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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 899

4 July 1997

MANPOWER TRAINING ACT, 1981

HOSPITALITY INDUSTRIES TRAINING SCHEME

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 39 (5) and (6) of the Manpower Training Act, 1981—

- (a) hereby withdraw Government Notice No. R. 505 of 31 March 1995; and
- (b) hereby declare that the provisions of the Scheme which appears in the Schedule hereto, shall be binding with effect from the date of this notice, for an indefinite period upon all employers and employees who are engaged or employed in the Hospitality Industries in the Republic of South Africa.

T. T. MBOWENI

Minister of Labour

SCHEDULE

The Training Scheme for the Hospitality Industries has been established in terms of section 39 (4) of the Manpower Training Act, 1981, for the training of employees in the Industry. The Scheme provided for the continuation of the Hospitality Industries Training and Development Fund for the purposes of the Scheme, the payment of contributions to the Fund by employers in the Industry and the administration of the Fund by the Hospitality Industries Training Board.

1. Name of the Scheme

The name of the Scheme is the "Hospitality Industries Training Scheme".

2. Scope of application of the Scheme

The provisions of the Scheme shall be observed by all employers and employees who are engaged or employed in the Hospitality Industries in the Republic of South Africa.

3. Definitions

Any expression which is used in the Manpower Training Act, 1981, when used in the Scheme, shall, unless qualified below or or inconsistent with the context, have the same meaning as in the Act, and any reference to the Act shall include any amendments to the Act and any regulation issued in terms of the Act:

3.1 "**Act**" means the Manpower Training Act, 1981 (Act No. 56 of 1981);

3.2 "**Board**" means the Hospitality Industries Training Board;

3.3 "**employee**" means any person who—

3.3.1 is employed; or

3.3.2 is engaged to perform work as an independent contractor (but excluding plumbing, engineering, refrigeration and electrical services), to the extent that he is so engaged by or on behalf of an employer in the Industry and who receives or is entitled to receive remuneration from such employer;

3.4 "**employer**" means any person in the Industry (including the State)—

3.4.1 who employs or provides work for any other person and who remunerates or expressly or tacitly undertakes to remunerate that other person;

3.4.2 who permits any other person in any manner to assist him in the carrying on or conducting of his business; or

3.4.3 who, otherwise than in an educational institution, trains any minor in a designated trade;

3.5 "**Fund**" means the Hospitality Industries Training and Development Fund referred to in clause 5;

3.6 "**Hospitality Industries**" or "**Industries**" means, without in any way limiting the ordinary meaning of the expression, the industry in which employers and employees are associated for the purpose of carrying out operations of the hereunder defined nature, including work commonly known as subcontract work and the like and consists of—

3.6.1 "The Accommodation Sector" which means, *inter alia* and without in any way limiting the ordinary meaning of the expression, that sector in which employers and employees are associated for the purpose of conducting the business whether temporarily or permanently, of an accommodation establishment in terms of the Tourism Act, No. 72 of 1973. This sector includes—

3.6.1.1 hotels;

3.6.1.2 private hotels;

3.6.1.3 boarding and guest houses;

3.6.1.4 time-sharing complexes;

3.6.1.5 caravan parks and camping sites;

3.6.1.6 selected service hotels;

3.6.1.7 holiday cottages and flats;

3.6.1.8 the National Parks Board and provincial parks boards;

3.6.1.9 holiday farms and resorts; and

3.6.1.10 game lodges and private reserves;

3.6.1.11 bed and breakfast facilities;

3.6.2 "The Catering Sector" which means, *inter alia* and without in any way limiting the ordinary meaning of the expression, that sector in which employers and employees are associated predominantly for the purposes of providing meals and/or snacks and/or refreshments in any form, in or from any establishment whether permanent, temporary, indoor, in the open air, or in the air, and includes such activities carried out on premises—

3.6.2.1 used as restaurants, fish and chips shops, coffee shops, road-houses, take-away operations, or any business similar to any of the above-mentioned;

3.6.2.2 in or from which meals, portions of meals, refreshments or eatables and drinkables generally are prepared, supplied, produced and/or provided for sale or use by industrial and special function caterers, hospitals, clinics, clubs, schools, universities, mines, training or conference centres, or any business undertaking, association, body, organisation, institution or enterprise;

3.6.2.3 in respect of which a licence is held for the sale of liquor for consumption on the licensed premises in terms of the section 20 (1) of the Liquor Act, 1989 (Act No. 27 of 1989);

3.6.3 "The Tourism Sector" which means, *inter alia* and without in any way limiting the ordinary meaning of the expression, that sector in which employers and employees are associated for the purposes of conducting business in the tourism industry as regulated under the provisions of the Tourism Act, No. 72 of 1973, and including casinos licensed under applicable gaming legislation to be enacted;

3.6.4 "The Maintenance Sector" which means, *inter alia* and without in any way limiting the ordinary meaning of the expression, that sector in which employers and employees are associated for the purposes of conducting the business of providing maintenance or cleaning services to the Accommodation, Catering and Tourism Sectors;

3.8 "remuneration" means any payments in money or in kind, or in money as well as in kind, made or owed to any person on the grounds of service. This shall exclude allowance for subsistence and travel and allowances for directors' fees;

3.9 "Scheme" means the Hospitality Industries Training Scheme.

A reference to an enactment in this Scheme is a reference to that enactment as at the date hereof and as amended or re-enacted from time to time.

