in this event they are identified, weighted according to their relative importance and then balanced.

84. As already mentioned, any person who contravenes any of the provisions of the Prohibition and who has not been exempted from the Prohibition by the Minister, is liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment. If the Board therefore undertakes an investigation during which it finds evidence that any of the provisions of the Prohibition have been or are being contravened, neither it nor the Minister may act in terms of any section of the Act.

85. In such a case it is not necessary for the Board to determine whether the restrictive practice is justified in the public interest. The Board may also not negotiate with the parties involved under section 11 of the Act. In fact, in such cases the Board does not even have the power to express an opinion concerning the public interest or otherwise, nor does it have the right to pronounce upon criminal prosecutions. Contravention of the Prohibition is a criminal offence and punishment for unlawful acts is meted out by the courts—the Board cannot do so. After an investigation by the SAP the Attorney-General (AG) (and not the Board) decides whether there is sufficient evidence to institute legal proceedings against the alleged offender.

THE ALLEGATION OF HORIZONTAL PRICE COLLUSION

86. In some of the submissions it is contended that the fertilizer producers increase their prices at more or less the same time and by more or less the same amount, which, so it is alleged, implies that they are involved in horizontal price collusion. Each of the businesses produces a wide range of products and only the prices of a few products in their latest price lists appear in Table 1.

Table 1 — The price in rand per ton of various fertilizers of the producers according to price lists dated 1 January 1991

Product	Kynoch	Sasol	Omnia
2:1:0 (30) + 0,5% Zn	903	903	903
2:3:2 (30) + 0,5% Zn	908	909	908
3:2:0 (25) + 0,5% Zn	792	792	792
3:2:0 (30) + 0,5% Zn	947	947	947
3:2:0 (25) + 1% B	926	926	922
3:2:1 (25) + 0,5% Zn	728	728	727
4:3:4 (33) + 0,5% Zn	869	869	869
MAP + 0,75% Zn	1 086	1 086	1 086
KAN 28%	513	513	513
ASN 27%	525	525	525
Ureum 46%	795	800	795
Supers 10,5%	492	492	492
Potassium chloride	675	675	675
Potassium sulphate	1 025	1 025	1 025
Potassium nitrate	1 372	1 372	1 372

87. From Table 1 it appears that the price lists for the products in question are, for all practical purposes, the same. The price differences that do occur are negligible. The information contained in the table immediately gives rise to the suspicion that price collusion is taking place. This suspicion is strengthened by the fact that the three price lists take effect from the same date (1 January 1991).

88. In paragraph 27 it was mentioned that the demand for fertilizer declined sharply in 1986. This allegedly gave rise to a price war that lasted for the better part of the year. Farmers were said to have received discounts of up to 40 per cent. Even this allegation strengthens the suspicion that price collusion occurs in the fertilizer industry. This statement requires further elucidation.

89. As already mentioned, horizontal price collusion has been illegal since 2 May 1986 and price control on fertilizer was abolished on 1 January 1984. Prior to 1 January 1984 uniform fertilizer prices were the order of the day because of price control. Prior to 2 May 1986 fertilizer and other producers could collude legally on prices, although such action could, of course, have given rise to an investigation in terms of section 10 (1) (a). Consequently, there is a certain duality in the "... discounts of up to 40 per cent" referred to in the previous paragraph. **Firstly**, the producers could collude on uniform list prices and rebates prior to 2 May 1986 and/or they could jointly compile list prices as a guideline for the industry and then compete through the granting of rebates on the list prices. **Secondly**, after May 1986, the producers could decide individually (legally) to regard a certain producer as the price leader (price leadership will be examined again later) and compete through the granting of rebates on the resulting uniform list prices. The more fierce the competition the higher the rebate and, therefore, the lower the price. This accords with the economic theory of supply and demand.

90. The use of rebates to achieve a net price is, however, immediately suspect since it suggests price collusion. The use of the rebate to determine the net price implies uniform list prices, which may at first look like price collusion, although uniform list prices may also be attributed to other factors. This matter will be discussed later in greater detail.

91. The argument that the list price is known and that the extent of the rebate is a convenient and easy standard to compare prices is not convincing just does not hold. What could be easier than comparing the net prices of the same product and service offer and then making a decision to buy? It is the Board's experience that uniform list prices occur on a large scale in South Africa. This phenomenon could possibly restrict competition, and price competition in particular.

92. The present state of competition in the fertilizer industry is explained as follows in a submission:

"Ons wys u ook spesifiek daarop dat die maatskappye oor die algemeen bloot teen lyspryse kwoteer en slegs by uitsondering afslagte gee, wat die feit dat hul pryslyste onderling ooreenstem in behoorlike perspektief plaas. Hulle stelling dat hulle lyspryse eintlik niksseggend is aangesien hulle met afslagte meeding, word hiermee aan die kaak gestel."

93. To illustrate this allegation the complainants obtained quotations given to three farmers. These quotations were converted to a standardised basis of "supplied at farm, payment in June 1991". The prices include rebates and transport costs are set out in Table 2.

Table 2—The net price per ton to three farmers converted to a standardised basis of 'supplied at farm, payment in June 1991'

Product	Price to farmers 1 and 2		Price to farmer 3	
	Omnia	Sasol	Kynoch	Omnia
3:2:1 (25) Zn.....	729	729		
Supers (10,5).....	501	501		
Kan (28).....	504	504		
3:2:1 (25) Zn.....			753	752
Urea (46).....			856	856

94. Table 2 confirms the impression that price collusion occurs in the fertilizer industry. Not only is the list price the same, but also the price per ton as supplied to the farm. The price difference of one rand at 3:2:1 (25) Zn is irrelevant.

95. Unfortunately for buyers, and fortunately for some producers, identical prices are not sufficient evidence of price collusion. It is necessary to prove beyond reasonable doubt that the parties involved have an agreement, arrangement or understanding on prices. This is the essence of the matter—none of the parties can be said to have contravened the prohibition if there is not an agreement, arrangement or understanding between them. The following example serves as an illustration that identical prices are not necessarily *per se* sufficient evidence of horizontal price collusion.

96. In 1988 the Board received a complaint of alleged horizontal price collusion in a certain industry. In this case there were eight sellers and the tender prices of 16 products were in issue. The tender prices of these products appear in Table 3.

Table 3—The tender prices of 16 different products of eight sellers, July 1988

Seller	A	B	C	D	E	F	G
Product	July 1988—Price per kilogram of liter in rand						
1	Nb	7,17	7,17	Nb	7,18	7,18	7,18
2	Nb	8,81	Nb	8,81	8,81	8,81	Nb
3	4,50	4,49	4,50	Nb	4,50	4,50	4,50
4	8,00	8,00	7,99	7,99	8,00	7,99	8,00
5	2,27	2,27	2,26	2,26	2,27	2,27	2,27
6	27,04	27,03	27,03	27,03	27,04	27,04	27,04
7	Nb	31,24	31,23	Nb	31,24	31,24	Nb
8	Nb	0,98	0,98	0,98	0,98	0,98	0,98
9	Nb	2,09	2,09	2,09	2,09	2,09	2,09
10	Nb	28,88	28,88	28,88	Nb	Nb	Nb
11	Nb	56,93	56,93	Nb	56,94	56,94	56,94
12	Nb	57,06	57,06	57,05	Nb	57,07	Nb
13	Nb	18,29	18,29	18,30	18,30	18,30	18,30
14	7,32	7,31	7,32	7,32	7,32	7,32	7,32
15	5,69	5,69	5,68	5,68	5,69	5,69	5,69
16	7,74	7,74	Nb	7,74	7,74	7,74	7,74

97. The Board was of the opinion that the price correlation apparent in Table 3 was sufficient evidence of horizontal price collusion and referred the relevant documents to the relevant AG on 11 July 1988. The latter informed the Board on 29 July that the matter had been referred to the local Divisional Commissioner of the SAP. On 15 March 1989 the AG informed the Board that the SAP had concluded their investigation and submitted it to the AG for a ruling. Without furnishing reasons, the AG refused to prosecute.

98. In the light of the facts set out in the previous paragraph, the Board is therefore not convinced that the virtually identical prices indicated in Tables 1 and 2 will be regarded by the authorities as sufficient evidence of price collusion in the fertilizer industry. To repeat, the Board has reason to suspect that price collusion does take place in the fertilizer industry, but, judged on past experience it apparently does not have sufficient evidence at its disposal to secure the conviction of the parties concerned. Price collusion does not necessarily imply that the participants are making an abnormally high profit. Under certain circumstances it is possible for businesses to collude in order to survive or to avoid suffering greater losses. This is why the prohibition makes provision for the Minister to grant an exemption.

99. The arguments for the occurrence of the same or similar prices centre mainly on the existence of the same or similar cost structures. The costs are then subdivided into costs that arise from the existence of fixed assets (such as depreciation on machinery and equipment) and labour and raw material costs.

- (i) The producers of fertilizer use the same machinery in the production process and the cost and price of the products are therefore more or less the same.
- (ii) The same raw materials are used in the manufacturing process and therefore the cost and prices should be more or less the same. All the producers purchase phosphate rock concentrate from FOSKOR, Sasol is the primary supplier of ammonia (although AECL also manufactures ammonia), sulphur is bought from the mines in the form of sulfuric acid, potassium (potash) is imported, and shipping contracts are concluded jointly by the fertilizer producers in order to utilise shiploads to the full.

- (iii) The labour costs are the same because of uniform trade union negotiated employment packages and minimum wage legislation.
- (iv) There is no price collusion in the industry, but the following of prices does take place.

100. A distinction should be made between horizontal price collusion as defined in the prohibition and price leadership. With price leadership businesses follow each other's prices—and this is not *per se* illegal. There should not, however, be any agreement, arrangement or understanding to follow prices.

101. The price leader inevitably obtains his position in an informal manner—collusion takes place if price leadership is formal, that is, if it arises from a contract or any other formal arrangement. With price leadership the follower has a definite price strategy, for example the business deliberately decides to market its products at a price that is the same or a certain percentage greater or lower than that of the price leader. One may describe this strategy as "active" price following.

102. It is, of course, also possible that the usual supply of and demand for a product may lead to uniform prices. Under conditions of pure competition the individual marketer does not have any influence on how much of the product will be in demand, and hence its price. The products offered by the marketers are mainly homogeneous and as a result it makes no difference to consumers from which marketer they buy. The marketers in this market form are therefore price takers in the sense that the price, to them, is a fixed amount. They are therefore price takers and not price makers. This strategy may be described as "passive" price following.

103. Naturally, the fertilizer producers in South Africa do not operate under conditions of pure competition—rather, they are oligopolists. The Board does, however, understand that the prices of relatively homogeneous products do tend to be similar under competitive conditions. In practice, it is just not realistic to expect big price differences between homogeneous products in the same market. Significant price differences between homogeneous products in the same market would ensure that the "more expensive" product does not sell and that its price would eventually have to be reduced in order to compete with the "cheaper" product.

104. As a general rule, and from a competition perspective, it may be said that competition will come more into its own in industries that are less concentrated. In South Africa, not only the manufacture of fertilizer, but also its distribution, is concentrated. (It has already been mentioned that the co-operatives [in this regard they are wholesalers] distribute approximately 90 per cent of the fertilizer in South Africa.)

THE ALLEGATION OF COLLUSION ON CONDITIONS OF SUPPLY

105. In the past, the fertilizer industry was involved in a collusive agreement—compare in this regard the inevitable uniform conditions of supply that had to apply under the market sharing agreement referred to in paragraph 6. Although collusion on conditions of supply in the fertilizer industry has been illegal since the prohibition, during the years prior to its implementation the industry lawfully set uniform conditions of supply. After this date, if producers decided individually not to change the old conditions of supply, the resultant similar conditions of supply do not necessarily imply collusion. There is, of course, a possibility that they may be colluding, but with the information at its disposal the Board is not convinced that this is definitely the case.

THE PROCEDURE AT INVESTIGATIONS INTO ACQUISITIONS

106. An acquisition is defined in section 1 of the Act as:

"... the acquisition by the holder of a controlling interest in any business or undertaking involved in the production, manufacture, supply or distribution of any commodity, of such an interest—

- (a) in any other business or undertaking so involved; or
- (b) in any asset which is or may be utilized for or in connection with the production, manufacture, supply or distribution of any such commodity,

provided such acquisition has or is likely to have the effect of restricting competition directly or indirectly, and 'acquire' has a corresponding meaning."

107. It follows from this definition that an acquisition (in layman's terms) is not an acquisition in terms of the Act unless it restricts competition directly or indirectly. Furthermore, as with restrictive practices, if, after an investigation under section 10 (1) (b), the Board is of the opinion that an acquisition exists **but is satisfied that it is justified in the public interest, the Minister cannot take action in terms of section 14.**

108. In terms of section 6 (1) (d) of the Act the Board may consult with any interested party in connection with an acquisition which has been or is being made or is proposed. However, such interested parties are under no statutory obligation to consult with the Board.

109. After a consultation as referred to in the previous paragraph, the Board could advise the interested parties as follows:

- (a) The "acquisition" is not an acquisition in terms of the Act.
- (b) With the information at its disposal, the Board is not convinced that the acquisition is justified in the public interest. If, under these circumstances, the interested parties still proceed with the acquisition, the Board would probably institute an investigation in terms of section 10 (1) (b).

- (c) With the information at its disposal, the Board is not satisfied that an investigation under section 10 (1) (b) should be conducted. This advice does not exclude the possibility of a later investigation in terms of section 10 (1) (b). The latter is possible particularly in cases where the Board obtains new, relevant information on the acquisition.

110. Section 6 (2) provides that, on the written application of any person who proposes to enter into an acquisition, the Board may, with the consent of the Minister and subject to such conditions as the Board may deem fit, issue a ruling to the effect that, on the facts and information included in such application or furnished by the applicant or any other person at the request of the Board, in the opinion of the Board circumstances exist which justify such acquisition in the public interest. Subject to the imposition of any such conditions, a ruling in terms of section 6 (2) precludes the Minister from issuing a notice in terms of section 14 (1) (c) with regard to such acquisition on the basis of the particular facts and information. Even in the case of section 6 (2) the possibility therefore exists that new, relevant information could lead to an investigation in terms of section 10 (1) (b).

111. In terms of section 12 of the Act, the Board must report to the Minister as to the result of any investigation made by it in terms of section 10 (1). If, after an investigation in terms of section 10 (1) (b), the Board is not satisfied that an acquisition or proposed acquisition is justified in the public interest, the Minister may take steps in terms of section 14 to terminate the acquisition.

112. Before discussing the agreement between IOF, AECl, RBF and Kynoch, it is necessary to consider the possible implications of IOF's undertaking that it will not participate in the local retail market.

IOF'S UNDERTAKING

113. Elsewhere in this report it was pointed out that IOF has on various occasions given the undertaking referred to in the previous paragraph, namely—

- (a) in a letter to Nedbank dated 3 March 1987 (see paragraph 36);
- (b) on 8 November 1989 the undertaking was confirmed in a letter from IOF to the DG (see paragraph 55); and
- (c) in 1990 after a specific query from the DG in a letter dated 26 March 1990 (see paragraph 57).

114. The Government also gave the assurance that IOF would not enter the local (retail) market (see paragraph 38). Sasol and AECl/Kynoch contend that, without this assurance, they would not have acquired Fedmis in 1988 (see paragraph 48).

115. Discussions between officials of the Board and other interested parties showed clearly that IOF's undertaking was not a prerequisite for investing in IOF by means of the financial rand. Neither has the investigation revealed that someone or a certain institution had requested IOF to make the initial undertaking in the letter of 3 March 1987 to Nedbank. It also appears that IOF's undertaking was not legally enforceable. It therefore appears that IOF could have marketed fertilizer to the retail trade by merely unilaterally withdrawing its undertaking.