4. Objects of the Scheme

The objects of the Scheme are—

- 4.1 to motivate the Industry to implement relevant training;
- 4.2 to prioritise the training needs and to provide grant of aid accordingly;
- 4.3 to finance the administration of the Board and the objectives of the Board as set out in its constitution;
- 4.4 to devise, institute and manage a framework of National Qualifications which will—
 - 4.4.1 establish performance standards for the Industry in consultation with all interested parties;
 - 4.4.2 provide assessment procedures for all sectors of the Industry;
 - 4.4.3 provide a quality assurance system;
 - 4.4.4 certify job performance which meets agreed Industry standards;
 - 4.4.5 encourage employers to adopt a competency based training philosophy; and
 - 4.4.6 promote the self-development of employers and employees at all levels.

5. Hospitality Industries Training and Development Fund

- 5.1 The Hospitality Industries Training and Development Fund as continued by Government Notice No. 582 of 21 February 1992, is hereby continued.
- 5.2 The Fund is administered by the Hospitality Industries Training Board.
- 5.3 Into the Fund shall be paid—
 - 5.3.1 training levies in terms of clause 7 of this Scheme;
 - 5.3.2 interest and/or capital appreciation from the investment of any moneys of the Fund;
 - 5.3.3 any other of any moneys to which the Fund may become entitled; and
 - 5.3.4 the moneys of the Fund shall be used for the attainment of the objects of the Scheme as set out in clause 4.

6. Establishment and functions of the Hospitality Industries Training Board

- 6.1 The Hospitality Industries Training Board has been established by employers' organisations in consultation with employees' organisations in the Hospitality Industry in accordance with a constitution approved by the Registrar.
- 6.2 The Board shall have the authority to deal with all matters falling within the scope of the objects of this Scheme.

7. Returns and contributions to the Fund

- 7.1 The returns and contributions prescribed by clauses 7 (1) and (2) of the Scheme published by Government Notice No. R. 505 of 31 March 1995, shall remain in force up to and including 28 February 1997.
- 7.2 With effect from 1 March 1997 the following shall be applicable:
 - 7.2.1 Every employer in the Industry, which pays aggregate remuneration to its employees on an annual basis of amounts within the scope of Categories A or B, as set out below, shall submit to the Finance Director at the Board's Head Office, P.O. Box 1329, Rivonia, 2128, or any such other address as he may be notified of from time to time, by the 15th day of March annually, a return in the form determined by the Board from time to time, showing the remuneration paid by him to all employees employed by him in the Industry in the preceding year.

The employer shall pay by cheque to the Finance Director when submitting the above return, a levy which shall be payable annually in advance, and in addition thereto, Value-Added Tax at the applicable rate.

Category A

Annual remuneration	Levy
Up to R100 000	R200 p.a.
R100 001–R150 000	R300 p.a.
R150 001–R200 000	R400 p.a.
R200 001–R250 000	R500 p.a.
R250 001–R300 000	R600 p.a.

Category B

Annual remuneration	Levy
R300 000–R500 000	0,4% of remuneration.

- 7.2.2 Every employer in the Industry who pays aggregate remuneration to its employees on a quarterly basis of amounts within Category C set out below, shall submit to the Finance Director at the Board's Head Office, P.O. Box 1329, Rivonia, 2128, or any such other address as he may be notified of from time to time, by the 15th day of the first month following the end of each three-monthly period referred to hereinafter, a return in the form determined by the Board from time to time, showing the remuneration paid by him to all employees employed by him in the Industry in the three calendar month preceding 1 March, 1 June, 1 September and 1 December annually, and the employer shall have such returns certified annually by a public auditor and shall forward a copy of the auditor's certificate with his next return to the Board.

The employer shall pay by cheque to the Finance Director when submitting the above returns, a levy which shall be payable quarterly in arrears, and in addition thereto, Value-Added Tax at the applicable rate.

Category C

Quarterly remuneration	Levy
First R125 000	0,4% of remuneration
Excess over R125 000	1,0% of remuneration.

- 7.3 Where any such employees are employed partly in the Hospitality Industries and partly in other industries, the proportion of the remuneration of such employees to which the levy is to be applied shall be the same proportion as the ratio of work done in the Hospitality Industries to the total work done by the employee.
- 7.4 Costs incurred in collecting late payments and contributions and any loss of interest as a result of such late payments, shall be charged to and paid by the employer concerned: Provided that the board may waive the payment of such costs and interest or such part thereof as the Board may deem fit.
- 7.5 If an employer fails to submit a return as required under paragraphs 7.2.1 and 7.2.2, the Board shall be entitled to estimate the levy due to the Fund. Such estimate will be *prima facie* evidence of the amount due for all purposes.

8. Information

- 8.1 The Board shall furnish every employer in the Industry with details concerning the Scheme in such form as the Board may from time to time determine: Provided that such details shall include at least details of the contributions to be made or the levies payable to the Fund, the financial incentives provided under the Scheme and the procedure to be followed for the lodging of claims against the Fund, as well as other details as may be deemed necessary.
- 8.2 The Board shall, within three months after the close of each financial year, furnish the Registrar with a copy of the report on its activities during that financial year, together with a copy of the audited financial statements for that year and shall keep the report and statements open for inspection by any mandated representatives of contributing employers.
- 8.3 A copy of the constitution of the Board shall be made available to employers.