116. Nevertheless IOF appears to have kept to its undertaking until May 1990. It did supply fertilizer to, among others, Atlas Organic Fertilizers (Pty) Ltd, Chemphos Ltd, Kynoch, Nitrophoska (Pty) Ltd, Plaaslike Boeredienste (Pty) Ltd and Sasol. These firms also manufacture fertilizer or are involved in the bulk mixing of fertilizer and cannot be viewed as part of the retail market.

117. Kynoch claims that IOF's leasing of its granulation plant to Agriland in May 1990 constituted a negation of its undertaking. The Board is inclined to agree with this allegation. As already mentioned, IOF's undertaking was apparently not legally enforceable which may be why the aggrieved parties did not obtain an interdict against the alleged "offenders".

118. From a competition perspective, IOF's unilateral decision was irrelevant.

THE AGREEMENT BETWEEN IOF, AECl, RBF AND KYNOCH

The question of control

119. Neither IOF, AECl, RBF or Kynoch consulted with the Board in terms of section 6 (1) (d) of the Act prior to entering into the agreement between them. As already mentioned, they were not required by law to do so. In its submission AECl argues that it consults regularly with the Board when it makes acquisitions in terms of the Act. In this case it was not done because AECl is convinced that the agreement does not constitute an acquisition.

120. AECl advances three reasons why the agreement could not be construed as an acquisition. **First**, RBF, not Kynoch, acquired control as lessee of the granulation plant. **Second**, at no stage before the transaction was RBF the holder of a controlling interest in a business or undertaking involved in the production, manufacture, supply or distribution of fertilizer. **Third**, Kynoch does not control RBF.

121. None of the three arguments is correct since proper cognisance was not taken of the concept of "controlling interest" as utilised in the definition of an acquisition. Section 1 of the Act describes "controlling interest" as follows:

"... in relation to—

- (a) any business or undertaking, means any interest of whatever nature enabling the holder thereof to exercise, directly or indirectly, any control whatsoever over the activities or assets of the business or undertaking; and
- (b) any asset, means any interest of whatever nature enabling the holder thereof to exercise, directly or indirectly, any control whatsoever over the asset."

122. The essence of the definition in the previous paragraph is contained in the words "... any control whatsoever". This definition shows clearly that "controlling interest" has a meaning other than the usual meaning of 50 per cent plus one share.

123. In paragraphs 54 to 62 of the Board's Report No. 20 *Investigation to determine whether an acquisition by Anglo American Corporation of South Africa Limited and De Beers Consolidated Mines Limited of Goldfields of South Africa Limited has been, was being, or was proposed to be made* the question of controlling interest is discussed in detail. In the present report a few remarks on controlling interest will suffice. The extremely wide scope of the words: "... any control whatsoever" indicates that a controlling interest is acquired when someone is able to—

- (a) exercise *de iure* or *de facto* control over the activities or assets of a firm, that is, by being able to prescribe the policy of a firm or its actions; or
- (b) use the interest he has in a firm only to prevent certain actions concerning the activities or assets of the firm (an example of this is when someone with more than 25 per cent of the shares in a company prevents the adoption of a special resolution, and in so doing frustrates the will of the majority shareholders).

124. In the light of the above it is therefore obvious that AECI does have a controlling interest in RBF (IOF and AECI have joint and equal shareholding in RBF). The Board does not accept the argument that RBF was not, at any time before the transaction, the holder of a controlling interest in a business involved in the production, manufacture, supply or distribution of fertilizer. Acceptance of this argument would lead to the untenable situation in which A wishes to acquire B, but because the Board would probably investigate the acquisition, A and C establish company D. D then acquires B and A explains this by arguing that D was not, at any time before the transaction, the holder of a controlling interest in a firm involved in the production, manufacture, supply or distribution of the product in which B does business.

125. The Board is therefore convinced that the agreement enabled AECI/Kynoch to acquire a controlling interest in RBF. In order to establish whether the acquisition constituted an acquisition in terms of the Act, it is necessary to determine whether the agreement had or possibly could have the effect of restricting competition directly or indirectly.

The question of whether competition is restricted and whether the agreement therefor gave rise to an acquisition

126. Kynoch advances the following reasons as to why the agreement will not restrict competition directly or indirectly:

- (a) Essentially, there is no difference in the competitive situation before and after the conclusion of the agreement. IOF did not enter the retail market and Agriland was not a bona fide member of the fertilizer industry. The Board's standpoint on IOF's undertaking is set out above. Agriland could have become a "bona fide" member of the industry. A successful entrant to any industry is not immediately or necessarily a "bona fide" member (whatever that may mean).
- (b) Agriland's disappearance from the scene was not a result of Kynoch's actions. When the former approached Kynoch for assistance, it (Agriland) was already in serious financial trouble. The Board does not have any evidence to refute this statement.
- (c) The products made available by IOF bulk mixers and others are still available from Kynoch. This statement is probably true. Any buyer will, however, prefer to have various sellers of a certain product in a buying situation.
- (d) The prices of the products will be determined by competition between the participants in the industry. The lack of price competition in the industry is set out in Tables 1 and 2.
- (e) The import price of fertilizer serves to temper the prices at which South African producers can sell the product. Furthermore, there is no import duty on any of the fertilizer produced at the Richards Bay plant.

127. The Commissioner of Customs and Excise of the Department of Finance and the BTI use a product classification known as the Harmonised System. The Harmonised System consists of 22 sections and 98 chapters. Chapter 31 includes fertilizer and it appears that only seven of the subheadings therein are subject to a rate of duty. These subheadings and the rate of duty are as follows:

- (a) Urea, whether or not in aqueous solution (36,5 cents per kilogram less 100 per cent);
- (b) Superphosphates (15 per cent);
- (c) Potassium sulphate, containing, by mass, more than 52 per cent K_2O (10 per cent);
- (d) Magnesium potassium sulphate, containing, by mass, more than 30 per cent K_2O (10 per cent);
- (e) Goods of Chapter 31 in tablets or similar forms or in packages with a gross mass not exceeding 10 kg:
 - (i) Potassium sulphate containing, by mass, more than 52 per cent K_2O (10 per cent);
 - (ii) Magnesium potassium sulphate containing, by mass, more than 30 per cent K_2O (10 per cent);
 - (iii) Other (20 per cent).

128. Whatever the case, in terms of the agreement IOF undertook, among other things, not to sell the fertilizer bought from RBF on the "South African" market. This undertaking restricts competition since it has the effect of preventing or restricting the entry of a new producer.

129. Before signing the agreement IOF decided not to enter the retail market. In the Board's opinion, however, IOF was a potential entrant. The agreement frustrates this potential.

130. In light of what has been said above, the Board is of the opinion that the agreement constitutes an acquisition in terms of the Act.

The public interest

1. The fertilizer industry

131. Kynoch claims that for years the South African fertilizer industry has been suffering the consequences of a declining demand for fertilizer, the existence of considerable surplus capacity, the weakened financial position of the farming community, high input prices, low profit margins, stiff competition in the industry and unfavourable climatic conditions. Most of these claims are common knowledge and the Board agrees with a number of them. It is not, however, convinced of the claims of stiff competition and low profit margins.

- (a) Stiff competition may exist in the industry, but it does not take place on a price basis. It is hardly possible for fertilizer producers to cut their total unit costs by means of price reductions (which would theoretically result in increased income and sales). The production of fertilizer is relatively capital intensive, the products are homogeneous and the market oligopolistic. Any price reduction by one producer is followed by its competitors almost immediately. Price reductions have an adverse effect on profitability and cash flow. Stiff competition in the industry may possibly occur in other marketing elements.
- (b) Low profit margins are also possible. Low profit margins are not, however, synonymous with low profitability. Successful firms are those with a high profitability—and this can be accompanied by low profit margins.

132. The capital investment of the existing producers amounts to millions of rands. Kynoch maintains that stability in the market is a prerequisite for the viability and even the survival of producers. Price wars do not contribute to this. According to Kynoch, it is mainly those distributors that are not bound to a significant capital investment, such as Agriland, that may precipitate destructive price wars. This consideration and the possible temptation for IOF to circumvent the "restriction" imposed upon it are said to have led to the agreement that IOF may not sell fertilizer on the South African market. This arrangement, so it is claimed, is undoubtedly in the interest of the fertilizer industry. The Board agrees with the contention in the sense that destructive price wars are not in anyone's interest. Although it is not easy, price reductions in order to retain market share should be distinguished from price wars to eliminate or oust a potential competitor from the market (and which could in certain circumstances amount to predatory pricing). The latter would be a restrictive practice as defined in paragraph 3. Two key prerequisites of predatory pricing are that the relevant industry must be functioning at full capacity and entry into it must be difficult. There is no doubt that the fertilizer industry is not functioning at full capacity, but entry is difficult, particularly for producers.

133. Kynoch contends that it acted in the interest of the fertilizer industry by entering into the agreement. This means the Kynoch apparently believes that, if something is in its own interest, it will as a matter of course also be in the interest of the other participants in the industry. Kynoch also mentions that it invited Omnia and Sasol to co-operate in order to prevent further "disruption" and "destabilisation" in the industry. However, Omnia and Sasol did not wish to do so. Their reasons for this are not relevant for the purposes of this report. Nevertheless, one may reason that Omnia and Sasol are either not concerned about the interest of the industry as a whole or do not believe that the agreement could advance these interests.

134. Kynoch has an interest in the continued existence of the plant. As a result of the agreement, phosphate requirements can be acquired "cheaper" owing to the distribution of the fixed costs over a greater tonnage.

135. Kynoch does not at present manufacture DAP and the agreement gives it access to the product. It is believed that Sasol is also capable of producing DAP.

II. The farming community

136. The advantages which the agreement holds for the farming community arise from the benefits accruing from the continuity of the present fertilizer producers. It is claimed that instability in the market will result in one or more of the large producers withdrawing from the market with a concomitant decline in competition. Because of the unsatisfactory rate of return in the industry it is unlikely that new producers will enter it in the foreseeable future.

137. The most pessimistic scenario of an unprofitable fertilizer industry is that all the producers will eventually withdraw from the market. The farming community would then be dependent on imported fertilizer and even though the required volumes may be available, the warehouse storage and distribution facilities would be hopelessly inadequate. At present the Board does not have any information indicating that all or most of the fertilizer producers are on the brink of financial collapse.

III. The broad national interest

138. It is claimed that the continued viability of the fertilizer industry is in the national interest.

139. If the industry were to collapse, thousands of jobs would be lost. Kynoch alone employs 2 400 people.

140. The establishment, location and design of the facilities at Richards Bay were geared to the export market. It is claimed that these facilities are no longer economically viable because of the decline in export volumes. The extent of the plant's fixed costs render the maintenance of minimum production an absolute necessity. The agreement with Agriland ensured this minimum production. The collapse of Agriland, therefore, also created problems for IOF. The agreement with Kynoch offers IOF the opportunity to maintain the necessary volumes. The maintenance of the facilities for export is in the broad national interest. The existing exports make a contribution to Foskor's fixed costs. This contribution would have to be recovered from other sources if there was no indirect exporting of phosphate.

The public interest—previous acquisitions in the industry

141. The following arguments as to why the proposed merger between Triomf and Fedmis was in the public interest were put forward in February 1982: The low profitability in the industry, inadequate price increases, fertilizer imports, a sharp drop in the exports of phosphoric acid, and lower costs through rationalisation (see paragraph 13). At that time, the Board was of the opinion that the proposed merger could not be seen as being against the public interest and that there was reason to believe that such a development was unavoidable (see paragraph 14).

142. In 1987 the following reasons were put forward for the take-over of Triomf by AECI: The surplus capacity, the decline in fertilizer consumption, the drought, and the weak financial position of farmers (see paragraph 33). In a press release on the acquisition the Board said, inter alia, that the industry's existing capacity was probably large enough to meet South Africa's needs until the end of this century and that a form of rationalisation was therefore essential (see paragraph 34).

RELATED MATTERS

State competition

143. Besides its statutory duties, the Government has assigned other duties to the Board, such as the investigation of complaints by firms and individuals exposed to alleged unfair competition by the State or parastatal institutions. For some firms "unfair" competition stems from the fact that their competitor has a competitive advantage because of State subsidies, decentralisation benefits or tariff protection.

144. Foskor's interest in IOF (negotiations are at present under way to increase the existing 30 per cent interest at 50 per cent) could constitute State competition in the fertilizer industry. The Board has not addressed this issue in the investigation. It is, however, a matter that would have to be considered if Foskor were to be privatised.

FINDINGS AND RECOMMENDATIONS

Findings

145. The Board suspects that price collusion takes place in the fertilizer industry but it could not find sufficient evidence that this is in fact the case. Likewise, the Board could find no evidence of collusion on conditions of supply.

146. The agreement between IOF, AECl and Kynoch does not result in a considerable increase in concentration in the fertilizer industry—as a matter of fact, there is probably more opportunity for competition than was the case before price control was abolished on 1 January 1984. In 1981 there were three large producers, namely Fedmis, Onmia and Triomf, and in 1991 there were still three major participants, namely Kynoch, Onmia and Sasol.

147. As in 1987, the fertilizer industry is experiencing difficulties, especially because of the structural changes in agriculture. The industry's existing capacity is still much greater than the demand for fertilizer and it will probably stay that way for a long time.

148. With the information at its disposal the Board is convinced that the agreement under review constitutes an acquisition in terms of the Act. On balance, however, this acquisition serves the public interest.

Recommendation

149. The Board recommends that the Minister should not take action in terms of section 14 of the Act.

DEPARTEMENT VAN PLAASLIKE REGERING EN NASIONALE BEHUISING

No. 426

7 Februarie 1992

KENNISGEWING KRAGTENS ARTIKEL 29 (3) VAN DIE WET OP FONDSINSAMELING, 1978 (WET No. 107 VAN 1978)

Kragtens artikel 29 (3) van die Wet op Fondsinsameling, 1978 (Wet No. 107 van 1978), trek ek, Stefanus Johannes Schoeman, Adjunkminister van Nasionale Gesondheid en van Gesondheidsdienste en Welsyn: Volksraad, Goewermenskennisgewing No. 773 van 19 April 1984 hierby in.

S. J. SCHOEMAN,

Adjunkminister van Nasionale Gesondheid en van Gesondheidsdienste en Welsyn: Volksraad.

DEPARTEMENT VAN ONTWIKKELINGS- HULP

No. 379

7 Februarie 1992

VERBETERINGSKENNISGEWING

DORPSRAAD VAN NONGOMA: HEFFING VAN EIENDOMSBELASTING VIR DIE BOEKJARE 1989/90, 1990/91 EN 1991/92

Goewermenskennisgewings Nos. 2811, 2897 en 3072 gepubliseer in *Staatskoerante* Nos. 12223, 12892 en 13682 van onderskeidelik 22 Desember 1989, 14 Desember 1990 en 20 Desember 1991 word hierby verbeter deur die uitdrukking "R0,375" waar dit in die onderskeie Bylaes voorkom met die uitdrukking "R0,0375" te vervang.

PARLEMENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

No. 401

7 Februarie 1992

GRONDWET VAN DIE REPUBLIEK VAN
SUID-AFRIKA, 1983

UITSLAG VAN VERKIESING VAN SPEAKER

Ooreenkomstig Reël 19 van die Reëls vir die Verkiesing van 'n Speaker deur die Hoofregter kragtens artikel 8 van die Grondwet van die Republiek van Suid-

DEPARTMENT OF LOCAL GOVERNMENT AND NATIONAL HOUSING

No. 426

7 February 1992

NOTICE UNDER SECTION 29 (3) OF THE FUND-RAISING ACT, 1978 (ACT No. 107 OF 1978)

Under section 29 (3) of the Fund-raising Act, 1978 (Act No. 107 of 1978, I, Stefanus Johannes Schoeman, Deputy Minister of National Health and of Health Services and Welfare: House of Assembly, hereby withdraw Government Notice No. 773 of 19 April 1984.

S. J. SCHOEMAN,

Deputy Minister of National Health and of Health Services and Welfare: House of Assembly.

DEPARTMENT OF DEVELOPMENT AID

No. 379

7 February 1992

CORRECTION NOTICE

NONGOMA TOWN BOARD: LEVY OF RATES FOR THE FINANCIAL YEARS 1989/90, 1990/91 AND 1991/92

Government Notices Nos. 2811, 2897 and 3072 published in *Government Gazettes* Nos. 12223, 12892 and 13682 of 22 December 1989, 14 December 1990 and 20 December 1991 respectively are hereby corrected by the substitution of the expression "R0,375" for the expression "R0,0375" where it appears in the respective Schedules.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

No. 401

7 February 1992

REPUBLIC OF SOUTH AFRICA
CONSTITUTION ACT, 1983

RESULT OF ELECTION OF SPEAKER

Pursuant to Rule 19 of the Rules for the election of a Speaker made by the Chief Justice under section 8 of the Constitution of the Republic of South Africa, it is

Afrika, 1983, uitgevaardig, word hierby bekendgemaak dat by die verkiesing van 'n Speaker van die Parlement, behoorlik gehou op 23 Januarie 1992, **Eli van der Merwe Louw**, behoorlik verkies verklaar is.

G. P. C. DE KOCK,
Kiesbeampste.

Kaapstad.
27 Januarie 1992.

hereby announced that at the election of a Speaker of Parliament, duly held on 23 January 1992, **Eli van der Merwe Louw** was declared duly elected.

G. P. C. DE KOCK,
Returning Officer.

Cape Town.
27 January 1992.

DEPARTEMENT VAN STREEK- EN GRONDSAKE

No. 376 7 Februarie 1992

WYSIGING VAN DIE GIDSPLAN VIR DIE KAAPSE METROPOOL: SKIEREILAND

Kragtens artikel 6A (19) van die Wet op Fisiese Beplanning, 1967 (Wet No. 88 van 1967), gelees met artikel 37 (1)(d) van die Wet op Fisiese Beplanning, 1991 (Wet No. 125 van 1991), wysig ek, Andrew Fourie, Adjunkminister vir Streekontwikkeling, hierby die Gidsplan vir die Kaapse Metropol: Skiereiland, soos bekendgemaak by Goewermentskennisgewing No. 2468 van 9 Desember 1988, deur die gebruiksaanwysing van die gebied, soos by benadering aangetoon op die kaart in die bygaande Bylae aangedui, vanaf "owerheidsdoeleindes" na "nywerheidsdoeleindes" te verander.

A. FOURIE,
Adjunkminister vir Streekontwikkeling.

DEPARTMENT OF REGIONAL AND LAND AFFAIRS

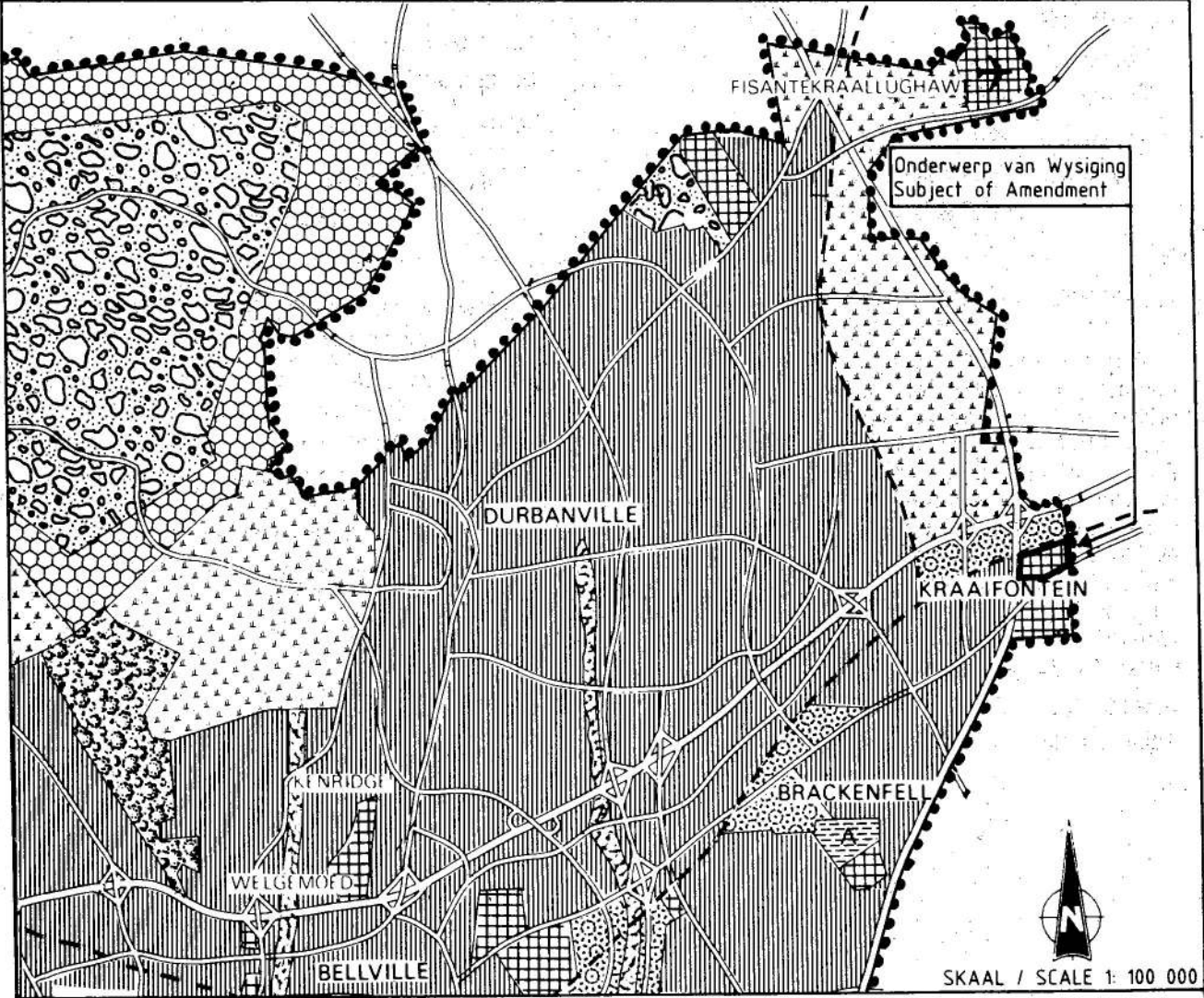
No. 376 7 February 1992

AMENDMENT OF THE GUIDE PLAN FOR THE CAPE METROPOLITAN AREA: PENINSULA












Under section 6A (19) of the Physical Planning Act, 1967 (Act No. 88 of 1967), read with section 37 (1) (d) of the Physical Planning Act, 1991 (Act No. 125 of 1991), I, Andrew Fourie, Deputy Minister for Regional Development, hereby amend the Guide Plan for the Cape Metropolitan Area: Peninsula, as made known by Government Notice No. 2468 of 9 December 1988, by changing the designation of the area, as approximately indicated on the map in the accompanying Schedule, from "government use" to "industrial purposes".

A. FOURIE,
Deputy Minister for Regional Development.

WYSIGING VAN DIE GROTER / AMENDMENT OF THE GREATER
KAAPSE SKIEREILAND / CAPE PENINSULA
GIDSPLAN / GUIDE PLAN



SKAAL / SCALE 1: 100 000

- | | |
|---|---|
|  Stedelike Ontwikkeling
Urban Development |  Buffergebied vir Konstruksiemateriale
Buffer Area for Construction Materials |
|  Nywerheidsdoeleindes
Industrial Purposes |  Afvalstortingsterrein
Dumping Site |
|  Natuurgebied
Nature Area |  Landbou
Agriculture |
|  Oopruimte
Open Space |  Grens van Gidsplangebied
Boundary of Guide Plan Area |
|  Owerheidsgebruik
Government Use |  Onderwerp van Wysiging
Subject of Amendment |
|  Minerale en Konstruksiemateriale
Minerals and Construction Materials | |

No. 377

7 Februarie 1992

WYSIGING VAN DIE GIDSPLAN VIR DIE KAAPSE
METROPOOL: SKIEREILAND

Kragtens artikel 6A (19) van die Wet op Fisiese Beplanning, 1967 (Wet No. 88 van 1967), gelees met artikel 37 (1) (d) van die Wet op Fisiese Beplanning, 1991 (Wet No. 125 van 1991), wysig ek, Andrew Fourie, Adjunkminister vir Streekontwikkeling, hierby die Gidsplan vir die Kaapse Metropol: Skiereiland, soos bekendgemaak by Goewermentskennisgewing No. 2468 van 9 Desember 1988, deur die gebruiksaanwysing van 'n gedeelte van Erf 116, Eersterivier, groot 4,88 ha en geleë soos by benadering aangetoon op die kaart in die bygaande Bylae, vanaf "stedelike ontwikkeling (uitgesonderd stedelike ontwikkeling vir nywerheidsdoeleindes" na "nywerheidsdoeleindes" te verander.

A. FOURIE,

Adjunkminister vir Streekontwikkeling.

No. 377

7 February 1992

AMENDMENT OF THE GUIDE PLAN FOR THE CAPE
METROPOLITAN AREA: PENINSULA

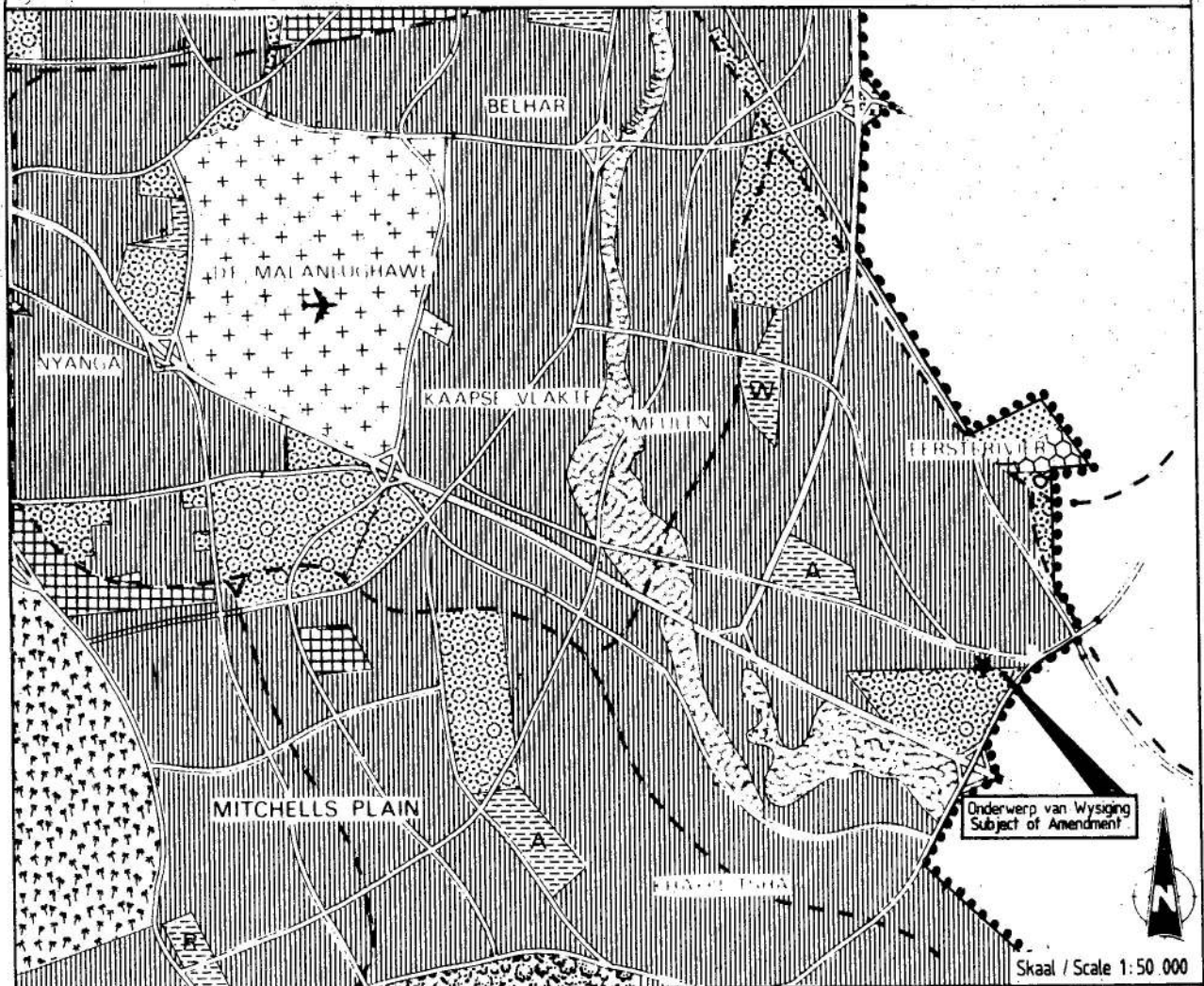
Under section 6A (19) of the Physical Planning Act, 1967 (Act No. 88 of 1967), read with section 37 (1) (d) of the Physical Planning Act, 1991 (Act No. 125 of 1991), I, Andrew Fourie, Deputy Minister for Regional Development, hereby amend the Guide Plan for the Cape Metropolitan Area: Peninsula, as made known by Government Notice No. 2468 of 9 December 1988, by changing the designation of a portion of Erf 116, Eerste River, measuring 4,88 ha and situated as indicated by approximation on the map in the accompanying Schedule, from "urban development (excluding urban development for industrial purposes)" to "industrial purposes".

A. FOURIE,

Deputy Minister for Regional Development.

WYSIGING VAN DIE / AMENDMENT OF THE
KAAPSE SKIEREILAND / CAPE PENINSULA
 GIDSPLAN / GUIDE PLAN

BYLAE / SCHEDULE



Stedelike Ontwikkeling		Urban Development
Nywerheidsdoeleindes		Industrial Purposes
Natuurgebied		Nature Area
Oopruimte		Open Space
Owerheidsgebruik		Government Use
Minerale en Konstruksiemateriale		Minerals and Construction Materials
Buffergebied vir Konstruksiemateriale		Buffer Area for Construction Materials
Dienste		Services
Afvalstortingsterrein		Dumping Site
Rioolwerke		Sewerage Works
Waterwerke		Water Works
Kleinhoues		Small Holdings
Tuinbou		Horticulture
Onderwerp van Wysiging		Subject of Amendment

ALGEMENE KENNISGEWINGS**KENNISGEWING 99 VAN 1992****KANONEILAND-NEDERSETTINGSBESTUURSRAAD:
PLAASBELASTING, 1992**

Hierby word vir algemene inligting bekendgemaak dat die Raad kragtens artikel 13 van die Kanoneiland-nedersettingsbestuurswet, 1939 (Wet 15 van 1939), en met goedkeuring van die Minister van Plaaslike Bestuur: Volksraad onderstaande belasting opgelê het:

Kragtens regulasie 24 van die regulasies wat by Goewermentskennisgewing 973 van 7 Julie 1939 gepubliseer en ooreenkomstig artikel 17 van voornoemde Wet uitgevaardig is, het die Minister bepaal dat hierdie belasting op ondergenoemde datum betaalbaar is:

'n Plaasbelasting van een rand (R1) per erf per jaar, vooruitbetaalbaar op **31 Januarie 1992**.

(7 Februarie 1992)

KENNISGEWING 100 VAN 1992**DEPARTEMENT VAN HANDEL EN NYWERHEID****HANDELSWAREMERKE-WET, 1941
(WET 17 VAN 1941)****VOORGENOME VERBOD OP DIE GEBRUIK VAN
SEKERE BENAMINGS**

Ooreenkomstig die vereistes van artikel 13 van die Handelswaremerke-Wet, 1941 (Wet 17 van 1941), word hierby bekendgemaak dat die Suid-Afrikaanse Uitsaaikorporasie versoek het dat 'n verbod kragtens artikel 15 (1) van voormelde Wet op die gebruik van die Korporasie se benamings, Die Nasionale Simfonie-Orkes van die SAUK en "The National Symphony Orchestra of the SABC" geplaas word in verband met enige handel, besigheid, beroep of bedryf of in verband met 'n handelsmerk, merk of handelsoms krywing wat op ware aangebring is, uitgesonderd die gebruik daarvan deur die Suid-Afrikaanse Uitsaaikorporasie of sy gevolmagtigdes.

Belanghebbendes word versoek om vertoë wat hulle in verband met die aangeleentheid wil rig, skriftelik by die Registrateur van Handelsmerke, Privaatsak X400, Pretoria, 0001, in te dien, sodat dit hom binne 30 dae na publikasie van hierdie kennisgewing bereik.

(7 Februarie 1992)

KENNISGEWING 101 VAN 1992**DEPARTEMENT VAN HANDEL EN NYWERHEID****HANDELSWAREMERKE-WET, 1941
(WET 17 VAN 1941)****VERBOD OP DIE GEBRUIK VAN 'N SEKERE
EMBLEM EN AFKORTING**

Ek, David de Villiers Graaff, Adjunkminister van Handel en Nywerheid, handelende namens en n opdrag van die Minister van Handel en Nywerheid en Toerisme, verbied hierby ingevolge artikel 15 (1) van die Handelswaremerke-wet, 1941 (Wet 17 van 1941), die gebruik van die SOS-Noodtelefoondienseembleem in die kleure geel en swart, asook die afkorting SOS slegs in soverre as wat dit saam met die embleem gebruik word, in verband met enige handel, besigheid,

GENERAL NOTICES**NOTICE 99 OF 1992****CANNON ISLAND SETTLEMENT MANAGEMENT
BOARD: FARM RATE, 1992**

It is hereby notified for general information that, in terms of section 13 of the Cannon Island Settlement Management Act, 1939 (Act 15 of 1939), the Board, with the approval of the Minister of Local Government: House of Assembly has levied the undermentioned rate:

In terms of regulation 24 of the regulations published in Government Notice 973 dated 7 July 1939 and promulgated in accordance with section 17 of the aforementioned Act, the Minister has determined that this rate shall be payable on the date indicated hereunder:

A farm rate of one rand (R1) per erf per annum, payable in advance on **31 January 1992**.

(7 February 1992)

NOTICE 100 OF 1992**DEPARTMENT OF TRADE AND INDUSTRY****MERCHANDISE MARKS ACT, 1941
(ACT 17 OF 1941)****PROPOSED PROHIBITION OF THE USE OF
CERTAIN NAMES**

In pursuance of the requirements of section 13 of the Merchandise Marks Act, 1941 (Act 17 of 1941), it is hereby notified that the South African Broadcasting Corporation has conveyed a request for a prohibition in terms of section 15 (1) of the said Act for the use of the Corporation's names, "Die Nasionale Simfonie-Orkes van die SAUK" and The National Symphony Orchestra of the SABC, in connection with any trade, business, profession or occupation or in connection with a trade mark, mark or trade description applied to goods, other than the use thereof by or with the consent of the South African Broadcasting Corporation.

Interested persons are invited to submit in writing such representations as they may care to make in regard to the matter to the Registrar of Trade Marks, Private Bag X400, Pretoria, 0001, to reach him within 30 days of the publication of this notice.

(7 February 1992)

NOTICE 101 OF 1992**DEPARTMENT OF TRADE AND INDUSTRY****MERCHANDISE MARKS ACT, 1941
(ACT 17 OF 1941)****PROHIBITION OF THE USE OF A CERTAIN
EMBLEM AND ABBREVIATION**

I, David de Villiers Graaff, Deputy Minister of Trade and Industry, acting on behalf and by direction of the Minister of Trade and Industry and Tourism, hereby prohibit under section 15 (1) of the Merchandise Marks Act, 1941 (Act 17 of 1941), the use of the SOS-Emergency Telephone Service Emblem in the colours yellow and black, and the abbreviation SOS only in so far as it is used together with the emblem, in connection with any trade, business, profession or occupation or in connection with a trade mark,

beroep of bedryf of in verband met 'n handelsmerk, merk of handelsomsyrywing wat op ware aangebring is, uitgesonderd die gebruik daarvan deur die Departement van Vervoer of sy gevolmagtigdes.

Kennisgewing 438 van 1991, gepubliseer op 24 Mei 1991 word hierby ingetrek.



(7 Februarie 1992)

KENNISGEWING 102 VAN 1992

DEPARTEMENT VAN HANDEL EN NYWERHEID

HANDELSWAREMERKE-WET, 1941
(WET 17 VAN 1941)

VOORGENOME VERBOD OP DIE GEBRUIK VAN SEKERE EMBLEEM EN AFKORTING

Ooreenkomstig die vereistes van artikel 13 van die Handelswaremerke-Wet, 1941 (Wet 17 van 1941), word hierby bekendgemaak dat die Suid-Afrikaanse Uitsaaikorporasie versoek het dat 'n verbod kragtens artikel 15 (1) van voormelde Wet op die gebruik van die embleem van Die Nasionale Simfonie Orkes van die SAUK, asook die afkorting NSO geplaas word slegs en soverre as wat dit saam met die Korporasie se embleem gebruik word in verband met enige handel, besigheid, beroep of bedryf of in verband met 'n handelsmerk, merk of handelsomsyrywing wat op ware aangebring is, uitgesonderd die gebruik daarvan deur die Suid-Afrikaanse Uitsaaikorporasie of sy gevolmagtigdes.



or in connection with a trade mark, mark or trade description applied to goods, other than the use thereof by or with the consent of the Department of Transport.

Notice 438 of 1991, published on 24 May 1991, is hereby withdrawn.



(7 February 1992)

NOTICE 102 OF 1992

DEPARTMENT OF TRADE AND INDUSTRY

MERCHANDISE MARKS ACT, 1941
(ACT 17 OF 1941)

PROPOSED PROHIBITION OF THE USE OF CERTAIN EMBLEM AND DEVICE

In pursuance of the requirements of section 13 of the Merchandise Marks Act, 1941 (Act 17 of 1941), it is hereby notified that the South African Broadcasting Corporation has conveyed a request for a prohibition in terms of section 15 (1) of the said Act for the use of the emblem of The National Symphony Orchestra of the SABC as well as the abbreviation NSO, in so far as it is being used with the Corporations emblem in connection with any trade, business, profession or occupation or in connection with a trade mark, mark or trade description applied to goods, other than the use thereof by or with the consent of the South African Broadcasting Corporation.



Belanghebbendes word versoek om vertoë wat hulle in verband met die aangeleentheid wil rig, skriftelik by die Registrateur van Handelsmerke, Privaatsak X400, Pretoria, 0001, in te dien, sodat dit hom binne 30 dae na publikasie van hierdie kennisgewing bereik.

(7 Februarie 1992)

KENNISGEWING 107 VAN 1992

PROVINSIALE ADMINISTRASIE VAN DIE KAAP DIE GOEIE HOOP

HEIDELBERG: VOORGESTELDE KONSTRUKSIE VAN 'N AANLEGSTEIER BENEDE DIE HOOGWATERMERK VAN DIE BREËRIVIER

Ingevolge artikel 3 (5) van die Strandwet, 1935 (Wet 21 van 1935), word hiermee bekendgemaak dat dit die voorneme is om 'n huurooreenkoms met mnr. B. Porter aan te gaan waarin voorsiening gemaak word vir die konstruksie van 'n aanlegsteier.

'n Liggingsplan van die gebied wat deur die voorgestelde aanlegsteier geraak word, lê ter insae by die kantoor van die Hoofdirekteur: Werke, Provinsiale Administrasie van die Kaap die Goeie Hoop, Kamer 430, Dorpsstraat 9, Kaapstad.

Besware teen die voorgestelde verhuring moet by die Hoofdirekteur: Werke, Privaatsak X9078, Kaapstad, 8000, ingedien word voor op of 9 Maart 1992.

(7 Februarie 1992)

KENNISGEWING 108 VAN 1992

DEPARTEMENT VAN POS- EN TELEKOMMUNIKASIEWESE

EKSAMEN VIR DIE AMATEURRADIO-OPERATEUR-
SERTIFIKATE (KLAS-A EN -B)

Die eksamen vir die Amateurradio-operateursertifikate (Klas-A en -B) word in die vorm van meervoudige-keusevrae aangebied en sal op 1992-05-14 van 19:00 tot 22:00 by aangewese sentrums afgeneem word. Die eksamengeld beloop R25,00. Die sluitingsdatum vir inskrywings is **6 Maart 1992**.

Eksamenleerplanne en aansoekvorms is te kry by die Bestuurder, Radio, Departement van Pos- en Telekommunikasiewese, Eerste Verdieping (Kamer 130), Telkomhoofkantoorgebou, hoek van Bosman- en Vermeulenstraat (Privaat Sak X74), Pretoria, 0001. Alle inskrywings moet bogenoemde adres vóór of op die sluitingsdatum bereik en moet vergesel word deur 'n kwitansie wat aandui dat die vereiste eksamengeld by 'n poskantoor betaal is.

(7 Februarie 1992)

KENNISGEWING 109 VAN 1992

DOEANE- EN AKSYNSTARIEFAANSOEKE: LYS 4/92

Onderstaande aansoeke betreffende die Doeane-en Aksynstarief is deur die Raad van Handel en Nywerheid ontvang. Enige beswaar teen of kommentaar op hierdie vertoë moet binne ses weke na die datum van

Interested persons are invited to submit in writing such representations as they may care to make in regard to the matter to the Registrar of Trade Marks, Private Bag X400, Pretoria, 0001, to reach him within 30 days of the publication of this notice.

(7 February 1992)

NOTICE 107 OF 1992

PROVINCIAL ADMINISTRATION OF THE CAPE OF GOOD HOPE

HEIDELBERG: PROPOSED CONSTRUCTION OF A JETTY BELOW THE HIGH-WATER MARK OF THE BREEDERIVER

Notice is hereby given in terms of section 3 (5) of the Sea-Shore Act, 1935 (Act 21 of 1935), that it is proposed to enter into a lease with Mr. B. Porter in which provision is made for the construction of a jetty.

A locality sketch of the area affected by the proposed jetty lies for inspection at the office of the Chief Director: Works, Provincial Administration of the Cape of Good Hope, Room 430, 9 Dorp Street, Cape Town.

Objections to the proposed lease must be lodged with the Chief Director: Works, Private Bag X9078, Cape Town, 8000, on or before 9 March 1992.

(7 February 1992)

NOTICE 108 OF 1992

DEPARTMENT OF POSTS AND TELECOMMUNICATIONS

EXAMINATION FOR THE AMATEUR RADIO OPERATOR'S CERTIFICATES (CLASS-A AND -B)

The examination for the Amateur Radio Operator's Certificates (Class-A and -B) will be in the form of multiple choice questions and will be conducted at appointed centres on 1992-05-14 from 19:00 to 22:00. The examination fee is R25,00. The closing date for entries is **6 March 1992**.

Examination syllabuses and application forms are obtainable from the Manager, Radio, Department of Posts and Telecommunications, First Floor (Room 130), Telkom Headquarters Building, corner of Bosman and Vermeulen Streets (Private Bag X74), Pretoria, 0001. All entries must reach the above address on or before the closing date and must be accompanied by a receipt indicating that the prescribed examination fee has been paid at a post office.

(7 February 1992)

NOTICE 109 OF 1992

CUSTOMS AND EXCISE TARIFF APPLICATIONS: LIST 4/92

The following applications concerning the Customs and Excise Tariff have been received by the Board of Trade and Industry. Any objections to or comments on these representations must be submitted to the Chair-

hierdie kennisgewing aan die Voorsitter, Raad van Handel en Nywerheid, Privaat Sak X753, Pretoria, 0001, gerig word. Die aandag word daarop gevestig dat die skale van reg wat in die aansoek genoem word, dié is wat deur die applikante aangevra is en dat die Raad, afhangende van sy bevindinge, hoër of laer skale van reg mag aanbeveel.

Verlaging van die reg op:

- (i) Hidrokinoon, indeelbaar by tariefsubpos 2907.22.10;
- (ii) Anilienolie, indeelbaar by tariefsubpos 2921.41.10; en
- (iii) O-toluïdiene, indeelbaar by tariefsubpos 2921.43.90,

van 10 persent *ad valorem* tot doeanevry.

[RHN-verw. T5/2/6/2/1 (920031)
(Mnr. S. Meyer)]

Applikant:

Bayer Suid-Afrika (Edms.) Bpk., Posbus 143, Isando, 1600.

Intrekking van die kortingfasiliteite ten opsigte van:

Gouestroop vir die vervaardiging van kakao- en suikergoed (Kortingitem 304.03/17.02).

[RHN-verw. T5/2/4/2/1 (910461)
(Mnr. J. M. van der Merwe)]

Applikant:

Die Kommissaris van Doeane en Aksyns, Privaat Sak X47, Pretoria, 0001.

Algemeen:

Wysiging van kortingitem 304.03 sodat dit soos volg lui:

Korting-item	Tarief pos	Beskrywing	Mate van Korting
304.03	1516.20	Nywerheid: Suikergoed, hetsy dit kakao bevat al dan nie Hergeësteriseerde klapperolie, katoensaadolie, grondboontjie-olie, mielieolie, mosterdolie, raapolie, koolsaadolie, palmpitolie, palmolie, sonneblomsaadolie en saffloerolie	Volle reg
	1517.90	Eetbare mengsels of preparate van dierlike of plantaardige vette of olies of van fraksies verskillende vette of olies	Volle reg
	9502.10	Poppe wat slegs menslike wesens voorstel, hetsy aangetrek al dan nie, vir verrassingspakkies	Volle reg
	9503.49	Speelgoed wat diere of ander nie-menslike wesens voorstel, nie opgestop nie, vir verrassingspakkies	Volle reg
	9503.50	Speelgoedmusiekinstrumente en -apparate, vir verrassingspakkies	Volle reg
	9503.60	Sukkelspeletjies, vir verrassingspakkies	Volle reg
	9593.90	Ander speelgoed, vir verrassingspakkies	Volle reg

[RHN-verw. T5/2/4/1 (910461) (Mnr. J. M. van der Merwe)]

Rebate Item	Tariff Heading	Description	Extent of Rate
304.03	1516.20	Industry: Cocoa and sugar confectionary Re-esterified coconut oil, cottonseed oil, groundnut oil, maize oil, mustard oil, rape oil, colza oil, palmkernel oil, palm oil, sunflowerseed oil and safflower oil	Full duty
	1517.90	Edible mixtures or preparations of animal or vegetable fats or of oil or of fractions of different fats or oils	Full duty
	9502.10	Dolls representing only human beings, whether or not dressed, for surprise packets	Full duty
	9503.49	Toys representing animals or non-human creatures, not stuffed, for surprise packets	Full duty
	9503.50	Toy musical instruments and apparatus, for surprise packets	Full duty
	9503.60	Puzzles, for surprise packets	Full duty
	9503.90	Other toys, for surprise packets	Full duty

[BTI Ref. T5/2/4/2/1 (910461) (Mr J. M. van der Merwe)]

man, Board of Trade and Industry, Private Bag X753, Pretoria, 0001, within six weeks of the date of this notice. Attention is drawn to the fact that the rates of duty mentioned in the applications are those requested by the applicants and that the Board may, depending on its findings, recommend lower or higher rates of duty.