9. Finance

- 9.1 All moneys received shall within seven days of receipt thereof, be deposited into a specified banking account opened in the name of the Fund.
- 9.2 Payments on behalf of the Fund shall be by cheque or debit order signed by such officials of the Board as may from time to time be authorised thereto in writing by the Board.

- 9.3 Funds which are not required for immediate use shall at the discretion of the Board be invested in—
- 9.3.1 Internal registered stock within the meaning of section 21 of the Exchequer Act, 1975 (Act No. 66 of 1975);
 - 9.3.2 National Savings Certificates;
 - 9.3.3 Post Office savings accounts or certificates;
 - 9.3.4 Savings accounts, permanent shares or fixed deposits in building societies or banks, or in such other manner as may be approved by the Registrar.
- 9.4 The Board shall appoint a public auditor, who shall be paid out of the Fund, to audit the accounts of the Fund annually for the period ending 28 February.

10. Dissolution of the Fund

- 10.1 Upon the termination of the Scheme, for any reason whatsoever, the assets of the Fund shall be disposed of by the Board in accordance with its constitution.
- 10.2 All administrative charges and liabilities of the Scheme shall then be charged against the Board.
- 10.3 The Registrar must be notified of the termination of the Scheme in good time.

11. Agents

- 11.1 The Board may appoint agents or committees to give effect to the objects of the Scheme under such conditions and subject to such control as the Board deems fit.
- 11.2 An agent shall be empowered to enter any establishment and to question the employer or any employee for the purpose of ascertaining whether or not the provision of clause 7 are being observed.
- 11.3 The appointment of an agent may be revoked by the Board at any time and for any reason.

12. Indemnity

The members of the Board shall not be liable for any loss to the Fund arising from any improper investment made in good faith, or by any act in their *bona fide* administration of the Fund or by the negligence or fraud of any person employed by the Board, or by reason of any act or a mission by members or by reason of any other matter, save individual wilful or fraudulent wrongdoing on the part of such members as can be held responsible.

Any such member shall be reimbursed by the Fund for any liability incurred in defending any proceedings, whether civil or criminal, arising out of an allegation involving bad faith in which judgment is given in favour or the member is acquitted.

13. Exemptions

Any application for exemption from any provision of this Scheme, which may be granted by the Minister in terms of section 47 of the Act, shall be submitted to the Hospitality Industries Training Board, P.O. Box 1329, Rivonia, 2128, which shall forward such application together with any recommendation by the Board to the Director-General: Labour.

DEPARTMENT OF SAFETY AND SECURITY DEPARTEMENT VAN VEILIGHEID EN SEKURITEIT

No. R. 900

4 July 1997

REGULATIONS FOR THE SOUTH AFRICAN POLICE SERVICE

The Minister for Safety and Security has under section 24 (1) (g), read with section 34 (3), of the South African Police Service Act, 1995 (Act No. 68 of 1995), made the regulations in the Schedule.

F. S. MUFAMADI

Minister for Safety and Security

SCHEDULE

REGULATIONS FOR THE SOUTH AFRICAN POLICE SERVICE RELATING TO INQUIRIES IN TERMS OF SECTION 34 (1) (I) OF THE SOUTH AFRICAN POLICE SERVICE ACT, 1995

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—
 - (i) “**article**” includes any book, document, object, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph, picture or audio or video recording;
 - (ii) “**Committee**” means a Special Committee of Inquiry appointed in terms of regulation 2 (1);
 - (iii) “**chairperson**” means the chairperson of a Committee; and
 - (iv) “**premises**” includes a building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

APPOINTMENT OF A SPECIAL COMMITTEE OF INQUIRY

2. (1) The National Commissioner may, in terms of section 34 (1) (l) of this Act appoint a Special Committee of Inquiry to inquire into any matter referred to in that section.
- (2) The National Commissioner shall determine the terms of reference of a Committee appointed under subregulation (1).
- (3) The National Commissioner shall appoint a member of the Committee as chairperson of such Committee.
- (4) If the chairperson or member of a Committee is not a member of the Service and is an advocate as defined in section 1 of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), or attorney as defined in section 1 of the Attorneys Act, 1979 (Act No. 53 of 1979), the appointment and instruction shall take place in terms of section 3 (1) of the State Attorneys Act, 1957 (Act No. 56 of 1957).

PROCEDURE

3. (1) A Committee shall sit on a date and at a time and place to be determined by the chairperson.
- (2) The proceedings of a Committee shall be recorded in the manner determined by the chairperson.
- (3) The proceedings of a Committee shall be open to the public: Provided that a Committee may, in its discretion, exclude any person, or any category of persons whose presence is, in the opinion of the Committee, not necessary or desirable at its proceedings or any part thereof, from such proceedings or any part thereof.
- (4) A Committee shall determine its own procedure and the chairperson shall determine which relevant interest groups may be represented and participate in the proceedings of the Committee.
- (5) The administrative work necessary for the performance of the functions of a Committee shall be performed by members or persons employed by the Service.
- (6) A Committee shall perform its functions in such a manner that existing or pending legal process is not prejudiced.

DUTIES AND FUNCTIONS

4. A Committee shall inquire into a matter referred to it in terms of section 34 (1) (l) of this Act and set out in its terms of reference and shall, at the conclusion of its proceedings, submit a report and make recommendations to the National Commissioner.

WITNESSES

5. (1) (a) For the purposes of the inquiry, the chairperson may, by notice in writing, require any person to appear as a witness on the date, and at the time and place specified in the notice in order to testify, answer questions or to produce any article relevant to the inquiry.
- (b) Such notice may be served upon any person by a member in accordance with subregulation (3).
- (2) The notice shall set out—
- (a) the matter in respect of which the Committee has been established in terms of regulation 2 (1);
 - (b) the place, date and time of the commencement of the inquiry, which date shall not be less than 10 days from the date of service of the notice;
 - (c) the circumstances and conditions, if any, in terms of which the person shall be given an opportunity to examine and physical or documentary evidence or any report that will be produced in evidence;
 - (d) that the person is entitled to be assisted by a legal representative at the inquiry; and
 - (e) the consequences of failing to appear and/or remain in attendance at the inquiry.
- (3) (a) The notice contemplated in subregulation (1) shall be served by delivering a copy thereof to the person referred to therein or, if he or she cannot be found, by delivering it at his or her residence or place of employment to a person who is apparently over the age of 16 years and is apparently residing or employed there.
- (b) A return of service of a notice by the member serving the notice to the effect that it took place as mentioned in paragraph (a), may be handed in during the proceedings and shall on its mere production be proof of the service thereof.
- (c) A person is obliged to accept delivery of any notice served on him or her.
- (4) The chairperson shall administer the oath or affirmation to a witness and may require from such a witness to answer questions or to produce any relevant article under his or her control.
- (5) The chairperson shall ensure that adequate arrangements are made to ensure the attendance of witnesses at an inquiry, including any witnesses whose presence a person, who may be effected by the inquiry, on reasonable grounds, deems necessary for the purposes of the inquiry.
- (6) A member or person questioned under subregulation (1), shall, subject to the provisions of any law or the common law to the contrary be—
- (a) competent and compelled to answer all questions put to him or her regarding any fact or matter connected with the inquiry;
 - (b) compelled to produce to the Committee any article in his or her possession or under his or her control which the Committee may deem necessary in connection with that inquiry.

(7) A person who, after having been sworn in or having been affirmed as a witness, makes a false statement or any matter, knowing such statement to be false, shall be guilty of an offence and liable upon conviction to the penalties which may lawfully be imposed for the offence of perjury.

(8) A person who unlawfully and intentionally prevents another person from obeying a notice issued in terms of these regulations, or from giving evidence or producing an article which he or she is in terms of these regulations required to give or produce, shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding six months.

(9) A witness at an inquiry who—

- (a) after having been duly notified, fails to appear at the place, date and time specified in the notice or fails to remain in attendance until he or she has been excused from further attendance by the chairperson;
- (b) refuses to take an oath or to make an affirmation as required in terms of subregulation (4);
- (c) refuses or fails to answer all questions which have lawfully been put to him or her; or
- (d) refuses or fails to produce an article, which he or she has been lawfully required to produce,

shall, subject to the law relating to the compellability, competence and privilege of a witness in a court of law, unless he or she shows good cause for such failure or refusal, be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding three months.

(10) Any article given or produced in evidence shall, within a reasonable time after the inquiry has been finalised, upon request be released by the National Commissioner to the person who gave or produced such article: Provided that such person may lawfully be in possession of such article.

(11) (a) A member appearing before a Committee in terms of this regulation shall be entitled to the prescribed travelling and subsistence allowances.

(b) Any person other than a person referred to in paragraph (a), who appears before a Committee in terms of these regulations, shall be entitled to the privileges and allowances applicable to witnesses at a criminal trial in a Magistrate's Court.

POWERS OF A COMMITTEE

6. The chairperson, any other member of a Committee, or a person designated in terms of section 34 (2) of this Act who acts upon the authority of the Committee may, at all reasonable times enter upon and search any premises and demand and seize any article in or on such premises if such chairperson or member has reason to believe that this is necessary for the purposes of the successful conclusion of the inquiry.

OFFENCES AND PENALTIES

7. A person who—

- (a) wilfully hinders or obstructs a Committee, a member of a Committee, or a person designated in terms of section 34 (2) of this Act and acting upon the authority of the Committee, in the exercise of its or his or her powers or the performance of its or his or her duties or functions; or
- (b) wilfully interrupts the proceedings of any inquiry of a Committee or misbehaves in any other manner in the place where such inquiry is held,

shall be guilty of an offence and be liable on conviction to a fine or to imprisonment for a period not exceeding one year.

No. R. 900

4 Julie 1997

REGULASIES VIR DIE SUID-AFRIKAANSE POLISIEDIENS

Die Minister vir Veiligheid en Sekuriteit het kragtens artikel 24 (1) (g), gelees met artikel 34 (3), van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet No. 68 van 1995), die regulasies in die Bylae gemaak.

F. S. MUFAMADI

Minister vir Veiligheid en Sekuriteit

BYLAE

REGULASIES VIR DIE SUID-AFRIKAANSE POLISIEDIENS MET BETREKKING TOT ONDERSOEKE INGEVOLGE ARTIKEL 34 (1) (I) VAN DIE WET OP DIE SUID-AFRIKAANSE POLISIEDIENS, 1995.

WOORDOMSKRYWINGS

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

- (i) “artikel” enige boek, dokument, voorwerp, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto, prent of klank of video opname;
- (ii) “Komitee” ’n Spesiale Komitee van Onderzoek kragtens regulasie 2 (1) aangestel;
- (iii) “perseel” ’n gebou, struktuur, deel van ’n gebou of struktuur, voertuig, vervoermiddel, vaartuig of vliegtuig; en
- (iv) “voorsitter” die voorsitter van ’n Komitee.