Reduction in the duty on:

- (i) Hydroquinone, classifiable under tariff subheading 2907.22.10;
- (ii) Aniline Oil, classifiable under tariff subheading 2921.41.10; and
- (iii) O-toluidine, classifiable under tariff subheading 2921.43.90,

from 10 percent *ad valorem* to duty free.

[BTI Ref. T5/2/6/2/1 (920031)
(Mr S. Meyer)]

Applicant:

Bayer South Africa (Pty) Ltd, P.O. Box 143, Isando, 1600.

Withdrawal of the rebate facilities in respect of:

Golden syrup for the manufacturing of cocoa and sugar confectionary (rebate item 304.03/17.02)

[BTI Ref. T5/2/4/2/1 (910461)
(Mr J. M. van der Merwe)]

Applicant:

The Commissioner for Customs and Excise, Private Bag X47, Pretoria, 0001.

General:

Amendment of rebate item 304.03 to read as follows:

Applikant:

Die Kommissaris van Doeane en Aksyns, Privaat Sak X47, Pretoria, 0001.

Lys 3/92 is by Algemene Kennisgewing 96 van 31 Januarie 1992 gepubliseer.

(7 Februarie 1992)

KENNISGEWING 110 VAN 1992**RAAD VAN HANDEL EN NYWERHEID**

ONDERSOEK NA DIE OPLEGGING VAN ANTIDUMPINGREGTE OP WATERSTOFPEROKSIDIE INGEVOER UIT OF AFKOMSTIG VAN OF VERSKAF DEUR DIE FEDERALE REPUBLIEK DUITSLAND, DIE KONINKRYK BELGIË EN DIE ITALIAANSE REPUBLIEK

Op 7 Februarie 1992 het die Minister kragtens artikel 57A van die Doeane- en Aksynswet, 1964, op aanbeveling van die Raad van Handel en Nywerheid 'n voorlopige heffing ten opsigte van 'n antidumpingreg op waterstofperoksied, indeelbaar by tariefsubpos 28.47, teen elk van die lande hieronder genoem teen die skaal teenoor elkeen aangedui, ingestel:

Federale Republiek Duitsland: 14 per sent *ad valorem*.

Die Koninkryk België: 31 persent *ad valorem*.

Die Italiaanse Republiek: 30 persent *ad valorem*.

Hierdie aanbeveling het gevolg na vertoë deur die peroksiedvervaardiger Alliance Peroxide (Edms.) Bpk., Posbus 105, Umbogintwini, 4120, en 'n daaropvolgende ondersoek deur die Raad van Handel en Nywerheid.

Ten einde die Raad van Handel en Nywerheid behulpsaam te wees met sy ondersoek na die oplegging van antidumpingregte op die betrokke produk ingevoer uit of afkomstig van die Federale Republiek Duitsland, die Koninkryk België en die Italiaanse Republiek word belanghebbende instansies versoek om binne 21 dae vanaf die publikasie van hierdie kennisgewing, skriftelik vertoë, kommentaar of inligting in dié verband te rig aan die Voorsitter, Raad van Handel en Nywerheid, Privaat Sak X753, Pretoria, 0001. Vertroulike inligting moet duidelik as sodanig gemerk wees.

Belanghebbendes moet daarmee rekening hou dat die Raad sy bevindinge baseer op die beste beskikbare inligting ingewin met betrekking tot die volgende:

- Kan die invoer vanuit die betrokke lande ingevolge artikel 56 (1) van die Doeane- en Aksynswet, 1964, as dumping geag word; en
- ondervind die betrokke nywerheid wesentlike skade of bestaan daar 'n bedreiging van wesentlike skade as gevolg van dumping; en
- is dit in die openbare belang om antidumpingregte op die betrokke invoer op te lê.

Sou bevind word dat optrede teen dumping ingevolge artikel 56 van die Doeane- en Aksynswet, 1964, geregtig is, kan antidumpingregte ingestel word met terugwerkende krag tot die datum van die instelling van die genoemde voorlopige heffings.

Navrae moet gerig word aan mnr. D. Potter by telefoon (012) 310-9638.

[RHN-verw. T5/2/6/2/1]

(7 Februarie 1992)

Applicant:

The Commissioner for Customs and Excise, Private Bag X47, Pretoria, 0001.

List 3/92 was published under General Notice 96 of 31 January 1992.

(7 February 1992)

NOTICE 110 OF 1992**BOARD OF TRADE AND INDUSTRY**

INVESTIGATION INTO THE IMPOSITION OF ANTI-DUMPING DUTIES ON HYDROGEN PEROXIDE IMPORTED FROM OR ORIGINATING IN OR SUPPLIED BY THE FEDERAL REPUBLIC OF GERMANY, THE KINGDOM OF BELGIUM AND THE ITALIAN REPUBLIC

On 7 February 1992 the Minister, in terms of section 57A of the Customs and Excise Act, 1964, on the recommendation of the Board of Trade and Industry, imposed a provisional charge in respect of an anti-dumping duty on hydrogen peroxide, classifiable under tariff subheading 28.47, against each of the countries mentioned below at the rates indicated opposite each of them:

Federal Republic of Germany: 14 per cent *ad valorem*.

The Kingdom of Belgium: 31 per cent *ad valorem*.

The Italian Republic: 30 per cent *ad valorem*.

This recommendation followed on representations by the hydrogen peroxide manufacturer by Alliance Peroxide (Pty) Ltd, P.O. Box 105, Umbogintwini, 4120, and a subsequent investigation by the Board of Trade and Industry.

In order to assist the Board of Trade and Industry in its final investigation into the imposition of anti-dumping duties on the product concerned imported from or originating in the Federal Republic of Germany, the Kingdom of Belgium and the Republic of Italy, interested parties are invited to send written representations, comments and information in this regard to the Chairman, Board of Trade and Industry, Private Bag X753, Pretoria, 0001, within 21 days of the date of publication of this notice. Confidential information should be clearly marked as such.

Interested parties must bear in mind that the Board's findings will be based on the best available information in respect of the following:

- Can the imports from the countries concerned be regarded as dumping in terms of section 56 (1) of the Customs and Excise Act, 1964;
- does the industry concerned experience material injury or threatened material injury owing to dumping; and
- is it in the public interest to impose anti-dumping duties on the imports concerned.

Should it be established that action against dumping in terms of section 56 of the Customs and Excise Act, 1964, is justified, anti-dumping duties may be implemented with retrospective effect from the date of implementation of the said provisional charges.

Any inquiries must be directed to Mr D. Potter at telephone (012) 310-9638.

[BTI Ref. T5/2/6/2/1]

(7 February 1992)

KENNISGEWING 111 VAN 1992**RAAD VAN HANDEL EN NYWERHEID****ONDERSOEK NA DIE DOEANEREGTE VAN TOEPASSING OP BANDE EN VERWANTE PRODUKTE VAN RUBBER**

Hierby word vir algemene inligting bekendgemaak dat die Raad van Handel en Nywerheid besluit het om ondersoek in te stel na en verslag en aanbevelings te doen oor die doeaneregte van toepassing op nuwe lugbande van rubber, indeelbaar by tariefpos 40.11, versoolde, gebruikte, soliede, en kussingbande, verwisselbare bandloopvlakke en bandklappe van rubber, indeelbaar by tariefpos 40.12, en binnebande van rubber, indeelbaar by tariefpos 40.13. Die ondersoek word onderneem teen die agtergrond van die voorneme om invoerbeheer op die betrokke produkte teen 31 Desember 1992 op te hef.

Tydens die ondersoek sal die bedrywe se bydrae tot die ekonomie as geheel, die vermoë van die bedrywe om op internasionale en binnelandse markte mee te ding en die koers van effektiewe beskerming wat deur die regte verleen word, deeglik in ag geneem word.

'n Voorstel van die Suid-Afrikaanse konferensie van Buitebandfabrikante dat die skale van reg op produkte indeelbaar by tariefsubposte 4011.10.15, 4011.10.25, 4011.10.35, 4011.20, 4011.91.40, 4011.91.50, 4011.92.60, 4011.99, 4013.10 en 4013.90.90 verhoog word tot 50 persent *ad valorem*, die skaal van reg op produkte indeelbaar by tariefsubpos 4011.91.10 vervang word deur 10 persent *ad valorem*, die skale van reg op produkte indeelbaar by tariefsubposte 4011.91.20 en 4011.91.30 verhoog word tot 10 persent *ad valorem* en 'n verbod geplaas word op die invoer van produkte indeelbaar by tariefsubposte 4012.10 en 4012.20, sal oorweeg word. Ander voorstelle wat ontvang mag word, sal ook deur die Raad oorweeg word.

Belanghebbendes word versoek om skriftelik hul verhoë te rig aan die Raad van Handel en Nywerheid, Privaat Sak X753, Pretoria, 0001, binne ses weke vanaf die datum van die publikasie.

[RHN-verw. T5/2/7/5/1 (920047) (Mnr. S. Meyer)]

(7 Februarie 1992)

KENNISGEWING 112 VAN 1992**DEPARTEMENT VAN VERVOER****WET OP INTERNASIONALE LUGDIENSTE, 1949
(WET 51 VAN 1949), SOOS GEWYSIG**

Hierby word ingevolge die bepalings van artikels 5 (a) en (b) van Wet 51 van 1949 en regulasie 5 van die Regulasies vir Burgerlugdienste, 1964, vir algemene inligting bekendgemaak dat die Nasionale Vervoer-kommissie die aansoeke waarvan besonderhede in die Bylaes hieronder verskyn, sal aanhoor.

Verhoë ingevolge artikel 6 (1) van Wet 51 van 1949 ter ondersteuning of bestryding van 'n aansoek moet die Direkteur-generaal van Vervoer (Direktoraat Burgerlugvaart), Privaat Sak X193, Pretoria, 0001, en die aansoeker binne 21 dae na die datum van publikasie hiervan bereik en daarin moet gemeld word of die persoon of persone wat aldus verhoë rig, van plan is om die verrigtinge by te woon of om daar verteenwoordig te word.

NOTICE 111 OF 1992**BOARD OF TRADE AND INDUSTRY****INVESTIGATION INTO THE CUSTOMS DUTIES APPLICABLE TO TYRES AND RELATED PRODUCTS OF RUBBER**

Notice is hereby given for general information that the Board of Trade and Industry has decided to investigate and report and make recommendations on the customs duties applicable to new pneumatic tyres of rubber classifiable under tariff heading 40.11, re-treaded, used, solid, and cushion tyres, interchangeable tyre treads and tyre flaps of rubber classifiable under tariff heading 40.12, and inner tubes of rubber classifiable under tariff heading 40.13. The investigation is undertaken against the background of the intention to lift import control on the products concerned on 31 December 1992.

During the investigation due cognisance will be taken of the contribution made by the industries to the economy as a whole, the ability of the industries to compete on the international and local markets and the rate of effective protection afforded by the duties.

A proposal by the South African Tyre Manufacturers' Conference that the rates of duty on products classifiable under tariff subheadings 4011.10.15, 4011.10.25, 4011.10.35, 4011.20, 4011.91.40, 4011.91.50, 4011.91.60, 4011.99, 4013.10 and 4013.90.90 be increased to 50 per cent *ad valorem*, the rate of duty on products classifiable under tariff subheading 4011.91.10 be replaced by 10 per cent *ad valorem*, the rates of duty on products classifiable under tariff subheading 4011.91.20 and 4011.91.30 be increased to 10 per cent *ad valorem* and a prohibition be placed on the importation of products classifiable under tariff subheadings 4012.10 and 4012.20 will be considered. Other proposals which may be received will also be considered by the Board.

Interested parties are requested to submit written comments to the Board of Trade and Industry, Private Bag X753, Pretoria, 0001, within six weeks from the date of the publication.

[BTI Ref. T5/2/7/5/1 (920047) (Mr S. Meyer)]

(7 February 1992)

NOTICE 112 OF 1992**DEPARTMENT OF TRANSPORT****INTERNATIONAL AIR SERVICES ACT, 1949
(ACT 51 OF 1949), AS AMENDED**

Pursuant to the provisions of sections 5 (a) and (b) of Act 51 of 1949 and regulation 5 of the Civil Air Services Regulations, 1964, it is hereby notified for general information that the applications, details of which appear in the Schedules hereto, will be heard by the National Transport Commission.

Representations in accordance with section 6 (1) of Act 51 of 1949 in support of, or in opposition to, an application, should reach the Director-General of Transport (Directorate Civil Aviation), Private Bag X193, Pretoria, 0001, and the applicant within 21 days of the date of publication hereof, stating whether the party or parties making such representation intend to be present or represented at the hearing.

Die Kommissie sal reël dat kennis van die datum, tyd en plek van die verrigtinge skriftelik gegee word aan die aansoeker en al die persone wat aldus verhoë gerig het en wat verlang om aldus verteenwoordig of verteenwoordig te wees.

BYLAE A

LYS VAN AANSOEKE OM DIE TOESTAAN VAN LISENSIES

(A) Naam en adres van applikant. (B) Naam waaronder die lugdiens geëksploiteer gaan word. (C) Besonderhede van lugdiens. (i) Gebiede wat bedien gaan word. (ii) Roete(s) wat bedien gaan word. (iii) Basis(se). (iv) Soort verkeer wat vervoer gaan word. (v) Frekwensie en roosters waarvolgens die diens geëksploiteer gaan word. (vi) Soort opleiding wat verskaf gaan word. (vii) Besonderhede en beskrywing van soort werk wat onderneem gaan word. (viii) Tariefskaal. (D) Lugvaartuie wat gebruik gaan word.

(A) Air Supply BK, Posbus 3799, Halfway House, 1685. (B) Premier Air. (C) Vasgestelde lugvervoerdienste. (i) Johannesburg na Luanda. (iii) Grand Central- en Lanseria-lughawe. (iv) Passasiers. (v) Twee retoervlugte per week, Dinsdae en Vrydae. (viii) Retoerlugarief R2 500. (D) Beechcraft King Air B200, Beechcraft King Air E90, Mitsubishi Marquise, Mitsubishi MV2, Passasierslugvaartuig met 100-130 sitplekke, British Aerospace BAC 1-11. Op voorwaarde dat lugvaartuig zs-geregistreer en A-gekategoreiseer is.

(A) R. A. Milborrow, Posbus 696, Lonehill, 2062. (B) Simply Wild. (C) Nie-vasgestelde-lugvervoerdienste. (i) Botswana, Zimbabwe, Zambië, Namibië, Mosambiek, Angola en Malawi. (iii) Lanseria. (iv) Passasiers. (viii) R440 per uur volledig met brandstof. Vliënier 50c per km. (D) Cessna 210. Op voorwaarde dat lugvaartuig ZS-geregistreer en A-gekategoreiseer is.