AANSTELLING VAN 'N SPESIALE KOMITEE VAN ONDERSOEK

2. (1) Die Nasionale Kommissaris kan, kragtens artikel 34 (1) (l) van hierdie Wet, 'n Spesiale Komitee van Onderzoek aanstel om na enige aangeleentheid waarna in daardie artikel verwys word, ondersoek in te stel.

(2) Die Nasionale Kommissaris moet die opdrag van 'n Komitee, aangestel kragtens subregulasie (1), bepaal.

(3) Die Nasionale Kommissaris moet 'n lid van die Komitee as voorsitter van sodanige Komitee aanwys.

(4) Indien die voorsitter of 'n lid van 'n Komitee nie 'n lid van die Diens is nie en 'n advokaat is soos omskryf in artikel 1 van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), of 'n prokureur is soos omskryf in artikel 1 van die Wet op Prokureurs, 1979 (Wet No. 53 van 1979), sal die aanstelling en opdraggewing van sodanige persoon ooreenkomstig die bepalings van artikel 3 (1) van die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), plaasvind.

PROSEDURE

3. (1) 'n Komitee sal op 'n datum, tyd en plek soos deur die voorsitter bepaal, vergader.

(2) Die verrigtinge van 'n Komitee sal op die wyse deur die voorsitter bepaal, genotuleer word.

(3) Die verrigtinge van 'n Komitee sal vir die publiek toeganklik wees: Met dien verstande dat 'n Komitee, in sy diskresie, enige persoon of enige kategorie persone wie se teenwoordigheid, na oordeel van die Komitee, nie noodsaaklik of wenslik by die verrigtinge of enige deel daarvan is nie, van sodanige verrigtinge of enige deel daarvan, kan uitsluit.

(4) 'n Komitee sal sy eie prosedure bepaal en die voorsitter sal bepaal watter relevante belangegroepes by die verrigtinge van die Komitee verteenwoordig mag word en daaraan mag deelneem.

(5) Die administratiewe werk wat nodig is vir die uitoefening van die werksaamhede van 'n Komitee, sal deur lede of persone in diens van die Diens verrig word.

(6) 'n Komitee moet sy werksaamhede op so 'n wyse verrig dat bestaande of hangende regsprosedures nie benadeel word nie.

PLIGTE EN WERKSAAMHEDE

4. 'n Komitee moet ondersoek instel na 'n aangeleentheid wat ooreenkomstig artikel 34 (1) (l) van die Wet na die Komitee verwys en in die opdrag uiteengesit is en moet by afsluiting van die verrigtinge aan die Nasionale Kommissaris 'n verslag voorlê en aanbevelings maak.

GETUIES

5. (1) (a) Vir die doeleindes van die ondersoek, kan die voorsitter, skriftelik by kennisgewing, van enige persoon vereis om as getuie op die datum, tyd en plek in die kennisgewing vermeld, te verskyn, ten einde te getuig, vrae te beantwoord of enige artikel wat relevant tot die ondersoek is, voor te lê.

(b) Sodanige kennisgewing kan aan enige persoon deur 'n lid ooreenkomstig subregulasie (3) beteken word.

(2) Die kennisgewing moet die volgende uiteensit—

(a) die aangeleentheid ten opsigte waarvan die Komitee ingevolge regulasie 2 (1) ingestel is;

(b) die plek, datum en tyd van die aanvang van die ondersoek, welke datum nie minder as 10 dae vanaf die datum van betekening van die kennisgewing sal wees nie;

(c) die omstandighede en voorwaardes, indien enige, waarvolgens die persoon 'n geleentheid gegee sal word om enige fisiese of dokumentêre getuieis of enige verslag wat as bewys ingedien sal word, te ondersoek;

(d) dat die persoon geregtig is om by die ondersoek deur 'n regsverteenvoorder bygestaan te word; en

(e) die gevolge van 'n versuim om te verskyn en/of by die ondersoek teenwoordig te bly.

(3) (a) Die kennisgewing beoog in subregulasie (1), moet beteken word deur aflewering van 'n afskrif daarvan aan die persoon daarin vermeld of indien hy of sy nie gevind kan word nie, deur aflewering daarvan by sy of haar woonplek of werkplek aan 'n persoon wat blykbaar oor die ouderdom van 16 jaar is en blykbaar daar woonagtig of werksaam is.

(b) 'n Relas van betekening van 'n kennisgewing deur 'n lid wat die kennisgewing beteken het tot dien effekte dat dit geskied het soos vermeld in paragraaf (a), kan tydens die verrigtinge ingedien word en sal by blote voorlegging dien ter bewys van die betekening daarvan.

(c) 'n Persoon is verplig om ontvangs te neem van enige kennisgewing op hom of haar beteken.

(4) Die voorsitter moet die eed of bevestiging aan 'n getuie oplê en kan van sodanige getuie vereis om vrae te antwoord of enige relevante artikel onder sy of haar beheer, voor te lê.

(5) Die voorsitter moet verseker dat voldoende maatreëls getref word om bywoning van getuies by 'n ondersoek te verseker, insluitende enige getuies wie se teenwoordigheid deur 'n persoon wat deur die ondersoek geraak kan word, op redelike gronde nodig geag word vir doeleindes van die ondersoek.

(6) 'n Lid of persoon wat kragtens subregulasie (1) ondervra word, sal behoudens andersluidende bepalings van die een of ander wet of die gemenereg—

- (a) bevoeg en verplig wees om alle vrae wat aan hom of haar aangaande enige feit of aangeleentheid wat met die ondersoek verband hou, gestel word, te beantwoord;
- (b) verplig wees om enige artikel in sy of haar besit of onder sy of haar beheer, wat die Komitee in verband met daardie ondersoek nodig ag, aan die Komitee voor te lê.

(7) 'n Persoon wat, nadat hy of sy as getuie ingesweer is of 'n bevestiging van hom of haar afgeneem is, 'n valse verklaring oor enige aangeleentheid aflê, wetende dat sodanige verklaring vals is, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf van meened opgelê kan word.

(8) 'n Persoon wat wederregtelik en opsetlik 'n ander persoon verhinder om 'n kennisgewing ooreenkomstig hierdie regulasies uitgereik, na te kom, of om te getuig of 'n artikel voor te lê wat hy of sy ooreenkomstig hierdie regulasies vereis word voor te lê, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk wat nie ses maande oorskry nie.

(9) 'n Getuie by 'n ondersoek wat—

- (a) nadat hy of sy behoorlik kennis gegee is, versuim om op die plek, datum en tyd vermeld in die kennisgewing te verskyn of versuim om teenwoordig te bly totdat by of sy van verdere bywoning deur die voorsitter verskoon is;
- (b) weier om die eed te neem of 'n bevestiging te maak soos vereis ooreenkomstig subregulasie (4);
- (c) weier of versuim om alle vrae wat regtens aan hom of haar gestel is, te beantwoord; of
- (d) weier of versuim om 'n artikel voor te lê wat hy of sy regtens verplig is om voor te lê,

sal, onderhewig aan die reëls met betrekking tot verpligbaarheid, bevoegdheid en privilegie van 'n getuie in 'n geregshof, tensy hy of sy goeie gronde vir sodanige versuim of weiering kan aanvoer, skuldig wees aan 'n misdryf en by skuldigbevinding strafbaar wees met 'n boete of gevangenisstraf vir 'n tydperk wat nie drie maande oorskry nie.

(10) Enige artikel gegee of voorgelê in getuienis moet op versoek, binne 'n redelike tyd nadat die ondersoek afgehandel is, deur die Nasionale Kommissaris aan die persoon wat sodanige artikel gegee of voorgelê het, vrygestel word: Met dien verstande dat sodanige persoon regtens in besit van sodanige artikel mag wees.

(11) (a) 'n Lid wat voor 'n Komitee ingevolge hierdie regulasies verskyn, sal op die voorgeskrewe reis- en verblyftoelae geregtig wees.

(b) Enige persoon, anders as 'n persoon waarna in paragraaf (a) verwys word, wat voor 'n Komitee ingevolge hierdie regulasies verskyn, sal op die voorregte en toelae van toepassing op 'n getuie in 'n strafsak in 'n landdroshof, geregtig wees.

BEVOEGDHEDE VAN 'N KOMITEE

6. Die voorsitter, enige ander lid van 'n Komitee of 'n persoon aangewys kragtens artikel 34 (2) van hierdie Wet en wat optree op gesag van die Komitee kan te alle redelike tye enige perseel betree en besigtig en enige artikel wat in of op sodanige perseel is, opeis en in beslag neem indien sodanige voorsitter of lid rede het om te glo dat dit noodsaaklik is vir die doeleindes van die suksesvolle afhandeling van die ondersoek.

MISDRYWE EN STRAWWE

7. 'n Persoon wat—

- (a) 'n Komitee, 'n lid van 'n Komitee of 'n persoon aangewys kragtens artikel 34 (2) van hierdie Wet en wat optree op gesag van die Komitee, by die uitoefening van die Komitee of sy of haar bevoegdhede of die verrigting van sy of haar pligte of werksaamhede opsetlik hinder of belemmer; of
- (b) opsetlik die verrigtinge by 'n ondersoek van 'n Komitee onderbreek of op enige ander wyse in die plek waar sodanige ondersoek gehou word, hom of haar wangedra,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk wat nie een jaar oorskry nie.

No. R. 912

4 July 1997

INDEPENDENT COMPLAINTS DIRECTORATE

REGULATIONS FOR THE INDEPENDENT COMPLAINTS DIRECTORATE

The Minister of Safety and Security has, under section 53 (4) of the South African Police Service Act, 1995 (Act No. 68 of 1995), made the regulation contained in the Schedule hereto.

F. S. MUFAMADI

Minister of Safety and Security

SCHEDULE**REGULATIONS FOR THE INDEPENDENT COMPLAINTS DIRECTORATE****APPOINTMENT CERTIFICATE**

1. For the purpose of subsection (4) of section 53 of the Act a certificate of appointment in the form contained in Schedule A with the person's photo affixed thereto, shall be issued to every member of the personnel of the directorate that has been authorised to exercise and perform the duties of a member and such certificate may be replaced as often as the Executive Director may deem necessary.

SCHEDULE A**INDEPENDENT COMPLAINTS DIRECTORATE****APPOINTMENT CERTIFICATE**

[Sec. 53 (4), Act No. 68 of 1995]

It is hereby certified that
with ID has been appointed as a member of the personnel of the Independent Complaints Directorate and has been authorised to exercise the powers and perform the duties of a member of the South African Police Service.