(A) Sherwood Export International (Edms.) Bpk., Posbus 32533, Braamfontein, 2017. (B) Sherwood Export International (Edms.) Bpk. (C) Nie-vasgestelde-lugvervoerdienste. (i) Botswana, Malawi, Mosambiek, Zambië, Zimbabwe. (iii) Lanseria. (iv) Passasiers. (viii) R4,50 tot R4,90 per km. (D) Gates Learjet 23 ZS-MDN.

BYLAE B

LYS VAN AANSOEKE OM DIE HERNUWING VAN LISENSIES

(A) Naam en adres van applikant. (B) Naam waaronder die lugdiens geëksploiteer word. (C) Soort lugdiens ten opsigte waarvan hernuwing aangevra word en die nommer en datum van bestaande lisensie. (D) Besonderhede van lisensie. (i) Gebied wat bedien gaan word. (ii) Roete(s) en frekwensie(s) wat bedien gaan word. (iii) Uitgangsbasis(se). (iv) Soort verkeer wat vervoer gaan word. (v) Soort opleiding wat verskaf gaan word. (vi) Soort werk wat onderneem gaan word. (vii) Tariefskaal. (E) Lugvaartuie wat gebruik gaan word.

(A) Air North-West (Edms.) Bpk., Posbus 412, Lonehill, 2062. (B) Air North-West (Edms.) Bpk. (C) Nie-vasgestelde-lugvervoerdienstlisensie N904, gedateer 26 Oktober 1989. (D) (i) Botswana. (iii) Lanseria-lughawe. (iv) Passasiers en vrag. (vii) en (E):

The Commission will cause notice of the time, date and place of the hearing to be given in writing to the applicant and all parties who have made representations as aforesaid and who desire to be present or represented at the hearing.

SCHEDULE A

SCHEDULE OF APPLICATIONS FOR THE GRANT OF LICENCES

(A) Name and address of applicant. (B) Name under which the air service is to be operated. (C) Particulars of air service. (i) Area to be served. (ii) Route(s) to be served. (iii) Base(s). (iv) Types and classes of traffic to be conveyed. (v) Frequency and time tables to which the service will be operated. (vi) Types of training to be provided. (vii) Particulars and description of types of work to be undertaken. (viii) Tariff of charges. (D) Aircraft to be used.

(A) Air Supply CC, P.O. Box 3799, Halfway House, 1685. (B) Premier Air. (C) Scheduled Air Transport Services. (i) Johannesburg to Luanda. (iii) Grand Central and Lanseria Airports. (iv) Passengers. (v) Two return flights per week, Tuesday and Fridays. (viii) Return airfare R2 500. (D) Beechcraft King Air B200, Beechcraft King Air E90, Mitsubishi Marquise, Mitsubishi MV2, Passenger Airliner with 100-130 Seats, British Aerospace BAC 1-11. Provided such aircraft is ZS-registered and categorised A.

(A) R. A. Milborrow, P.O. Box 696, Lonehill, 2062. (B) Simply Wild. (C) Non-scheduled Air Transport Services. (i) Botswana, Zimbabwe, Zambia, Namibia, Macambique, Angola and Malawi. (iii) Lanseria. (iv) Passengers. (viii) R440 per hour wet. Pilot 50c per km. (D) Cessna 210. Provided such aircraft is ZS-registered and categorised A.

(A) Sherwood Export International (Pty) Ltd, P.O. Box 32533, Braamfontein, 2017. (B) Sherwood Export International (Pty) Ltd. (C) Non-scheduled Air Transport Service. (i) Botswana, Malawi, Mozambique, Zambia, Zimbabwe. (iii) Lanseria. (iv) Passengers. (viii) R4,50 to R4,90 per km. (D) Gates Learjet 23 ZS-MDN.

SCHEDULE B

SCHEDULE OF APPLICATIONS FOR RENEWAL OF LICENCES

(A) Name and address of applicant. (B) Name under which the air service is being operated. (C) Class of air service in respect of which renewal is sought and number and date of existing licence. (D) Particulars of licence. (i) Area to be served. (ii) Route(s) and frequencies to be served. (iii) Base(s). (iv) Types and classes of traffic to be conveyed. (v) Types of training to be provided. (vi) Types of work to be undertaken. (vii) Tariff of charges. (E) Aircraft to be used.

(A) Air North-West (Pty) Ltd, P.O. Box 412, Lonehill, 2062. (B) Air North-West (Pty) Ltd. (C) Non-scheduled Air Transport Service Licence N904 dated 26 October 1989. (D) (i) Botswana. (iii) Lanseria Airport. (iv) Passengers and Freight. (vii) and (E)

Lugvaartuig	Tarief (R/km)
1 Beech B58.....	4,20
Beech P58.....	4,66
6 Cessna 206.....	3,10
2 Britten Norman Islander BN 2A-21.....	4,40
Mitsubishi Marquise.....	3,20
1 Cessna 210.....	2,00

Op voorwaarde dat lugvaartuig ZS-geregistreer en A-gekatgoriseer is.

BYLAE D

LYS VAN AANSOEKE OM DIE VERANDERING OF WYSIGING VAN LISENSIES

(A) Naam en adres van applikant. (B) Naam waaronder die lugdiens geëksploteer word. (C) Besonderhede betreffende die lisensie en die verandering of wysiging daarvan of die voorwaardes daarvan ten opsigte waarvan aansoek gedoen is.

(A) Air North-West (Edms.) Bpk., Posbus 412, Lonehill, 2062. (B) Air North-West (Edms.) Bpk. (C) Nie-vasgestelde-lugvervoerdienslisensie N904. Onder "Lugvaartuie wat gebruik gaan word" en "Tariefskaal" skrap huidige en voeg by:

"Lugvaartuig	Tarief (R/h)
1 Beech B58.....	4,85
3 Cessna 206.....	3,90
1 Cessna 210.....	2,00
2 Britten Norman Islander.....	5,20
1 Cessna Caravan A2AHL.....	6,90

Op voorwaarde dat lugvaartuig ZS-geregistreer en A-gekatgoriseer is."

(A) Pax Air Services (Edms.) Bpk., Posbus 433, Lanseria, 1748. (B) Pax Air Services (Edms.) Bpk. (C) Nie-vasgestelde-lugvervoerdienslisensie N46. Onder "Lugvaartuie wat gebruik gaan word" voeg by "Beach 50-, 90-, 100- en 200-reeks en Cessna 400- en 500-reeks. Op voorwaarde dat lugvaartuig ZS-geregistreer en A-gekatgoriseer is".

(A) Peters Flights (Edms.) Bpk., Posbus 13460, Sinoville, 0129. (B) Peters Flights. (C) Nie-vasgestelde-lugvervoerdienslisensie N505. Onder "Lugvaartuie wat gebruik gaan word" skrap: "Douglas DC-3/C-47 ZS-DHX" en voeg by "Douglas DC-3/C-47 V5-DHX".

(A) Rapid Air (Edms.) Bpk., Posbus 183, Bon Accord, 0009. (B) Rapid Air (Edms.) Bpk. (C) Nie-vasgestelde-lugvervoerdienslisensie N680. Onder "Lugvaartuie wat gebruik gaan word" en "Tariefskaal" skrap huidige en voeg by:

"Lugvaartuig	Tarief (R/h)
Piper BA-30 ZS-SWI.....	1,50-2,50
Piper PA-34-200 ZS-ISD.....	1,80-2,80
Piper PA-34-200T ZS-MHG.....	1,80-2,80
Piper PA-34-200T ZS-MHO.....	1,80-2,80
Beech 58 ZS-JGY.....	2,00-3,00
Beech 58 ZS-INW.....	2,00-3,00
Beech 58P ZS-KCO.....	2,00-3,00
Cessna 402 C ZS-LNG.....	2,80-3,80
Cessna 402C ZS-LMU.....	2,80-3,80
Cessna 402C ZS-LNX.....	2,80-3,80
Beech B200 ZS-LRE.....	4,00-5,50
Aerospatiale SA341G ZS-HUR.....	R1 350-R1 500."

(7 Februarie 1992)

Aircraft	Tariff (R/km)
1 Beech B58.....	4,20
Beech P58.....	4,66
6 Cessna 206.....	3,10
2 Britten Norman Islander BN 2A-21.....	4,40
Mitsubishi Marquise.....	3,20
1 Cessna 210.....	2,00

Provided such aircraft is ZS-registered and categorised A.

SCHEDULE D

LIST OF APPLICATIONS FOR THE ALTERATION, MODIFICATION OR AMENDMENT TO LICENCES

(A) Name and address of applicant. (B) Name under which the air service is operated. (C) Particulars of the licence and of the alteration, modification or amendment thereto or the conditions thereof which has been applied for.

(A) Air North-West (Pty) Ltd, P.O. Box 412, Lonehill, 2062. (B) Air North-West (Pty) Ltd. (C) Non-scheduled Air Transport Service Licence N904. Under "Aircraft to be used" and "Tariff of charges" delete existing and add:

"Aircraft	Tariff (R/km)
1 Beech B58.....	4,85
3 Cessna 206.....	3,90
1 Cessna 210.....	2,00
2 Britten Norman Islander.....	5,20
1 Cessna Caravan A2AHL.....	6,90

Provided such aircraft is ZS-registered and categorised A."

(A) Pax Air Services (Pty) Ltd, P.O. Box 433, Lanseria, 1748. (B) Pax Air Services (Pty) Ltd. (C) Non-scheduled Air Transport Service Licence N46. Under "Aircraft to be used" add: "Beech 50, 90, 100 and 200 series and Cessna 400 and 500 series. Provided such aircraft is ZS-registered and categorised A."

(A) Peters Flights (Pty) Ltd, P.O. Box 13460, Sinoville, 0129. (B) Peters Flights. (C) Non-scheduled Air Transport Service Licence N505. Under "Aircraft to be used" delete: "Douglas DC-3/C-47 ZS-DHX" and add: "Douglas DC-3/C-47 V5-DHX".

(A) Rapid Air (Pty) Ltd, P.O. Box 183, Bon Accord, 0009. (B) Rapid Air (Pty) Ltd. (C) Non-scheduled Air Transport Service Licence N680. Under "Aircraft to be used" and "Tariff of charges" delete existing and add:

"Aircraft	Tariff (R/h)
Piper PA-30 ZS-SWI.....	1,50-2,50
Piper PA-34-200 ZS-ISD.....	1,80-2,80
Piper PA-34-200T ZS-MHG.....	1,80-2,80
Piper PA-34-200T ZS-MHO.....	1,80-2,80
Beech 58ZS-JGY.....	2,00-3,00
Beech 58 ZS-INW.....	2,00-3,00
Beech 58P ZS-KCO.....	2,00-3,00
Cessna 402C ZS-LNG.....	2,80-3,80
Cessna 402C ZS-LMU.....	2,80-3,80
Cessna 402C ZS-LNX.....	2,80-3,80
Beech B200 ZS-LRE.....	4,00-5,50
Aerospatiale SA341G ZS-HUR.....	R1 350-R1 500

(7 February 1992)

KENNISGEWING 113 VAN 1992**DEPARTEMENT VAN VERVOER****WET OP DIE LISENSIËRING VAN LUGDIENSTE,
1990 (WET 115 VAN 1990)**

Hierby word ingevolge die bepalings van artikel 15 (1) (b) van Wet 115 van 1990 en regulasie 8 van die Regulasies vir Binnelandse Lugdienste, 1991, vir algemene inligting bekendgemaak dat die lugdienslisen-siëringsraad die aansoeke waarvan besonderhede in die Bylae(s) hieronder verskyn, sal oorweeg.

Verhoë ingevolge artikel 15 (3) van Wet 115 van 1990 ter ondersteuning of bestryding van 'n aansoek moet die Lugdiensliseniëringsraad, Privaatsak X193, Pretoria, 0001, binne 21 dae na die datum van publika-sie hiervan bereik.

BYLAE 1**AANSOEK(E) OM DIE TOESTAAN VAN
LISENSIE(S);**

(A) Volle naam en handelsnaam van aansoeker. (B) Volle besigheids- of woonadres van aansoeker. (C) Klas lisensie waarom aansoek gedoen word. (D) Tipe lugdiens waarop aansoek betrekking het. (E) Kategorie lugvaartuig waarop aansoek betrekking het.

(A) Nationwide Air Charter (Edms.) Bpk., Nationwide Air Charter. (B) Posbus 422, Lanseria, 1748. (C) Klas 2. (D) Tipe N1 en N2. (E) Kategorie A3 en A4.

(A) Robert Hugh Wooding. (B) Pearsonweg 21, Everton, 3610. (C) Klas III. (D) Tipe G3 en G4. (E) Kategorie A4.

(7 Februarie 1992)

KENNISGEWING 114 VAN 1992**ADMINISTRASIE: VOLKSRAAD****DEPARTEMENT VAN LANDBOU-
ONTWIKKELING****KENNISGEWING VAN VERGADERING VAN SKULD-
EISERS KRAGTENS ARTIKEL 22 (1) VAN DIE WET
OP LANDBOUKREDIET, 1966**

Hierby word 'n vergadering van ondergenoemde applikant en sy skuldeisers op die plek en datum hieronder genoem, belê, met die doel om skuldeisers in staat te stel om hul vorderings teen die applikant te bewys en 'n skikkingsvoorstel van die Landboukrediet-raad te oorweeg.

J. H. SMIT,

Direkteur: Direktoraat Finansiële Bystand
Departement van Landbou-ontwikkeling.

NOTICE 113 OF 1992**DEPARTMENT OF TRANSPORT****AIR SERVICES LICENSING ACT, 1990
(ACT 115 OF 1990)**

Pursuant to the provisions of section 15 (1) (b) of Act 115 of 1990 and regulation 8 of the Domestic Air Services Regulations, 1991, it is hereby notified for general information that the application(s) details of which appear in the Schedule(s) hereto, will be considered by the Air Service Licensing Council.

Representations in accordance with section 15 (3) of Act 115 of 1990 in support of, or in opposition to, an application, should reach the Air Service Licensing Council, Private Bag X193, Pretoria, 0001, within 21 days of the date of publication hereof.

SCHEDULE 1**APPLICATION(S) FOR THE GRANT OF LICENCE(S)**

(A) Full name and trade name of applicant. (B) Full business or residential address of applicant. (C) Class of licence applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

(A) Nationwide Air Charter (Pty) Ltd, Nationwide Air Charter. (B) P.O. Box 422, Lanseria, 1748. (C) Class 2. (D) Type N1 and N2. (e) Category A3 and A4.

(A) Robert Hugh Wooding. (B) 21 Pearson Road, Everton, 3610. (C) Class III. (D) Type G3 and G4. (E) Category A4.

(7 February 1992)

NOTICE 114 OF 1992**ADMINISTRATION: HOUSE OF ASSEMBLY****DEPARTMENT OF AGRICULTURAL
DEVELOPMENT****NOTICE OF MEETING OF CREDITORS IN TERMS
OF SECTION 22 (1) OF THE AGRICULTURAL
CREDIT ACT, 1966**

A meeting of the undermentioned applicant and his creditors is hereby convened at the place and date mentioned hereunder for the purpose of enabling creditors to prove their claims against the applicant and of considering a proposal for a compromise by the Agricultural Credit Board.

J. H. SMIT,

Director: Directorate Financial Assistance
Department of Agricultural Development.