Signed on at

EXECUTIVE DIRECTOR

INDEPENDENT COMPLAINTS DIRECTORATE

No. R. 912

4 Julie 1997

ONAFHANKLIKE KLAGTESDIREKTORAAT**REGULASIES VIR DIE ONAFHANKLIKE KLAGTESDIREKTORAAT**

Die Minister van Veiligheid en Sekuriteit het kragtens artikel 53 (4) van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 68 van 1995), die regulasie in die Bylae uitgevaardig.

F. S. MUFAMADI

Minister van Veiligheid en Sekuriteit

BYLAE**REGULASIES VIR DIE ONAFHANKLIKE KLAGTESDIREKTORAAT****AANSTELLINGSERTIFIKAAT**

1. Vir die toepassing van subartikel (4) van artikel 53 van die Wet word 'n aanstellingsertifikaat in die vorm vervat in Bylae A met die persoon se foto daarop aangebring, aan elke lid van die personeel van die direksoraat uitgereik wat gemagtig is om die bevoegdhede en pligte van 'n lid uit te oefen en te verrig en so 'n sertifikaat kan so dikwels vervang word as wat die Uitvoerende Direkteur nodig ag.

BYLAE A**ONAFHANKLIKE KLAGTESDIREKTORAAT****AANSTELLINGSERTIFIKAAT**

[Art. 53 (4), Wet No. 68 van 1995]

Hierby word gesertifiseer dat
met ID aangestel is as lid van die personeel van die Onafhanklike Klagtesdireksoraat en gemagtig is om die bevoegdhede en pligte van 'n lid van die Suid-Afrikaanse Polisiediens uit te oefen en te verrig.

Geteken op te

UITVOERENDE DIREKTEUR

ONAFHANKLIKE KLAGTESDIREKTORAAT

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS****No. R. 911****4 July 1997****INCOME TAX: DETERMINATION OF DATE IN TERMS OF SECTION 60 OF THE INCOME TAX ACT, 1993 (ACT No. 113 OF 1993), AND SECTION 39 OF THE TAXATION LAWS AMENDMENT ACT, 1994 (ACT No. 20 OF 1994)**

I, Trevor Andrew Manuel, Minister of Finance, acting under—

- (a) section 60 of the Income Tax Act, 1993 (Act No. 113 of 1993), hereby determine 30 April 1997 as the date for purposes of paragraphs (a) and (c) of the definition of "distributable shares" in subsection (1); and
- (b) section 39 of the Taxation Laws Amendment Act, 1994 (Act No. 20 of 1994), hereby determine 30 April 1997 as the date for the purposes of—
 - (i) paragraph (a) of the definition of "controlling company" in subsection (1);
 - (ii) the definition of "rationalisation scheme" in subsection (1); and
 - (iii) subsection (6).

T. A. MANUEL**Minister of Finance****No. R. 911****4 Julie 1997****INKOMSTEBELASTING: VASSTELLING VAN DATUM INGEVOLGE ARTIKEL 60 VAN DIE INKOMSTEBELASTINGWET, 1993 (WET No. 113 VAN 1993), EN ARTIKEL 39 VAN DIE WYSIGINGSWET OP BELASTINGWETTE, 1994 (WET No. 20 VAN 1994)**

Ek, Trevor Andrew Manuel, Minister van Finansies, handelende kragtens—

- (a) artikel 60 van die Inkomstebelastingwet, 1993 (Wet No. 113 van 1993), bepaal hierby 30 April 1997 as die datum by die toepassing van paragrawe (a) en (c) van die omskrywing van "uitkeerbare aandele" in subartikel (1); en
- (b) artikel 39 van die Wysigingswet op Belastingwette, 1994 (Wet No. 20 van 1994), bepaal hierby 30 April 1997 as die datum by die toepassing van—
 - (i) paragraaf (a) van die omskrywing van "beherende maatskappy" in subartikel (1);
 - (ii) die omskrywing van "rasionalisasieskema" in subartikel (1); en
 - (iii) subartikel (6).