Aansoek van Application by	Plek van byeenkoms Place of meeting	Datum en tyd Date and time
Frederik Danie Lehmkuhl (Id. 4307135009004), van die plaas/of the farm Lehmkuhlrus; Pos- bus/P.O. Box 497, Kroonstad, 9500	Kantoor van die Landdros/Magistrate's Office, Lindley	4 Maart/March 1992 om/ at 09:00.

KENNISGEWING 115 VAN 1992**ADMINISTRASIE: VOLKSRAAD****DEPARTEMENT VAN LANDBOU-
ONTWIKKELING**

KENNISGEWING VAN VERGADERING VAN SKULDEISERS KRAGTENS ARTIKEL 22 (1) VAN DIE WET OP LANDBOUKREDIET, 1966

Hierby word 'n vergadering van ondergenoemde applikant en sy skuldeisers op die plek en datum hieronder genoem, belê, met die doel om skuldeisers in staat te stel om hul vorderings teen die applikant te bewys en 'n skikkingsvoorstel van die Landboukredietraad te oorweeg.

J. H. SMIT,

Direkteur: Direktoraat Finansiële Bystand
Departement van Landbou-ontwikkeling.

NOTICE 115 OF 1992**ADMINISTRATION: HOUSE OF ASSEMBLY****DEPARTMENT OF AGRICULTURAL
DEVELOPMENT**

NOTICE OF MEETING OF CREDITORS IN TERMS OF SECTION 22 (1) OF THE AGRICULTURAL CREDIT ACT, 1966

A meeting of the undermentioned applicant and his creditors is hereby convened at the place and date mentioned hereunder for the purpose of enabling creditors to prove their claims against the applicant and of considering a proposal for a compromise by the Agricultural Credit Board.

J. H. SMIT,

Director: Directorate Financial Assistance
Department of Agricultural Development.

Aansoek van Application by	Plek van byeenkoms Place of meeting	Datum en tyd Date and time
Pieter Johannes Jacobus du Preez (Id. 5507135048006), van die plaas/of the farm Soetverblyf, Posbus/P.O. Box 183, Reitz, 9810	Kantoor van die Landdros/Magistrate's Office, Reitz	6 Maart/March 1992 om/ at 10:00.

(7 Februarie 1992)/(7 February 1992)

KENNISGEWING 116 VAN 1992**ADMINISTRASIE: VOLKSRAAD****DEPARTEMENT VAN LANDBOU-
ONTWIKKELING**

KENNISGEWING VAN VERGADERING VAN SKULDEISERS KRAGTENS ARTIKEL 22 (1) VAN DIE WET OP LANDBOUKREDIET, 1966

Hierby word 'n vergadering van ondergenoemde applikant en sy skuldeisers op die plek en datum hieronder genoem, belê, met die doel om skuldeisers in staat te stel om hul vorderings teen die applikant te bewys en 'n skikkingsvoorstel van die Landboukredietraad te oorweeg.

J. H. SMIT,

Direkteur: Direktoraat Finansiële Bystand
Departement van Landbou-ontwikkeling.

NOTICE 116 OF 1992**ADMINISTRATION: HOUSE OF ASSEMBLY****DEPARTMENT OF AGRICULTURAL
DEVELOPMENT**

NOTICE OF MEETING OF CREDITORS IN TERMS OF SECTION 22 (1) OF THE AGRICULTURAL CREDIT ACT, 1966

A meeting of the undermentioned applicant and his creditors is hereby convened at the place and date mentioned hereunder for the purpose of enabling creditors to prove their claims against the applicant and of considering a proposal for a compromise by the Agricultural Credit Board.

J. H. SMIT,

Director: Directorate Financial Assistance
Department of Agricultural Development.

Aansoek van Application by	Plek van byeenkoms Place of meeting	Datum en tyd Date and time
Pieter Bernardus Meyer (Id. 4009175028007), van die plaas/of the farm Witfontein; Posbus/P.O. Box 313, Viljoenskroon, 9520	Kantoor van die Landdros/Magistrate's Office, Viljoenskroon	11 Maart/March 1992 om/ at 10:00.

(7 Februarie 1992)/(7 February 1992)

KENNISGEWING 117 VAN 1992**ADMINISTRASIE: VOLKSRAAD****DEPARTEMENT VAN LANDBOU-
ONTWIKKELING**

KENNISGEWING VAN VERGADERING VAN SKULDEISERS KRAGTENS ARTIKEL 22 (1) VAN DIE WET OP LANDBOUKREDIET, 1966

Hierby word 'n vergadering van ondergenoemde applikante en hulle skuldeisers op die plek en datum hieronder genoem, belê, met die doel om skuldeisers in staat te stel om hul vorderings teen die applikante te bewys en 'n skikkingsvoorstel van die Landboukredietraad te oorweeg.

J. H. SMIT,

Direkteur: Direktoraat Finansiële Bystand
Departement van Landbou-ontwikkeling.

NOTICE 117 OF 1992**ADMINISTRATION: HOUSE OF ASSEMBLY****DEPARTMENT OF AGRICULTURAL
DEVELOPMENT**

NOTICE OF MEETING OF CREDITORS IN TERMS OF SECTION 22 (1) OF THE AGRICULTURAL CREDIT ACT, 1966

A meeting of the undermentioned applicants and their creditors is hereby convened at the place and date mentioned hereunder for the purpose of enabling creditors to prove their claims against the applicants and of considering a proposal for a compromise by the Agricultural Credit Board.

J. H. SMIT,

Director: Directorate Financial Assistance
Department of Agricultural Development.

Aansoek van Application by	Plek van byeenkoms Place of meeting	Datum en tyd Date and time
Jacobus Arnoldus Adriaan Combrink (Id. 5207185029002) en/and Roline Elizabeth Combrinck (Id. 4610140079007), van die plaas/of the farm Riverside; Posbus/P.O. Box 94, Ulco, 8390	Kantoor van die Landdros/Magistrate's Office, Barkly-Wes	23 Maart/March 1992 om/ at 09:00.

(7 Februarie 1992)/(7 February 1992)

KENNISGEWING 118 VAN 1992**ADMINISTRASIE: VOLKSRAAD****DEPARTEMENT VAN LANDBOU-
ONTWIKKELING**

KENNISGEWING VAN VERGADERING VAN SKULDEISERS KRAGTENS ARTIKEL 22 (1) VAN DIE WET OP LANDBOUKREDIET, 1966

Hierby word 'n vergadering van ondergenoemde applikant en sy skuldeisers op die plek en datum hieronder genoem, belê, met die doel om skuldeisers in staat te stel om hul vorderings teen die applikant te bewys en 'n skikkingsvoorstel van die Landboukredietraad te oorweeg.

J. H. SMIT,

Direkteur: Direktoraat Finansiële Bystand
Departement van Landbou-ontwikkeling.

NOTICE 118 OF 1992**ADMINISTRATION: HOUSE OF ASSEMBLY****DEPARTMENT OF AGRICULTURAL
DEVELOPMENT**

NOTICE OF MEETING OF CREDITORS IN TERMS OF SECTION 22 (1) OF THE AGRICULTURAL CREDIT ACT, 1966

A meeting of the undermentioned applicant and his creditors is hereby convened at the place and date mentioned hereunder for the purpose of enabling creditors to prove their claims against the applicant and of considering a proposal for a compromise by the Agricultural Credit Board.

J. H. SMIT,

Director: Directorate Financial Assistance
Department of Agricultural Development.

Aansoek van Application by	Plek van byeenkoms Place of meeting	Datum en tyd Date and time
Daniel Jacobus Greyling (Id. 5206185017009), van die plaas/of the farm Topfontein; Posbus/P.O. Box 370, Bethal, 2310	Kantoor van die Landdros/Magistrate's Office, Bethal	11 Maart/March 1992 om/ at 10:00.

(7 Februarie 1992)/(7 February 1992)

KENNISGEWING 119 VAN 1992**ADMINISTRASIE: VOLKSRAAD****DEPARTEMENT VAN LANDBOU-
ONTWIKKELING**

KENNISGEWING VAN VERGADERING VAN SKULDEISERS KRAGTENS ARTIKEL 22 (1) VAN DIE WET OP LANDBOUKREDIET, 1966

Hierby word 'n vergadering van ondergenoemde applikant en sy skuldeisers op die plek en datum hieronder genoem, belê, met die doel om skuldeisers in staat te stel om hul vorderings teen die applikant te bewys en 'n skikkingsvoorstel van die Landboukredietraad te oorweeg.

J. H. SMIT,

Direkteur: Direktoraat Finansiële Bystand
Departement van Landbou-ontwikkeling.

NOTICE 119 OF 1992**ADMINISTRATION: HOUSE OF ASSEMBLY****DEPARTMENT OF AGRICULTURAL
DEVELOPMENT**

NOTICE OF MEETING OF CREDITORS IN TERMS OF SECTION 22 (1) OF THE AGRICULTURAL CREDIT ACT, 1966

A meeting of the undermentioned applicant and his creditors is hereby convened at the place and date mentioned hereunder for the purpose of enabling creditors to prove their claims against the applicant and of considering a proposal for a compromise by the Agricultural Credit Board.

J. H. SMIT,

Director: Directorate Financial Assistance
Department of Agricultural Development.

Aansoek van Application by	Plek van byeenkoms Place of meeting	Datum en tyd Date and time
Petrus Paulus Hayward (Id. 4210035014001), van die plaas/of the farm Elpe, Pk. Louwna, 8610	Kantoor van die Landdros/Magistrate's Office, Vryburg	9 Maart/March 1992 om/ at 09:00.

(7 Februarie 1992)/(7 February 1992)

DIE STAATSDRUKKER

NUWE PUBLIKASIES ONTVANG GEDURENDE DESEMBER 1991

BTW is ingesluit in alle plaaslike pryse (Posvry)

RP-VERSLAE

RP 105/1991—Verslag van die Ouditeur-generaal oor die Rekenings van die Katoenraad vir die boekjaar 1 Maart 1989 tot 28 Februarie 1990. ISBN 0-621-14146-1. Plaaslik **R2,37**; buitelands **R2,65**.

RP 111/1991—Verslag van die Ouditeur-generaal oor die Rekenings van die Rooibosteeraad vir die boekjaar 1 Januarie 1990 tot 31 Desember 1990. ISBN 0-621-14202-6. Plaaslik **R2,30**; buitelands **R2,60**.

RP 112/1991—Verslag van die Ouditeur-generaal oor die Rekenings van die Tabakraad vir die boekjaar 1 April 1989 tot 31 Maart 1990. ISBN 0-621-14201-8. Plaaslik **R1,87**; buitelands **R2,15**.

DIVERSE PUBLIKASIES

Memorie 76 van die Geologiese Opname: "Aeroradiometric Survey for Uranium and Ground Follow-up in the Main Karoo Basin by D. I. Cole, L. S. Labuschagne and A. P. G. Söhne, with contributions by E. H. Stettler and G. I. C. Schneider". ISBN 0-621-12902X. Plaaslik **R40,00**; buitelands **R50,00**.

Geologiese Opname: "Lithostratigraphy of the De Hoopvlei Formation (Bredasdorp Group), by J. A. Malan". Suid-Afrikaanse Komitee vir Stratigrafie, Litostratigrafiese Reeks No. 4. ISBN 0-621-14108-9. Plaaslik **R22,00**; buitelands **R27,50**.

Geologiese Opname: "Lithostratigraphy of the Bluewater Bay Formation by F. G. Le Roux". Suid-Afrikaanse Komitee vir Stratigrafie, Litostratigrafiese Reeks No. 10. ISBN 0-621-14109-7. Plaaslik **R22,00**; buitelands **R27,50**.

Suid-Afrikaanse Regskommissie: Verslag oor Grondwetlike Modelle. Volumes 1, 2 en 3. ISBN 0-621-14235-2. Plaaslik **R134,49** (per stel); buitelands **R168,11** (per stel).

Suid-Afrikaanse Regskommissie: Opsomming van Verslag oor Grondwetlike Modelle. ISBN 0-621-14198-4. Plaaslik **R20,79**; buitelands **R25,99**.

Patentjoernaal (insluitende Handelsmerke, Modelle en Outeursreg in Rolprente). Vol. 24, Desember 1991, No. 12. ISSN 0-031-286X. Plaaslik **R1,10**; buitelands **R1,25**.

Gebinde dele van die *Staatskoerant* vir Augustus 1991 (Dele A, B en C). Plaaslik **R41,80**; buitelands **R47,50**.

KAARTE

(Gedruk vanaf 1 Desember tot 31 Desember 1991)

1:50 000 Nuwe kaarte	Uitgawe	Datum van inligting
2921DD—Springbokpan.....	Tweede	1988
3024AD—Phillipstown.....	Tweede	1988
3024BC—Venterspoort.....	Tweede	1988
3024CD—Burgervilleweg.....	Tweede	1988
3024DA—De Put.....	Tweede	1988
3024DC—Hanover Road.....	Tweede	1988
3024DD—Kuifontein.....	Tweede	1988

THE GOVERNMENT PRINTER

NEW PUBLICATIONS RECEIVED DURING DECEMBER 1991

VAT is included in all local prices (Post free)

RP REPORTS

RP 105/1991—Report of the Auditor-General on the Accounts of the Cotton Board for the financial year 1 March 1989 to 28 February 1990. ISBN 0-621-14146-1. Local **R2,37**; other countries **R2,65**.

RP 111/1991—Report of the Auditor-General on the Accounts of the Rooibos Tea Board for the financial year 1 January 1990 to 31 December 1990. ISBN 0-621-14202-6. Local **R2,30**; other countries **R2,60**.

RP 112/1991—Report of the Auditor-General on the Accounts of the Tobacco Board for the financial year 1 April 1989 to 31 March 1990. ISBN 0-621-14201-8. Local **R1,87**; other countries **R2,15**.

MISCELLANEOUS REPORTS

Memor 76 of the Geological Survey: Aeroradiometric Survey for Uranium and Ground Follow-up in the Main Karoo Basin by D. I. Cole, L. S. Labuschagne and A. P. C. Söhne, with contributions by E. H. Stettler and G. I. C. Schneider. ISBN 0-621-12902X. Local **R40,00**; other countries **R50,00**.

Geological Survey: Lithostratigraphy of the De Hoopvlei Formation (Bredasdorp Group), by J. A. Malan. South African Committee for Stratigraphy, Lithostratigraphic Series No. 4. ISBN 0-621-14108-9. Local **R22,00**; other countries **R27,50**.

Geological Survey: Lithostratigraphy of the Bluewater Bay Formation by F. G. le Roux. South African Committee for Stratigraphy, Lithostratigraphic Series No. 10. ISBN 0-621-14109-7. Local **R22,00**; other countries **R27,50**.

South African Law Commission: Report on Constitutional Models. Volumes 1, 2 and 3. ISBN 0-621-14235-2. Local **R134,49** (per set); other countries **R168,11** (per set).

South African Law Commission: Summary of Report on Constitutional Models. ISBN 0-621-14197-6. Local **R20,79**; other countries **R25,99**.

Patent Journal (include Trade Marks, Designs and Copyright in Cinematograph Films.) Vol. 24, December 1991, No. 12. ISSN 0-031-286X. Local **R1,10**; other countries **R1,25**.

Bound volumes of the *Government Gazette* for August 1991 (Parts A, B and C). Local **R41,80** (per part); other countries **R47,50** (per part).