T. A. MANUEL**Minister van Finansies**



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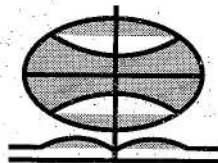
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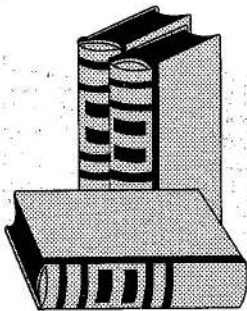
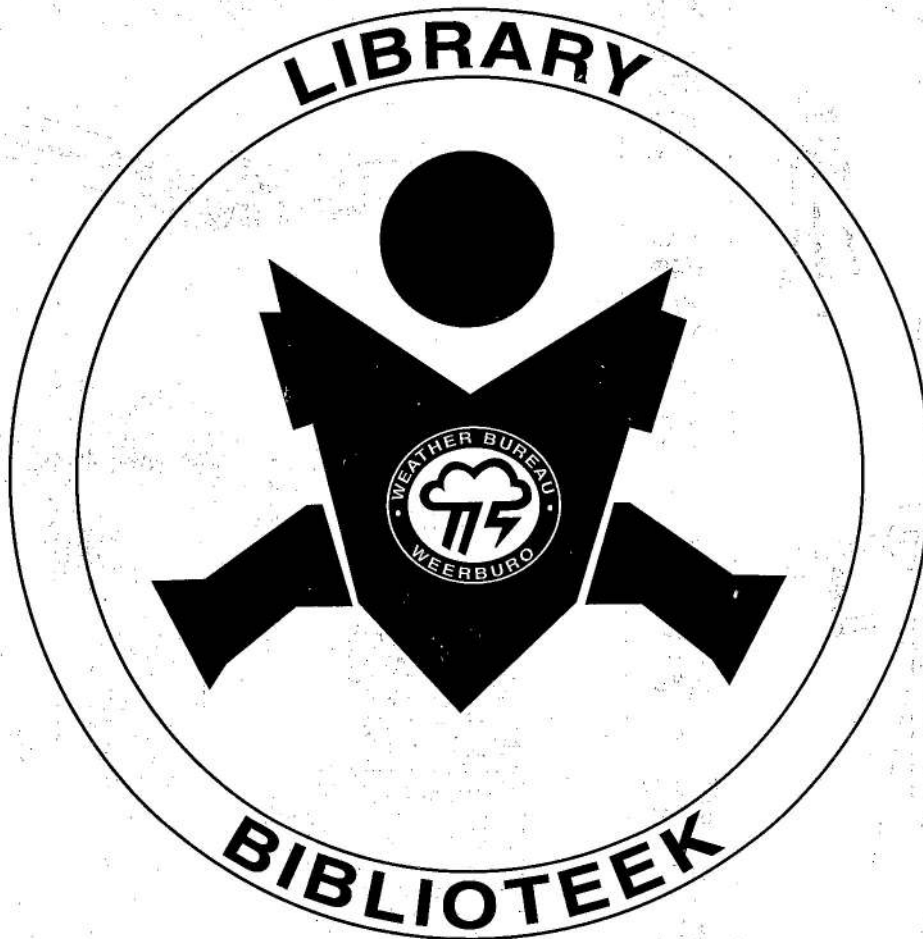
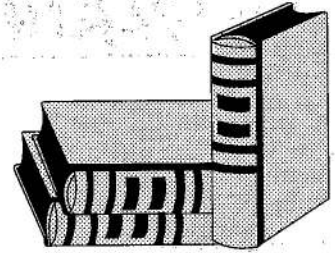
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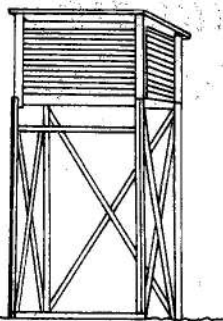
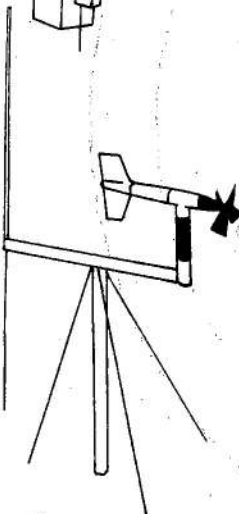
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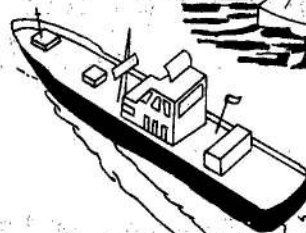
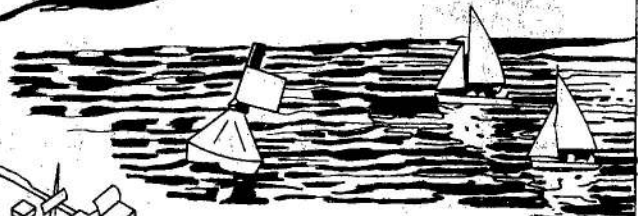
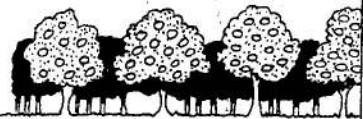
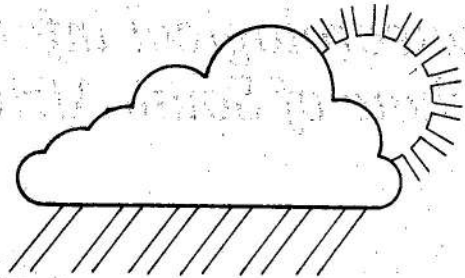
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Department of Environmental Affairs and Tourism
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CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICES				GOEWERMENSKENNISGEWINGS			
Labour, Department of				Arbeid, Departement van			
<i>Government Notice</i>				<i>Goewermenskennisgewing</i>			
R. 899	Manpower Training Act (56/1981): Hospitality Industries Training Scheme	1	18099	R. 899	Manpower Training Act (56/1981): Hospitality Industries Training Scheme	1	18099
Safety and Security, Department of				Suid-Afrikaanse Inkomstediens			
<i>Government Notices</i>				<i>Goewermenskennisgewing</i>			
R. 900	South African Police Service Act (68/1995): Regulations: South African Police Service	5	18099	R. 911	Inkomstebelastingwet (113/1993), en die Wysigingswet op Belastingwette (20/1994): Vasstelling van datums	11	18099
R. 912	South African Police Service Act (68/1995): Regulations: Independent Complaints Directorate	9	18099	Veiligheid en Sekuriteit, Departement van			
South African Revenue Service				<i>Goewermenskennisgewings</i>			
<i>Government Notice</i>				R. 900	Wet op die Suid-Afrikaanse Polisie (68/1995): Regulasies: Suid-Afrikaanse Polisie	7	18099
R. 911	Income Tax Act (113/1993), and the Taxation Laws Amendment Act (20/1994): Determination of dates	11	18099	R. 912	Wet op die Suid-Afrikaanse Polisie (68/1995): Regulasies: Onafhanklike Klagtesdirektoraat	10	18099