MAPS

(Printed from 1 December to 31 December 1991)

1:50 000 New maps	Edition	Date of information
2921DD—Springbokpan.....	Second	1988
3024AD—Phillipstown.....	Second	1988
3024BC—Venterspoort.....	Second	1988
3024CD—Burgervilleweg.....	Second	1988
3024DA—De Put.....	Second	1988
3024DC—Hanover Road.....	Second	1988
3024DD—Kuifontein.....	Second	1988

1:50 000 Herdrukke	Uitgawe	Datum van inligting	1:50 000 Reprint	Edition	Date of information
1:50 000 Herdrukke			1:50 000 Reprint		
2625CD—Migdol	Eerste	1972	2625CD—Migdol	First	1972
2725AA—Amalia	Eerste	1972	2725AA—Amalia	First	1972
2725AC—Diewedraai	Eerste	1972	2725AC—Diewedraai	First	1972
2725CA—Fort Weber	Eerste	1973	2725CA—Fort Weber	First	1973
2817CB—Modderdrif (Suid)	Eerste	1971	2817CB—Modderdrif (South)	First	1971
2819DA—Skuitdrif	Eerste	1972	2819DA—Skuitdrif	First	1972
2828CB—Bergville	Tweede	1975	2828CB—Bergville	Second	1975
2919AC—Namies	Eerste	1973	2919AC—Namies	First	1973
1:250 000 Herdrukke			1:250 000 Reprint		
2930—Durban (Landdrosdistrikte), Mei 1988	Eerste	1980	2930—Durban (Magisterial District), May 1988	First	1980
1:500 000 Lugoordrukke			1:500 000 Air-Overprint		
2514—Luderitz (Luginligting, Oktober 1991)	Eerste	1976	2514—Luderitz (Air Information October 1991)	First	1976
2526—Johannesburg (Luginligting, Desember 1991)	Eerste	1982	2526—Johannesburg (Air Information, December 1991)	First	1982
3320—Oudtshoorn (Luginligting, November 1991)	Tweede	1985	3320—Oudtshoorn (Air Information, November 1991)	Second	1985

BELANGRIKE AANKONDIGING

Sluitingstye

- (1) AANSOEKE OM DRANKLISENSIES
- (2) AANSOEKE OM VERPLASINGS VAN LISENSIES

Hiermee word bekendgemaak dat kennisgewings vir aanname die Vrydag, twee kalenderweke voor datum van publikasie, ingedien moet word.

Die sluitingstyd is stiptelik **15:00** op die volgende dae:

- ▷ **19 Desember 1991**, vir die uitgawe van Vrydag **3 Januarie 1992**.
- ▷ **24 Januarie 1992**, vir die uitgawe van Vrydag **7 Februarie 1992**.
- ▷ **21 Februarie 1992**, vir die uitgawe van Vrydag **6 Maart 1992**.
- ▷ **20 Maart 1992**, vir die uitgawe van Vrydag **3 April 1992**.
- ▷ **23 April 1992**, vir die uitgawe van Vrydag **8 Mei 1992**.
- ▷ **21 Mei 1992**, vir die uitgawe van Vrydag **5 Junie 1992**.

L.W.: Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word.

Gegewens word presies weergegee soos verstrekk op Vorm 2 en Vorm 28 van voornemende aansoeker.

IMPORTANT ANNOUNCEMENT

Closing Times

- (1) APPLICATIONS FOR LIQUOR LICENCES
- (2) APPLICATIONS FOR REMOVAL OF LICENCES

Notice is hereby given that notices are to be submitted for acceptance on the Friday, two calendar weeks before date of publication.

The closing time is **15:00** sharp on the following days:

- ▷ **19 December 1991**, for the issue of Friday **3 January 1992**.
- ▷ **24 January 1992**, for the issue of Friday **7 February 1992**.
- ▷ **21 February 1992**, for the issue of Friday **6 March 1992**.
- ▷ **20 March 1992**, for the issue of Friday **3 April 1992**.
- ▷ **23 April 1992**, for the issue of Friday **8 May 1992**.
- ▷ **21 May 1992**, for the issue of Friday **5 June 1992**.

Note: Late notices will be placed in the subsequent issue.

Information will be reflected exactly as furnished on Form 2 and Form 28 of prospective applicant.

G.P.-S. 030-1582

VAT 10%

Please note that as a result of the announcement to the effect that VAT will be reduced from 12% to 10%, the tariffs are hereby amended accordingly.

The recently published list containing VAT tariffs of 12% is therefore not applicable and must please be destroyed.

BTW 10%

Neem asb. kennis dat a.g.v. die afkondigings dat BTW vermindert word van 12% na 10%, word die tariewe hierby gepubliseer daarvolgens aangepas.

Die vorige lys met BTW-tarief van 12% wat pas verskyn het, is gevolglik nie van toepassing en moet asb. vernietig word.

LIST OF FIXED TARIFF RATES AND CONDITIONS FOR THE PUBLICATION OF LEGAL NOTICES IN THE GOVERNMENT GAZETTE FROM 1 OCTOBER 1991

LYS VAN VASTE TARIEWE EN VOORWAARDES VIR DIE PUBLIKASIE VAN WETLIKE KENNISGEWINGS IN DIE STAATSKOERANT VANAF 1 OKTOBER 1991

LEGAL NOTICES • WETLIKE KENNISGEWINGS

LIST OF FIXED TARIFF RATES

<i>Standardised notices</i>	<i>Rate per insertion</i>
	R
Administration of Estates Acts notices: Forms J 297, J 295, J 193 and J 187	5,50
Business notices	13,20
Butcher's notices	13,20
Change of name (two insertions)	55,00
Insolvency Act and Company Acts notices: J 28, J 29, Forms 1 to 9	11,00
N.B.—Forms 2 and 9—additional statements according to word count table, added to the basic tariff.	
Lost life insurance policies Form VL	6,60
Slum Clearance Court notices, per language per premises	11,00
Third party insurance claims for compensation Form MVA	6,60
Unclaimed moneys—only in the extraordinary <i>Government Gazette</i> , closing date 15 January (per entry of "name, address and amount")	3,30

Non-standardised notices

Company notices:	
Short notices: Meetings, resolutions, offer of compromise, conversion of company, voluntary windings-up; closing of transfer or members' registers and/or declaration of dividends	25,30
Declaration of dividend with profit statements, including notes	58,30
Long notices: Transfer, changes with respect to shares or capital, redemptions, resolutions, voluntary liquidations	88,00
Liquidator's and other appointees' notices	19,80
Liquor Licence notices in extraordinary <i>Gazette</i> :	
All provinces appear on the first Friday of each calendar month	18,70
(Closing date for acceptance is two weeks prior to date of publication)	
Late applications for publication in ordinary <i>Government Gazette</i>	115,50
Orders of the Court:	
Provisional and final liquidations or sequestrations	33,00
Reductions or changes in capital, mergers, offer of compromise	88,00
Judicial managements, <i>curator bonis</i> and similar and extensive rules <i>nisi</i>	88,00
Extension of return date	11,00
Supersessions and discharge of petitions (J 158)	11,00
Sales in executions and other public sales:	
Sales in execution	50,60
Public auctions, sales and tenders:	
Up to 75 words	15,40
76 to 250 words	39,60
251 to 350 words (more than 350 words—calculate in accordance with word count table)	63,80

LYS VAN VASTE TARIEWE

<i>Gestandaardiseerde kennisgewings</i>	<i>Tarief per plasing</i>
	R
Besigheidskennisgewings	13,20
Boedelwettekennisgewings: Vorms J 297, J 295, J 193 en J 187	5,50
Derdeparty-assuransie-eise om skadevergoeding Vorm MVA	6,60
Insolvensiewet- en maatskappywettekennisgewings: J 28, J 29, Vorms 1 tot 9	11,00
L.W.—Vorms 2 en 9—bykomstige verklarings volgens woordetal-tabel, toegevoeg tot die basiese tarief.	
Naamsverandering (twee plasinge)	55,00
Onopgeëiste geld—slegs in die buitengewone <i>Staatskoerant</i> , sluitingsdatum 15 Januarie (per inskrywing van 'n "naam, adres en bedrag")	3,30
Slagterskennisgewings	13,20
Slumopruimingshofkennisgewings, per taal, per perseel	11,00
Verlore lewensversekeringspolisvorm VL	6,60

Nie-gestandaardiseerde kennisgewings

Dranklisensie-kennisgewings in buitengewone <i>Staatskoerant</i> :	
Alle provinsies verskyn op eerste Vrydag van elke kalendermaand	18,70
(Sluitingsdatum vir indiening is twee weke voor publiseringsdatum)	
Laat aansoeke vir plasing in gewone <i>Staatskoerant</i>	115,50
Geregte en ander openbare verkope:	
Geregte verkope	50,60
Openbare veilinge, verkope en tenders:	
Tot 75 woorde	15,40
76 tot 250 woorde	39,60
251 tot 350 woorde (meer as 350 woorde bereken volgens woordetal-tabel)	63,80
Likwidaaturs en ander aangesteltes se kennisgewings	19,80
Maatskappykennisgewings:	
Kort kennisgewings: Vergaderings, besluite, aanbod van skikking, omskepping van maatskappy, vrywillige likwidasië, ens.; sluiting van oordrag- of lederegisters en/of verklaring van dividende	25,30
Verklaring van dividende met profytstate, notas ingesluit	58,30
Lang kennisgewings: Oordragte, veranderings met betrekking tot aandele of kapitaal, aflossings, besluite, vrywillige likwidasië	88,00
Orders van die Hof:	
Voorlopige en finale likwidasië of sekwestrasies	33,00
Verlagings of veranderings in kapitaal, samesmeltings, aanbod van skikking	88,00
Geregte besture, <i>curator bonis</i> en soortgelyke en uitgebreide bevels <i>nisi</i>	88,00
Verlenging van keerdatum	11,00
Tersydestelling en afwysings van petisies (J 158)	11,00

WORD COUNT TABLE

For general notices which do not belong under above-mentioned headings with fixed tariff rates and which comprise 1 600 or less words, the rates of the word count table must be used. Notices with more than 1 600 words, or where doubt exists, must be sent in before publication as prescribed in par. 10 (2) of the Conditions:

WOORDETAL-TABEL

Vir algemene kennisgewings wat nie onder bovermelde opskrifte met vaste tariewe ressorteer nie en wat 1 600 of minder woorde beslaan, moet die tabel van woordetal-tariewe gebruik word. Kennisgewings met meer as 1 600 woorde, of waar twyfel bestaan, moet vooraf ingestuur word soos in die Voorwaardes par. 10 (2), voorgeskryf:

Number of words in copy Aantal woorde in kopie	One insertion Een plasing	Two insertions Twee plasinge	Three insertions Drie plasinge
	R	R	R
1- 100.....	18,70	26,40	31,90
101- 150.....	27,50	39,60	47,30
151- 200.....	37,40	52,80	63,80
201- 250.....	46,20	66,00	79,20
251- 300.....	55,00	79,20	94,60
301- 350.....	64,90	92,40	111,10
351- 400.....	73,70	105,60	126,50
401- 450.....	83,60	118,80	143,00
451- 500.....	92,40	132,00	158,40
501- 550.....	101,20	145,20	173,80
551- 600.....	111,10	158,40	190,30
601- 650.....	119,90	171,60	205,70
651- 700.....	129,80	184,80	222,20
701- 750.....	138,60	198,00	237,60
751- 800.....	147,40	211,20	253,00
801- 850.....	157,30	224,40	269,50
851- 900.....	166,10	237,60	284,90
901- 950.....	176,00	250,80	301,40
951-1 000.....	184,80	264,00	316,80
1 001-1 300.....	239,80	343,20	411,40
1 301-1 600.....	295,90	422,40	506,00

APPLICATIONS FOR PUBLIC ROAD CARRIER PERMITS***Closing times for the acceptance of notices***

Notices must be handed in not later than 15:00 on the Friday, two calendar weeks before the date of publication.

AANSOEKE OM OPENBARE PADVERVOERPERMITTE***Sluitingstye vir die aanname van kennisgewings***

Kennisgewings moet nie later as 15:00 op die Vrydag, twee kalenderweke voor datum van publikasie, ingedien word nie.

THE ONDERSTEPSPOORT JOURNAL OF VETERINARY RESEARCH

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 52 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable from the above address at R5 per copy or R20 per annum plus GST local or other countries R6,25 per copy or R25 per annum (air mail: R10 per copy or R40 per annum).

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

THE ONDERSTEPSPOORT JOURNAL OF VETERINARY RESEARCH

Die "Onderstepoort Journal of Veterinary Research" word deur die Staatsdrukker, Pretoria, gedruk en is verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria, 0001, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 52 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R5 per kopie of R20 per jaar plus AVB binnelands en R6,25 per kopie of R25 per jaar buitelands van bogenoemde adres posvry verkrygbaar is (lugposbestellings: R10 per kopie of R40 per jaar).

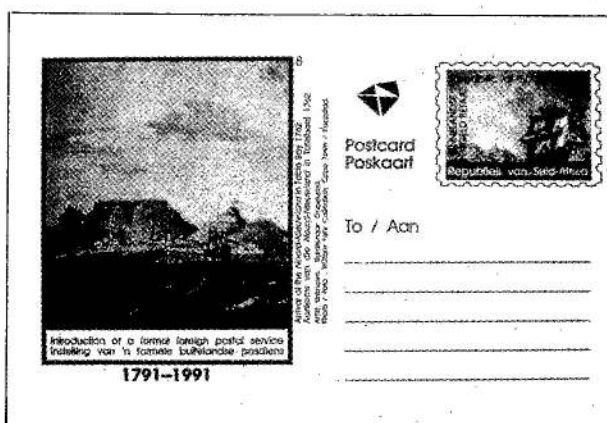
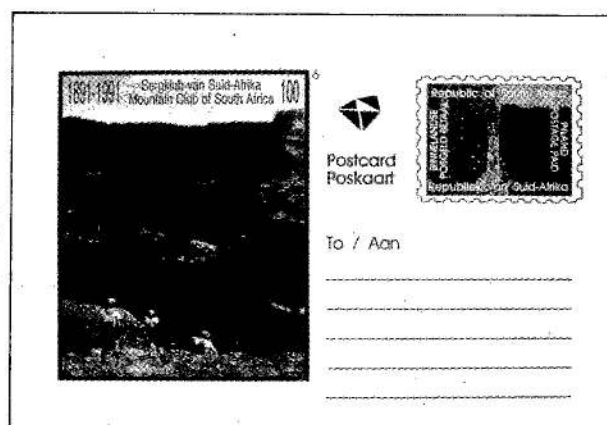
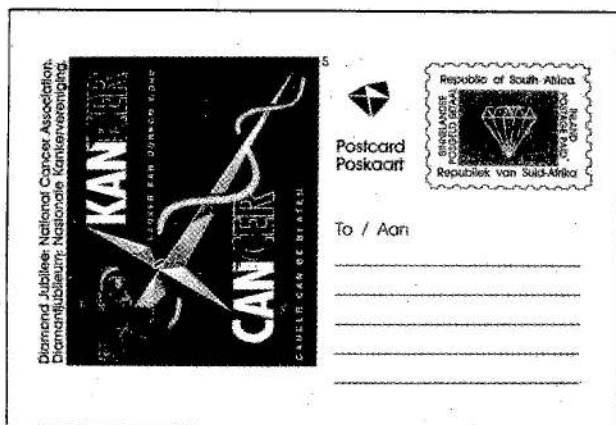
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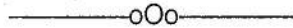
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BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1991 tot 30 September 1992 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*



IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1991 to 30 September 1992, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

Alle Proklamasies, Goewermentskennisgewings, Algemene Kennisgewings en Raadskennisgewings gepubliseer word vir verwysingsdoeleindes in die volgende inhoudsopgawe ingesluit wat dus 'n weeklikse indeks voorstel. Laat uself deur die Koerantnommers in die regterhandse kolom lei:

INHOUD

en weeklikse Indeks

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